

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 17, 2007**, at **5:05 P.M.** and **6:00 P.M.** with the following members present:

PAT M. AHUMADA, JR.		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, 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 July 13, 2007:

2. PRESENTATION: *Preserve America Award*
(Mayor Pat M. Ahumada, Jr.)

Dr. Delina Barrera, Brownsville Community Improvement Corporation (BCIC) Executive Director, gave a brief presentation regarding the *Preserve America Award*.

Greater Brownsville Incentives Corp.
(Mr. Jose Herrera, President)

This item will be presented at the next meeting of the City Commission.

3. PUBLIC COMMENT PERIOD:

Mr. Francisco Sifuentes expressed his opposition to the \$2.00 fee which was added to customers' Public Utilities Board bill, and noted a lack the commission's lack of respect for citizens.

Mr. Cesar Trevino expressed his opinion in favor of the \$2.00 fee.

Mr. Chris Davis read a statement quoting Article V, Section 14 of the City Charter dealing with legislature procedures as regards what constitutes a majority vote of the commission. He noted that the vote on the \$2.00 fee had failed as the item did not have a majority vote of the Commission as stated in the City Charter.

Mr. Orlando Trevino expressed his opposition to the \$2.00 fee, calling it unfair.

Mr. Don Crow expressed his support of the \$2.00 fee, noting that the performing arts are important.

Mr. Robert Uresti expressed his opposition to the \$2.00 fee noting that it was an illegal fee.

Mr. Roman Perez expressed his opposition to the \$2.00 fee, noted the need to follow parliamentary procedure, and stated that a public hearing should be held concerning the \$2.00 fee.

Mr. George Farish, representing the fine arts community, noted that the need for fine arts. He opposed the \$2.00 fee.

Dr. Romeo Montalvo expressed his support of the \$2.00 fee.

Mr. John Shergold commended the Commission for moving the Public Comment Period to the beginning of the meeting. He commented on the traffic blockage by the local railroad on July 4, 2007, noting that it was a hazardous situation, had there been an emergency during the holiday fireworks display.

Ms. Hilaria Diaz invited the Commission to the Energy Conservation Conference.

4. *MAYOR'S REPORT*

Mayor Pat M. Ahumada, Jr., introduced Dr. Sandra Garcia, Advisory Member, who provided a brief status report of the proposed recycling project for the city of Brownsville.

Commissioner Anthony P. Troiani noted that the Commission had not received a copy of the report and asked if a contract had been awarded. Mayor Ahumada responded that Dr. Garcia's presentation was only a status report.

Mr. Carlos Ayala, Assistant City Manager, noted that an agenda item would be submitted in the near future with regard to this matter.

Commissioner Edward C. Camarillo stated that it was a step in a good direction and that he had also met with Dr. Garcia and Healthy Communities to discuss pilot programs.

Mr. Abraham Galonsky, Advisory Member, gave a brief report on meetings with the U.S. Department of Housing and Urban Development (HUD), held at the request of Mayor Ahumada, regarding restoration of funding to the Community Development Corporation of Brownsville's (CDCB) Affordable Housing Loan Programs. He noted that funds could be restored within two to three months.

5. 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.

1. Commissioner Edward C. Camarillo noted that the minutes of June 26, 2007, did not reflect that he had abstained on Agenda Item 12, and moved that the minutes be corrected. Mayor Pat M. Ahumada asked City Secretary to view the video to confirm Commissioner Camarillo's abstention. **Commissioner Camarillo moved that the minutes of June 26, 2007 be tabled.** The motion was seconded by Commissioner Anthony P. Troiani and **carried unanimously.**

2. Commissioner Edward C. Camarillo observed that the minutes of July 3, 2007, did not reflect the verbal request for the Commissioners' seating arrangements and suggested that the minutes be corrected to reflect the seating arrangements. Mayor Ahumada stated that there was no need for so much detail to the minutes. Mr. James Goza, City Attorney, clarified that the Commission had the authority to correct the minutes. **There was no action taken.**

3. Commissioner Ricardo Longoria, Jr. moved that the **remaining items of the Consent Agenda, including the July 3, 2007 minutes, be approved.** The motion was seconded by Commissioner Leo T. Garza and **carried by the following 6-1 vote:**

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

Nays: Commissioner Camarillo.

