

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, June 5, 2007**, at **5:15 P.M.** and **6:00 P.M.** with the following members present:

EDDIE TREVIÑO, JR.		MAYOR
RICARDO LONGORIA, JR.)	
CHARLIE ATKINSON)	
CARLOS A. CISNEROS)	
EDWARD C. CAMARILLO)	
SALLY MINIEL ARROYO)	
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 Eddie Treviño, 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 June 1, 2007:

Victor Treviño
Mexican Consul
(Mayor Eddie Treviño, Jr.)

Mayor Eddie Treviño, Jr., asked Mr. Victor Manuel Treviño, Mexican Consul of Brownsville, to step forward and accept a proclamation recognizing his excellent work in building and strengthening bonds between two nations. Mayor Eddie Treviño, Jr., read the proclamation.

St. Joseph Academy
Girls Track Championship
(Commissioner Sally M. Arroyo)

Mayor Eddie Treviño, Jr., asked the St. Joseph Academy Girls Track Team to step forward and accept a proclamation recognizing and commending them on their “TAPPS 6A Track and Field State Championship” win on May 5, 2007, in Waco, Texas. Ms. Lya Morfitt, Track Team Captain, thanked the City Commission for the recognition. Commissioner Sally M. Arroyo read the proclamation.

2. PRESENTATION: ***Employee of the Month***
(June 2007)

Mr. Charlie Cabler, City Manager, recognized *Ms. Susana Guzman*, Project Administrator, at the Engineering Department, as “*Employee of the Month*” for the month of June 2007.

3. CONSENT AGENDA ITEMS:

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

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Carlos A. Cisneros, and carried unanimously, Consent Agenda Items “a” through “f” were **approved**.

ITEMS No. "a" through "f"

- a) **Approval of the Minutes of the Regular Meeting of May 15, 2007, and the Special Meeting of May 22, 2007.**
- b) **Authorization for the following individuals to incur travel expense:**

Employee	Department	Destination	Date
Norma H. Zamora	BUS	Austin, TX	July 15 – 18, 2007
Pete Gonzalez	Finance	Houston, TX	June 21 – 22, 2007
Joe Salinas	Municipal Court	Corpus Christi, TX	June 10 – 12, 2007
Jorge Morin, III	Municipal Court	Corpus Christi, TX	June 10 – 12, 2007
Ben Medina, Jr.	Planning	Dallas, TX	June 11 – 12, 2007
Lucy Garza	Planning	Dallas, TX	June 11 – 12, 2007
Robert Tyler	Police	San Antonio, TX	June 11 – 14, 2007
Santos Ponce	Police	Dallas, TX	June 12 – 16, 2007

Ms. Norma H. Zamora, BUS Director, will attend a “*Texas Transit Association (TTA) Board of Directors Meeting,*” and the “*Texas Department of Transportation (TxDOT) Semi-Annual Operators Meeting,*” sponsored by the Texas Transit Association (TTA) and the Texas Department of Transportation (TxDOT), on July 15 – 18, 2007, in Austin, Texas.

Mr. Joe Salinas, Court Bailiff, and Mr. Jorge Morin, III, Warrant Officer, will attend a “*Municipal Bailiffs and Warrant Officers Conference,*” sponsored by the Texas Municipal Courts Education Center, on June 10 – 12, 2007, in Corpus Christi, Texas.

Mr. Pete Gonzalez, Finance Director, will attend the “*Economic Development Sales Tax Seminar,*” sponsored by the Texas Economic Development Council, on June 21 – 22, 2007, in Houston, Texas.

Mr. Ben Medina, Jr., Director of Planning and Community Development, and Ms. Lucy Garza, Housing Manager, will attend a “*Preserving Homeownership: Addressing the Foreclosure Issue Conference,*” sponsored by the Federal Reserve Bank of Dallas in partnership with the U.S. Department of Housing and Urban Development Dallas Field Office, on June 11 – 12, 2007, in Dallas, Texas.

Police Agent Robert Tyler will attend the “*Region 9 Counterterrorism CT JTTF Regional Training*,” sponsored by the Federal Bureau of Investigation (San Antonio Division and Training Division), on June 11 – 14, 2007, in San Antonio, Texas.

Police Detective Santos Ponce will attend a “*Sexual Assault Family Violence Investigators Course (SAFVIC)*,” sponsored by the Texas Municipal Police Association with input from a statewide steering committee composed of representatives from law enforcement, prosecution and victim services, on June 12 – 16, 2007, in Dallas, Texas.