Commissioner Camarillo noted that the Commission had just approved the minutes of July 3, 2007, as presented, which minutes stated that Agenda Item #14 had failed on a 3-2-2 vote.

Mr. James Goza, City Attorney clarified that, although at the meeting he had said it passed, he had done so in error and he informed them that *the item actually failed because a 4-3 majority of those present was necessary for the item to pass*. He cited Article V, Section 14 of the City Charter.

Mayor Ahumada stated that the July 03, 2007, minutes are incorrect and could be corrected.

Commissioner Camarillo noted that a vote had already been taken.

Mr. James Goza, City Attorney, reiterated that that he had been incorrect in stating that a 3-2-2 vote carried.

Mayor Ahumada asked Mr. Goza to obtain a second opinion from the Attorney General.

4. Mayor Pat M. Ahumada moved that the minutes of July 03, 2007, be corrected to reflect that Item #14 had passed. **The motion failed due to lack of a second.**

5. Commissioner Charlie Atkinson moved that the minutes of July 3, 2007, be brought back to the table for correction of Item #14. The motion was seconded by Commissioner Leo T. Garza but **no vote was taken**.

6. Commissioner Ricardo Longoria, Jr., moved that the minutes of June 26, 2007, and July 3, 2007, together with the action on the failed appointment of Mark Esparza and the CIAC issue be brought back to the table so that Mr. Goza could address the matter and provide a ruling. **The motion failed due to lack of a second.**

Mr. Goza reiterated that he had been incorrect in stating that a 3-2-2 vote carried.

Commissioner Carlos A. Cisneros noted that the minutes of July 3, 2007, were correct as presented.

Mr. Goza stated that although it was stated, at the meeting, that the item had “passed”, *the minutes are considered correct as to item #14 when a failed to carry vote of 3-2-2 was recorded and thus, the addition of the \$2.00 fee to be added to the BPUB bills did not pass.*

7. Commissioner Anthony P. Troiani moved that the minutes of July 3, 2007, be approved as presented. The motion was seconded by Commissioner Carlos A. Cisneros and **carried by the following 6-1 vote (fee did not pass):**

Ayes: Commissioners Troiani, Atkinson, Garza, Longoria, Camarillo and Cisneros;

Nays: Mayor Ahumada.

8. Commissioner Charlie Atkinson moved that minutes of July 3, 2007, of Consent Agenda Item 5 “a” be tabled. The motion was seconded by Commissioner Leonel T. Garza and **failed by the following 4-3 vote:**

Ayes: Mayor Ahumada, Commissioners Atkinson and Garza;

Nays: Commissioners Longoria, Cisneros, Troiani, and Camarillo.

9. Commissioner Carlos A. Cisneros moved that Consent Agenda Items “b through h” be approved. The motion was seconded by Commissioner Charlie Atkinson and **carried unanimously.**

ITEMS No. “a” through “h”

a) Approval of the Minutes of the Special Meeting of June 26, 2007, and the Regular Meeting of July 3, 2007.

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

Employee	Department	Destination	Date
Peter L. Goodman	Border Film	Santa Fe, NM	Aug. 26 – 31, 2007
Jose De La Garza	Building Insp.	Corpus Christi, TX	Aug. 6 – 8, 2007
Leonardo Perez	Fire	College Station, TX	July 19 – 21, 2007
Frank Seals	Fire	College Station, TX	July 22 – 27, 2007
Carlos Elizondo	Fire	College Station, TX	July 22 – 27, 2007
Oscar Garcia	Fire	College Station, TX	July 22 – 27, 2007
Raymond Harris	Fire	College Station, TX	July 22 – 27, 2007
Victor Maldonado	Planning	Dallas, TX	Sept. 4 – 7, 2007
Julio Briones	Police	Austin, TX	Aug. 12 – 17, 2007
Juan Hernandez	Police	Austin, TX	Aug. 12 – 17, 2007
William Ingram	Police	Austin, TX	Aug. 15 – 17, 2007
James Brown	Police	Austin, TX	Aug. 15 – 17, 2007

Mr. Peter L. Goodman, Film Commission Board Member, will attend the “*Association of Film Commissioners International (AFCI) Cineposium International Conference 2007*,” sponsored by the Association of Film Commissioners International (AFCI), on August 26 – 31, 2007, in Santa Fe, New Mexico.

Mr. Jose De La Garza, Building and Permitting Supervisor, will attend the “*Texas Standard Electrical Advisory Board Exam Development Committee Meeting*,” sponsored by the Texas Standard Electrical Advisory Board, on August 6 – 8, 2007, in Corpus Christi, Texas.

Fire Chief Leonardo Perez will attend the “*Executive Board Meeting of the Texas Fire Chiefs Association*,” sponsored by the Texas Fire Chiefs Association, on July 19 – 21, 2007, in College Station, Texas.

Fire Inspector Frank Seals, Pump Operator Carlos Elizondo, Firefighters Oscar Garcia and Raymond Harris will attend the “*78th Annual Municipal Fire Training School*,” sponsored by the Texas Engineering Extension Service (TEEX), on July 22 – 27, 2007, in College Station, Texas.

Mr. Victor Maldonado, Homeless Coordinator, will attend the “*Texas Homeless Network 19th Annual Conference*,” sponsored by the Texas Homeless Network (THN) on September 3 – 7, 2007, in Dallas, Texas.

Police Investigators Julio Briones and Juan Hernandez will attend the “*Texas Police Association Latent Friction Ridge Comparison Intermediate Course*,” sponsored by the Texas Police Association, on August 12 – 17, 2007, in Austin, Texas.

Police Lieutenant William Ingram and Sergeant James Brown will attend a “*Texas Department of Transportation 2007 Save a Life Summit Conference*,” sponsored by the Texas Department of Transportation (TxDOT), on August 15 – 17, 2007, in Austin, Texas.

- c) **APPROVAL on SECOND and FINAL 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.**
- d) **APPROVAL on SECOND and FINAL 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.**
- e) **APPROVAL on SECOND and FINAL 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.**
- f) **APPROVAL on SECOND and FINAL 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.**
- g) **APPROVAL on SECOND and FINAL 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.**

h) APPROVAL on SECOND and FINAL 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.

BOARDS AND COMMISSION APPOINTMENTS:

6. Consideration and ACTION to appoint or reappoint member(s) to the Capital Improvements Advisory Committee (CIAC). [TABLED 07/03/2007]

Mayor Pat M. Ahumada, Jr., moved that Ms. Lee Ann Greer be reappointed as the eighth member to the Capital Improvements Advisory Committee. The motion was seconded by Commissioner Leonel T. Garza, and **carried** by the following **5-1-1** vote:

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

Nays: Commissioner Cisneros;

Abstention: Commissioner Troiani.

Commissioner Carlos A. Cisneros noted that his “Nay” vote to Mayor Ahumada’s appointment was not due to who the candidate was.

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

Mr. Ben Medina, Jr., Director of Planning and Community Development, noted that the person who would be appointed must reside within the City’s extraterritorial jurisdiction (ETJ).

Commissioner Carlos A. Cisneros moved that **Dr. Victor Alvarez** be **appointed** to the Planning and Zoning Commission as the alternate member to replace Mr. Ray Lopez, whose term expired.

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

8. Consideration and ACTION to appoint three (3) City Commission members to the City's Audit Committee.

Mr. Lupe Granado, Assistant Finance Director, asked that the item be tabled as Mr. Pete Gonzalez, Finance Director, was not present for this meeting.

Commissioner Ricardo Longoria, Jr., moved that this item be **tabled** until the next meeting of the City Commission.

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

PUBLIC HEARINGS:

9. Public Hearing and ACTION to appoint or reappoint two (2) members to the Brownsville Housing Authority. [TABLED 07/03/2007]

Mayor Pat M. Ahumada, Jr., requested this item be tabled.

Upon motion by Commissioner Carlos A. Cisneros, seconded by Commissioner Anthony P. Troiani, and **carried unanimously**, this item was **tabled** until the next meeting of the City Commission.

10. Public Hearing and ACTION on FIRST 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.

Mr. Ben Medina, Jr., Planning and Community Development Director, noted that the Planning and Zoning Commission recommended approval of the proposed rezoning.

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

Commissioner Charlie Atkinson moved that Ordinance Number 235-2007-020 be **approved on First Reading**. The motion was seconded by Commissioner Carlos A. Cisneros, and **carried** unanimously.

11. Public Hearing and ACTION on FIRST READING of 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 7/17/2007]

Mr. Ben Medina, Jr., Director of Planning and Community Development, noted that 20% of the surrounding property owners had submitted a protest petition earlier that afternoon, prior to the City Commission Meeting. He further noted that a supermajority, or a 6 to 1, vote was needed to overrule the petition.