- c) **APPROVAL on SECOND and FINAL READING of Ordinance Number 235-2007-015 to rezone, from Dwelling “G” to General Retail “G” (4CG) Classification, 1 acre out of Block 26 of El Jardin Subdivision located near Boca Chica Boulevard and Central Avenue.**
- d) **APPROVAL on SECOND and FINAL READING of Ordinance Number 235-2007-016 to rezone, from Dwelling “A” Classification to Light Retail “G” (2CG) Classification, 1.08 acres out of Block 25 of El Jardin Subdivision located near Boca Chica Boulevard and Central Avenue.**
- e) **APPROVAL on SECOND and FINAL READING of Ordinance Number 235-2007-017 to rezone, from Dwelling “Z” to Medium Retail “G” Classification, Lot 6 Block 3 of Pasto Verde Subdivision located near State Highway 100 and California Road.**
- f) **APPROVAL on SECOND and FINAL READING of Ordinance Number 235-2007-602-CU to allow a conditional use permit to sell on-premise alcohol (wet restaurant), for 0.894 acres out of Block 13 of El Jardin Subdivision located near Old Port Isabel and Warwick Glen Street.**

ACTION ITEMS:

11. Consideration and ACTION regarding the City Manager's contract.

Mayor Eddie Treviño, Jr., noted that Mr. Charlie Cabler, City Manager, had been evaluated in Executive Session and congratulated him for excellent work with the Commission and City staff.

Upon motion by Commissioner Charlie Atkinson, seconded by Commissioner Carlos A. Cisneros, and carried unanimously, the City Manager's Terms of Employment Agreement was approved with a revised annual salary up to **\$153,000 with an additional accredited leave pay for voluntary or involuntary separation from service for 260 days.**

PUBLIC HEARINGS:

7. Public Hearing and ACTION on FIRST READING of Ordinance Number 2007-1474 to renew and revise tax abatement guidelines and criteria for enterprises in reinvestment zones; and dealing with related matters.

In response to Mr. Fernando Ruiz' concerns regarding a possible conflict of interest due to Mr. Bill Hudson being a member of Brownsville Economic Development Corporation (BEDC), Mayor Eddie Treviño, Jr., stated that Mr. Hudson was not a member of BEDC at decision-making time as regards this matter.

Upon motion by Commissioner Sally M. Arroyo, seconded by Commissioner Edward C. Camarillo, and carried unanimously, the public hearing was **closed**.

Upon motion by Commissioner Sally M. Arroyo, seconded by Commissioner Edward C. Camarillo, and carried unanimously, Ordinance Number 2007-1474 was **approved** at first reading.

Commissioner Carlos A. Cisneros left the meeting.

8. Public Hearing and ACTION on FIRST READING of Ordinance Number 2007-1475 to provide tax incentives in the form of a tax abatement to T-Mobile USA.

Mr. Jason Hilts, Chief Executive Officer of the Brownsville Economic Development Council (BEDC), reviewed the ordinance noting the addition of 700 new jobs to the City of Brownsville.

Mr. Fernando Ruiz, area resident, expressed his concerns regarding the increased traffic once T-Mobile USA opens for business on Paredes Line Road. In response to his comment regarding lack of notice of re-zoning, Commissioner Sally M. Arroyo explained that the area was commercially zoned and therefore, no re-zoning notification had been necessary. Mr. Ruiz requested that the City Commission table this item as he wished to study the issue at hand before the Commission made a decision.

Upon motion by Commissioner Edward C. Camarillo, seconded by Commissioner Sally M. Arroyo, and carried unanimously, the public hearing was **closed**.

Commissioner Edward C. Camarillo moved to approve Ordinance Number 2007-1475 at first reading. The motion was seconded by Commissioner Sally M. Arroyo and carried unanimously.

Commissioner Charlie Atkinson stepped out.

4. Public Hearing and ACTION on Resolution Number 2007-029 to authorize the filing of a grant application with the Federal Transit Administration for the Urbanized Area Formula Program for capital, planning and operating assistance for fiscal year 2007.

Mr. Alex Lorio, BUS Grant Writer, gave a brief overview of the resolution.

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

Upon motion by Commissioner Edward C. Camarillo, seconded by Commissioner Ricardo Longoria, Jr., and carried unanimously, Resolution Number 2007-029 was **approved**, filing of a grant application with the Federal Transit Administration for the Urbanized Area Formula Program for capital, planning and operating assistance for fiscal year 2007.

Commissioner Charlie Atkinson returned.

5. Public Hearing and ACTION on FIRST READING of Ordinance Number 235-2007-018-S to allow a Medium Commercial Specific Use (lumberyard) in a General Retail (4C) Classification for Lot 1 Block 1 of McCoy West Brownsville Subdivision located near US 281 and FM 802.

Upon motion by Commissioner Sally M. Arroyo, seconded by Commissioner Ricardo Longoria, Jr., and carried unanimously, the public hearing was **closed**.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Sally M. Arroyo, and carried unanimously, Ordinance Number 235-2007-018-S was **approved** at first reading.

6. Public Hearing and ACTION on FIRST READING of Ordinance Number 235-2007-019-S to allow a Light Commercial Specific Use (car lot) in a General Retail (4C) Classification for Block 65 of Paredes Tract Addition located near Expressway 77/83 and 13th Street.

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

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Charlie Atkinson, and carried unanimously, Ordinance Number 235-2007-019-S was **approved** at first reading.

9. Public Hearing and ACTION to reprogram and award \$23,202 of 32nd Year Community Development Block Grant (CDBG) Funds to the City of Brownsville Parks Department to conduct a summer activity program at 235 Tyler Street.

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

Commissioner Ricardo Longoria, Jr., moved to **reprogram and award** \$23,202 of 32nd Year Community Development Block Grant (CDBG) Funds to the City of Brownsville Parks Department to conduct a summer activity program at 235 Tyler Street.

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

10. Public Hearing and ACTION on the closing of the railroad crossings located on West Elizabeth near the intersection of West 18th Street, rail crossing on West Elizabeth near the intersection of West 16th Street, and rail crossing on the South Frontage Road near the intersection of Hanna Drive and behind the area identified as the Salt Pond on City Maps.

Mr. Florencio Cardenas, area resident, expressed concerns regarding the proposed closure of the two entrance/exits near West Elizabeth Street, stating that upon closure as proposed the neighborhood would have only one entrance/exit, that being onto US 281 which was a high traffic area.

Upon motion by Commissioner Edward C. Camarillo, seconded by Commissioner Sally M. Arroyo, and carried unanimously, this item was **tabled**.

ACTION ITEMS:

Commissioner Edward C. Camarillo stepped out.

12. Consideration and ACTION to adopt budget amendment Resolution Number 2007-030 to amend the General Fund to provide \$60,000 for the City's Youth Recreation budget unit and to allocate \$500,000 for street materials for the Streets Maintenance Division.

Mr. Pete Gonzalez, Finance Director, gave a brief overview of the budget amendment.

Commissioner Charlie Atkinson moved to **approve** budget amendment Resolution Number 2007-030, amending the General Fund to provide \$60,000 for the City's Youth Recreation budget unit and to allocate \$500,000 for street materials for the Streets Maintenance Division.

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

AYES: Commissioners Longoria, Atkinson, Arroyo, and Garza;

NAYS: Mayor Treviño (He expressed approval for allocation of \$500,000 for street materials for the Streets Maintenance Division).

13. Consideration and ACTION on Resolution Number 2007-031 to support Amigos Del Valle in a Section 202 Elderly Housing Application for the Southmost Section of the Community and to provide surplus land and declare elderly housing as a high priority in the Southmost area.

Mr. Ben Medina, Director of Planning and Community Development, reviewed the resolution.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Leonel T. Garza, and carried unanimously, Resolution Number 2007-031 was **approved**, supporting Amigos Del Valle in a Section 202 Elderly Housing Application for the Southmost Section of the Community and to provide surplus land and declare elderly housing as a high priority in the Southmost area.

PURCHASES/BIDS/CONTRACTS:

14. Consideration and ACTION to purchase property located on Block 92 Lots 5 and 6, Block 91 Lot 11, and Block 92 Lots 7 and West 49.6 feet of Lot 8 of Brownsville Original Townsites.

Mr. Larry Montenegro, representing the Pinnacle Group, noted the correct legal description for the third property as *West 49 feet and 6 inches* of Lot 8 of Brownsville Original Townsite.

Upon motion by Commissioner Charlie Atkinson, seconded by Commissioner Sally M. Arroyo, and carried unanimously, the purchase of property located on Block 92 Lots 5 and 6, Block 91 Lot 11, and Block 92 Lots 7 and West 49 feet 6 inches of Lot 8 of Brownsville Original Townsites was **authorized**.

15. Consideration and ACTION to accept the fiscal year 2007 SAFETEA-LU Allocation for funding under the section 5309 Program for Bus and Bus Facilities, and to authorize the City Manager to execute an agreement with the Federal Transit Administration amending the funds to an existing grant agreement.

Mr. Alex Lorio, BUS Grant Writer, gave a brief overview of the grant agreement.

Commissioner Ricardo Longoria, Jr., moved to **approve** the fiscal year 2007 Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) Allocation for funding under the section 5309 Program for Bus and Bus Facilities, and moved to **authorize** the City Manager to execute an agreement with the Federal Transit Administration amending the funds to an existing grant agreement.

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

*Commissioner Edward C. Camarillo returned.
Commissioner Ricardo Longoria, Jr. left the meeting.*

16. Consideration and ACTION to authorize the City Manager to execute a Lease Agreement, Stadium Construction and Management Agreement, a Reimbursement Agreement and with the accompanying Site Schematic, between the City of Brownsville and the United Baseball League.