Mr. Nicolas Vela, area resident, was in opposition of the proposed CP&L substation due to the anticipated devaluation of his property if the substation were to be installed as proposed. He further stated that the proposed substation would be located just fifty feet from his property.

Mr. Jerry Wilson, Area Manager representing American Electric Power (AEP), clarified that this was not a large power plant, but a substation. He further noted that all City requirements were met and the area is dual certified for both PUB and AEP. He further stated that should the rezoning be approved, the area would be fenced and have shrubbery surrounding it.

Mr. John Garcia, stated that he had offered to purchase Mr. Nicolas Vela's property at fair market value, but was unable to negotiate a purchase price with Mr. Vela.

Upon motion by Commissioner Anthony P. Troiani, seconded by Commissioner Carlos A. Cisneros, and carried unanimously, the public hearing was **closed**.

Commissioner Carlos A. Cisneros moved that Ordinance Number 235-2007-021-S be **denied**. The motion **failed** due to lack of a second.

Commissioner Charlie Atkinson moved to **table** Ordinance Number 235-2007-021-S. The motion was seconded by Commissioner Leonel T. Garza, and **carried by the following 6-1 vote:**

Ayes: Mayor Ahumada, Commissioners Atkinson, Cisneros, Camarillo,
Troiani and Garza;
Nays: Commissioner Longoria.

ACTION ITEMS:

- 16. Consideration and ACTION to rescind the addition of a \$2.00 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, as approved on July 3, 2007 and to request a public hearing and the creation of an Ordinance on the matter.**

Commissioner Edward C. Camarillo moved that the addition of a \$2.00 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, as approved on July 3, 2007; **be rescinded, requested a public hearing, and the creation of an Ordinance** to deal with this matter. He suggested that a committee be established to study the matter and consider other factors such as staffing and associated costs. The motion was seconded by Commissioner Carlos A. Cisneros, and **failed by the following 3-4 vote:**

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

Commissioner Troiani observed that if the \$2.00 fee had not passed, then, it was a moot point. He further stated that before passing such a fee, issues such as where and how the funds would be expended and meeting with Mr. Pete Gonzalez, Finance Director, would be in the best interest.

Commissioner Carlos A. Cisneros observed that if the fee failed, why vote.

Mr. James Goza, City Attorney, recommended the preparation of an ordinance, with the proper language, to deal with applying the fee and noted that an ordinance

would strengthen the City's position. Mayor Ahumada agreed and asked that it be submitted for consideration at the special meeting of July 25, 2007.

PUBLIC HEARINGS:

12. Public Hearing and ACTION on FIRST 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.

Mr. Ben Medina, Jr., Planning and Community Development Director, noted that the Planning and Zoning Commission recommended approval of the proposed rezoning.

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

Commissioner Ricardo Longoria, Jr., moved that Ordinance Number 235-2007-029 be **approved on First Reading**. The motion was seconded by Commissioner Carlos A. Cisneros, and **carried unanimously**.

13. Public Hearing and ACTION on FIRST 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.

Mr. Ben Medina, Jr., Director of Planning and Community Development, noted the Planning and Zoning Commission recommended approval of the proposed rezoning.

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

Commissioner Ricardo Longoria, Jr., moved that Ordinance Number 235-2007-030 be **approved on First Reading**. The motion was seconded by Commissioner Carlos A. Cisneros, and **carried unanimously**.

14. Public Hearing and ACTION on FIRST 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.

Mr. Ben Medina, Jr., Planning and Community Development Director, noted that the Planning and Zoning Commission recommended approval of the proposed rezoning.

Upon motion by Commissioner Carlos A. Cisneros, seconded by Commissioner Anthony P. Troiani, and carried unanimously, the public hearing was **closed**.

Commissioner Carlos A. Cisneros moved that Ordinance Number 235-2007-031 be **approved on First Reading**. The motion was seconded by Commissioner Anthony P. Troiani, and **carried unanimously**.

15. Public Hearing and ACTION on FIRST 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.

Mr. Ben Medina, Jr., Planning and Community Development Director, noted that the Planning and Zoning Commission recommended approval of the proposed rezoning.

Upon motion by Commissioner Leonel T. Garza, seconded by Commissioner Anthony P. Troiani, and carried unanimously, the public hearing was **closed**.