Mr. Bradley Wendt, Chief Executive Officer of the United Baseball League, gave an overview of the agreements noting that United Sports Equities, LLC would be tenant.

Mr. Jim Goza, City Attorney, reviewed version 3 of the lease agreement and noted the addition of Section 5.1.

Mr. Skip Keller, Parks and Recreation Director, spoke in favor of the agreements.

Upon motion by Commissioner Charlie Atkinson, seconded by Commissioner Sally M. Arroyo, and carried unanimously, the City Manager was **authorized** to execute a Lease Agreement, Stadium Construction and Management Agreement, and a Reimbursement Agreement with the accompanying Site Schematic, between the City of Brownsville and the United Baseball League.

17. Consideration and ACTION to change the terms of the agreement between Project VIDA and the City of Brownsville to end June 30, 2007, from September 30, 2007.

Mr. Ben Medina, Director of Planning and Community Development, reviewed the agreement noting that the Greater Brownsville Incentives Corporation (GBIC) had awarded Project VIDA \$150,000 for the same project. He also noted that Project VIDA was in agreement with the proposed change of agreement terms.

Upon motion by Commissioner Sally M. Arroyo, seconded by Commissioner Leonel T. Garza, and carried unanimously, the terms of the agreement between Project VIDA and the City of Brownsville was **changed** from September 30, 2007 to end June 30, 2007.

18. Consideration and ACTION to approve a Memorandum of Understanding between the United States Marshals Service, Southern District of Texas, and the Brownsville Police Department to establish a full-time District Fugitive Task Force.

Police Chief Carlos L. Garcia noted that establishment of the full time District Fugitive Task Force would be of no cost to the City.

Upon motion by Commissioner Charlie Atkinson, seconded by Commissioner Edward C. Camarillo, and carried unanimously, a Memorandum of Understanding between the United States Marshals Service, Southern District of Texas, and the Brownsville Police Department to establish a full-time District Fugitive Task Force was **approved**.

19. Consideration and ACTION to approve a Letter-of-Intent with the Nashville Metropolitan Transit Authority.

Mr. Ivan Welker, Fleet Administrator, gave a brief description of the three new transit buses that would be acquired from the Nashville Metropolitan Transit Authority.

Upon motion by Commissioner Edward C. Camarillo, seconded by Commissioner Sally M. Arroyo, and carried unanimously, a Letter-of-Intent with the Nashville Metropolitan Transit Authority was **approved**.

20. Consideration and ACTION to award a contract for the 2005 CIP Project Contract Number 2 for street paving and drainage improvements.

Upon motion by Commissioner Charlie Atkinson, seconded by Commissioner Leonel T. Garza, and carried unanimously, a contract for the 2005 CIP Project Contract Number 2 for street paving and drainage improvements was **awarded** to **G&T Paving Company**, of Brownsville, Texas, the low responsive bidder, in the total amount of **\$449,227.63**.

The following locations would be completed within 150 calendar days:

Wood Heaven Court	Green Field Court
East Wood Court	Canterbury Court
South Buckingham Court	North Buckingham Court
Warwick Glen	

21. Consideration and ACTION to award a contract for design construction phase services for Villa Nueva Sanitary Sewer Waste Disposal Project.

Mr. Ivan Welker, Fleet Administrator, gave a brief overview of project milestones.

Upon motion by Commissioner Edward C. Camarillo, seconded by Commissioner Sally M. Arroyo, and carried unanimously, a contract for design construction phase services for Villa Nueva Sanitary Sewer Waste Disposal Project was awarded to **AGH Engineering & Surveying** of Brownsville, Texas, in the amount of **\$156,250**.

The completion of these services is expected to be in approximately 500 calendar days or about September 30, 2008.

PUBLIC COMMENT PERIOD:

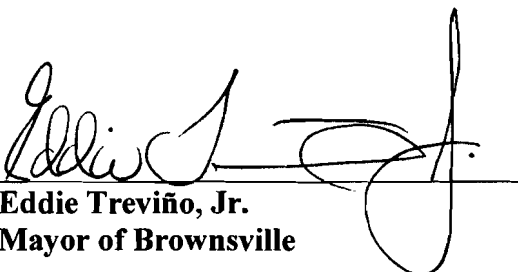
Mr. Fernando Ruiz congratulated Brownsville Public Utilities Board (BPUB) and the Commission for lowering rates.

ADJOURNMENT:

There being no further business to come before the City Commission, the meeting adjourned at 8:25 p.m.

Approved the 19th day of June 2007.




Eddie Treviño, Jr.
Mayor of Brownsville

Attest:



Estela Von Hatten
City Secretary