Commissioner Leonel T. Garza moved that Ordinance Number 235-2007-501 be **approved on First Reading**. The motion was seconded by Commissioner Ricardo Longoria, Jr., and **carried unanimously**.

ACTION ITEMS:

17. Consideration and ACTION to rescind a contract awarded to Cubco Construction, reject all bids received, and authorize staff to re-bid the project with a change of scope.

Mayor Pat M. Ahumada asked why the City had solicited bids for the underground utilities since the Brownsville Public Utilities Board (BPUB) was more experienced in performance of that type of work, and stated that separate bids should have been solicited.

Commissioner Charlie Atkinson read a letter from legal counsel representing Cubco charging that Cubco had been called by the project engineer and the city engineer and was told that certain members of the City Commission wanted Cubco to hire the losing bidder (G&T) as a subcontractor to perform a portion of the work, and that if Cubco did not agree to this condition, the City would attempt to rescind the agreement. Mayor Ahumada and Commissioner Atkinson called this a serious charge against the Commission and noted that it was not true.

Commissioner Atkinson asked City Engineer Carlos Lastra if anyone on the Commission had asked him to hire the losing bidder, to which Mr. Lastra stated "No".

Commissioner Atkinson stated that he had placed this item back on the Commission agenda because he had found that the City could have saved \$100,000 if it had been bid separately for drainage work and paving work.

Mayor Ahumada asked why the underground utility work had not been awarded to BPUB and stated that the job could be rebid if it was in the best interest of the community. Based on that, Mayor Ahumada asked for a motion.

Mr. Paul Calapa, Purchasing Director, responded that the Consulting Engineer, Edmundo Gonzalez, had qualified the successful bidder and that there was no reason for rejecting the bid.

In response to Mayor Ahumada's question regarding Cubco subcontracting some of the work, Mr. Calapa stated that the bidding process does not ask for such disclosure. He further stated that, going forward, the Commission can set a policy but, historically, a job is bid out as a lump sum bid and bids are received as such, the rationale for this being that it allows the City to have one point of contact and one

source of liability. He noted that this job was bid out as a lump sum, bids were received as a lump sum, and the contract was awarded to the low bidder.

Commissioner Ricardo Longoria, Jr., pointed out that in the past, streets were paved and then BPUB would install the necessary utilities, which resulted in destruction of a portion of a newly paved street. He stated that awarding such jobs to two contractors was not a good idea.

In response to Commissioner Anthony P. Troiani, Mr. Calapa stated that the bids were received via sealed bid process and that the contract had been awarded.

In response to Commissioner Carlos A. Cisneros, Mr. Calapa stated that the awarded contractor was the low bidder and that the engineer had indeed signed off on the bid.

Commissioner Edward C. Camarillo pointed out that the sealed bid process was followed by staff and that it was not up to the Commission to decide.

Mayor Ahumada stated that BPUB was the expert on underground utilities and for that reason the bid should have been split with drainage awarded to BPUB, paving to the contractor, and the work could be coordinated.

Commissioner Atkinson asked if the City would have saved money by bidding out the paving portion of the job separately.

In response to Commissioner Leonel T. Garza, Mr. Carlos Lastra, City Engineer, stated that Cubco has street reconstruction experience. Mr. Lastra further informed the Commission that many streets in subdivisions had been awarded in this manner, constructed to City standards, inspected by City inspectors using standard procedures and no problems had been recorded in connection with the work.

Mr. James Goza, City Attorney, pointed out that the City had awarded the contract.

Mayor Ahumada noted that based on a second opinion that he had obtained, the City can rescind the contract, that it was legal and proper and that it has been done many times at BPUB.

Mr. Goza pointed out that the City could be challenged on this if the awarded contract was rescinded.

In response to Commissioner Anthony P. Troiani, Mr. Lastra responded that there was no evidence that supported rescission of the contract.

Mayor Ahumada stated that no evidence was needed and that the job should be bid out separately.

Mr. Edmundo Gonzalez, PE, Consulting Engineer, informed Commissioners that originally BPUB would assign to consultant for water/wastewater and city paving and drainage. Drain also culverts to connect drain system.

This procedure was changed to a combined lump sum bid to avoid paving and then having the newly paved street cut up by BPUB to do the culverts to connect the drainage system, looking at the overall project(s) to obtain the lowest bid for the package of streets in the City. He further stated that this practice helps the City and BPUB by having a project manager for oversight of the entire project, as one construction company would be in charge of project management, traffic control, overseeing installation of underground utilities first and the paving work at the end.

Commissioner Charlie Atkinson moved that contract awarded to Cubco Construction be rescinded, that all bids received be rejected, and that staff be authorized to re-bid the project with a change of scope.

The motion was seconded by Commissioner Leo T. Garza and **failed by the following 3-4 vote:**

Ayes: Mayor Ahumada, Commissioners Atkinson and Garza;

Nays: Commissioners Troiani, Cisneros, Longoria, and Camarillo.

18. Consideration and ACTION on Resolution Number 2007-037 regarding the reconstitution of the Brownsville Health Development Corporation and the appointment of a board of directors.

Mr. Lupe Granado, Assistant Finance Director, introduced Mr. Joseph Eckert, Attorney from McCall, Parkhurst and Horton, and Ms. Leslie Graham, Chief Executive Officer of Valley Baptist Medical Center (VBMC), who gave a brief overview of the proposed resolution. Mr. Eckert stated that the Corporation had been involuntarily dissolved by the State in 1995 and further noted that the request for the reconstitution of the Corporation was for the purpose of issuing tax revenue bonds, at no cost to the City, to lend to Valley Baptist Medical Center-Brownsville for refinancing the hospital's debt in connection with the purchase, from Brownsville Medical Center, and to provide for \$8 million dollars in surgical room renovations.

Commissioner Ricardo Longoria, Jr., stated he would like more information before the City Commission took a vote to reconstitute the Brownsville Health Facilities Development Corporation (BHFDC).

Commissioner Carlos A. Cisneros moved to **continue** this item at the Special City Commission Meeting of **July 25, 2007**. The motion was seconded by Commissioner Edward C. Camarillo, but **failed** because Commissioner Cisneros withdrew his motion.

Mr. Joseph Eckert noted that delaying action to reconstitute the corporation would cause a delay for the corporation to authorize the bond issuance which was under a timeline.

Commissioner Longoria requested a workshop or presentation at the Special City Commission Meeting of July 25, 2007.

Commissioner Carlos A. Cisneros moved that the Brownsville Health Facilities Development Corporation (BHFDC) be reconstituted and that the City Commission members be appointed as the Board of Directors.

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

Ayes: Commissioners Longoria, Atkinson, Cisneros, Camarillo, Troiani and Garza;

Nays: Mayor Ahumada.

19. **Consideration and ACTION to adopt budget amendment Resolution Number 2007-038 to amend the General Fund by \$100,000 to provide funding for the City's portion of the drainage easements for the Texas Department of Transportation (TxDOT) FM 511 Expansion Project.**

Mr. Lupe Granado, Assistant Finance Director, noted that a correction to the account number to the amendment to the general fund had been made after the City Commission had received the meeting packets.

Commissioner Leonel T. Garza moved that budget amendment Resolution Number 2007-038 be **adopted**, to amend the General Fund by \$100,000 to provide funding for the City's portion of the drainage easements for the Texas Department of Transportation (TxDOT) FM 511 Expansion Project.

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

20. **Consideration and ACTION to authorize the filing of a grant application and accept awarded grant, in the amount of \$30,327, from the Texas Department of State Health Services (DSHS).**

Upon motion by Commissioner Edward C. Camarillo, seconded by Commissioner Charlie Atkinson and **carried unanimously**, the filing of a grant application and acceptance of a grant in the amount of \$30,327, from the Texas Department of State Health Services (DSHS) was **authorized**.

21. **Consideration and ACTION on Resolution Number 2007-039 to authorize the City Manager to accept a Grant Award, in the amount of \$1,069,152, from the Texas Automobile Theft Prevention Authority (ATPA) for Project South Texas Auto Theft Enforcement Task Force for fiscal year 2007-2008.**

Chief of Police Carlos L. Garcia, noted that the City of Brownsville's share of the award would be \$461,326.

Upon motion by Commissioner Carlos A. Cisneros, seconded by Commissioner Ricardo Longoria, Jr., and **carried unanimously**, Resolution Number 2007-039 was **adopted**, authorizing the City Manager to accept a grant award, in the amount of **\$1,069,152**, from the Texas Automobile Theft Prevention Authority, of which the City of Brownsville's Police Department share would be \$461,326, for Project South Texas Auto Theft Enforcement Task Force for Fiscal Year 2007-2008.

PURCHASES/BIDS/CONTRACTS:

- 22. Consideration and ACTION to authorize an Interlocal Agreement between the City of Brownsville and the Cameron County Regional Mobility Authority (CCRMA) regarding the East Loop Project.**

Mr. Pete Sepulveda, Cameron County Bridge Director, noted that the project to be completed was for development of an application for Pass-Through financing for the East Loop, which ran from the Veterans Bridge to the Port of Brownsville and up to US Highway 77/83.

Commissioner Ricardo Longoria, Jr., moved that an Interlocal Agreement, in the amount of **\$148,712, payable for a lump sum work authorization**, be **approved** between the City of Brownsville and the Cameron County Regional Mobility Authority (CCRMA) regarding the East Loop.

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

- 23. Consideration and ACTION to accept the 2005 CIP Street and Drainage Contract Number 1 and release retainage and final payment to G & T Paving Inc.**

Commissioner Carlos A. Cisneros moved that the 2005 CIP Street and Drainage Contract Number 1 be accepted and that release of retainage and final payment, in the amount of **\$169,207.25, to G & T Paving, Inc. be approved**.

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

24. Consideration and ACTION to accept the 31st Year Community Development Block Grant (CDBG) Street and Drainage Improvement Project and to release retainage and final payment to R&R Paving.

Commissioner Ricardo Longoria, Jr., moved that the 31st Year Community Development Block Grant (CDBG) Street and Drainage Improvement Project be **accepted** and that retainage and final payment, in the amount of **\$123,957.93**, be **released to R & R Paving.**

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

25. Consideration and ACTION to accept the 2006 CIP Street and Drainage Contract Number 6 Project Wildrose Lane and to release retainage and final payment to G&T Paving, Inc.

Commissioner Edward C. Camarillo moved that the 2006 CIP Street and Drainage Contract Number 6, Project Wildrose Lane be **accepted** and the retainage and final payment, in the amount of **\$226,539.50**, be **released to G & T Paving, Inc.**

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

26. Consideration and ACTION to award a contract for the purchase of football equipment for the City of Brownsville's Youth Football League.

Mr. Paul Calapa, Purchasing Director, noted that the project consisted of purchase and delivery of football equipment for the City of Brownsville Youth Football League.

Commissioner Charlie Atkinson moved that a contract, in the amount of **\$48,008.85**, be awarded to **BSN Sports/Collegiate Pacific of Dallas, Texas**, for the purchase of football equipment for the City of Brownsville's Youth Football League.

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

27. Consideration and ACTION to award a contract for the purchase of additional Spillman Software Programs/Enhancement Modules for the current Computer Aided Dispatch and Records Management System Program (CAD/RMS) for the Public Safety Information System of the Brownsville Police Department.

Mr. Paul Calapa, Purchasing Director, noted that the proposed purchase was for four modules to be added to the current Computer Aided Dispatch and Records Management System Program at the Brownsville Police Department.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Edward C. Camarillo and **carried unanimously**, a contract, in the amount of **\$179,530.00**, was awarded to **Spillman Technologies, Inc. of Logan, Utah**, for the purchase of additional Spillman Software Programs/Enhancement Modules for the current Computer Aided Dispatch and Records Management System Program, for the Public Safety Information System of the Brownsville Police Department as listed in the following breakdown:


Evidence Management & Barcoding	\$ 41,702.00
Pin Mapping	\$ 20,389.00
Incode Courts Interface	\$ 84,100.00
Alarm Tracking & Billing	\$ <u>33,339.00</u>
Total:	\$179,530.00

ADJOURNMENT:

There being no further business to come before the City Commission, the meeting adjourned at 8:56 p.m.

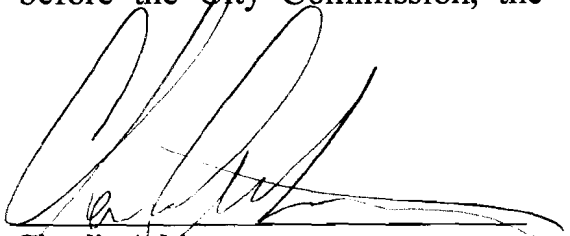
Approved the 7th day of August 2007.

Attest:



Estela Von Hatten
City Secretary





Charlie Atkinson
Mayor Pro Tem of Brownsville