

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, June 26, 2007**, at **5:00 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
ANTHONY TROIANI)	COMMISSIONER-ELECT
PAT AHUMADA		MAYOR-ELECT
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 22, 2007:

SPECIAL MEETING:

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

The U.S. Pledge of Allegiance and the Texas Pledge were led by Mr. Dagoberto Barrera.

INVOCATION:

The invocation was given by City Chaplin, Bob Clark.

POST ELECTION BUSINESS:

- 1. Consideration and ACTION on Resolution Number 2007-033 canvassing and declaring the results of the Special Municipal Run-off Election held on June 16, 2007, for the purpose of electing a Mayor and an At-Large Commissioner A.**

Ms. Estela Von Hatten, City Secretary, canvassed and declared the results of the Special Municipal Run-off Election held on June 16, 2007, for the purpose of electing a Mayor and an At-Large Commissioner A.

Ms. Von Hatten noted the following Special Municipal Run-off Election results for the Mayor and Commissioner At-Large “A” positions:

<u>Mayor</u>	<u>Total Votes</u>	<u>%</u>
<i>Pat Ahumada</i>	4,207	56.28%
Ernie L. Hernandez, Jr.	3,268	43.72%
<u>Commissioner At-Large A</u>		
<i>Anthony Troiani</i>	4,196	56.77%
Ernesto De Leon	3,195	43.23%

Upon motion by Commissioner Ricardo Longoria, Jr., Resolution Number 2007-033 was **adopted**, canvassing and declaring the results of the Special Municipal Run-off Election held on June 16, 2007, for the purpose of electing a Mayor and an At-Large Commissioner A.

The motion was seconded by Commissioner Carlos A. Cisneros, and carried unanimously by the following vote:

AYES: Mayor Treviño, Commissioners Longoria, Atkinson, Cisneros, Camarillo, Arroyo and Garza;

NAYS: None.

2. Consideration and ACTION on Resolution Number 2007-034 canvassing and declaring the results of the Recount of the Special Municipal Run-off Election held on June 16, 2007, for the purpose of electing a Mayor.

Ms. Estela Von Hatten, City Secretary, canvassed and declared the results of the Recount conducted on June 23, 2007, for the Special Municipal Run-off Election held on June 16, 2007, for the purpose of electing a Mayor.

Ms. Von Hatten noted the following Recount results for the Special Municipal Run off Election for the position of Mayor:

	<u>Pat Ahumada</u>	<u>Ernie Hernandez</u>
Early Voting Total	2,340	1,889
Mail-In Total	269	477
Election Day Total	<u>1,599</u>	<u>906</u>
Grand Total	4,208	3,272

Upon motion by Commissioner Ricardo Longoria, Jr., Resolution Number 2007-034 was **adopted**, canvassing and declaring the results of the Recount of the Special Municipal Run-off Election held on June 16, 2007, for the purpose of electing a Mayor.

The motion was seconded by Commissioner Edward C. Camarillo, and carried unanimously by the following vote:

AYES: Mayor Treviño, Commissioners Longoria, Atkinson, Cisneros, Camarillo, Arroyo and Garza;

NAYS: None.

3. Consideration and ACTION regarding the issuance of Certificates of Election, the Administration of the Oaths of Offices, and Assumption of Duties of Elected Officials.

Ms. Estela Von Hatten, City Secretary, asked Commissioner-elect Anthony P. Troiani to step forward to take the oath of the Statement of Appointment. The Oath of Office was administered by Cameron County Court-at-Law Judge Laura L. Betancourt. Commissioner-elect Anthony P. Troiani was accompanied by his wife, family and supporters.

Mayor Eddie Treviño, Jr., yielded the floor to Commissioner-elect Anthony P. Troiani, who thanked the citizens of Brownsville and his family for their support. He then took his seat on the Commission.

Ms. Estela Von Hatten, City Secretary, asked Mayor-elect Patricio M. “Pat” Ahumada to step forward to take the oath of the Statement of Appointment. The Oath of Office was then administered by 138th District Court Judge Arturo Nelson. Mayor Elect Pat Ahumada was accompanied by his family and supporters.

Mayor Eddie Treviño, Jr., yielded the floor to Mayor-elect Patricio M. “Pat” Ahumada who thanked the citizens of Brownsville and his family for their support. He then took his seat on the Commission.

Commissioner Carlos A. Cisneros moved that Statements of Appointment issued and Oaths of Office administered to Commissioner-Elect At-Large “A” Anthony P. Troiani, and Mayor-elect Pat Ahumada, as elected officials, be **approved**.

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

AYES: Mayor Treviño, Commissioners Longoria, Atkinson, Cisneros,
Camarillo, Arroyo and Garza;

NAYS: None.

PRESENTATION: Mayor Eddie Treviño, Jr.

Mayor-elect Pat Ahumada presented Mayor Eddie Treviño, Jr., with a proclamation in recognition for his service to the City of Brownsville during his tenure as Mayor. Ms. Estela Von Hatten, City Secretary, read the proclamation.

Commissioner Sally M. Arroyo

Mayor-elect Pat Ahumada presented Commissioner Sally M. Arroyo with a proclamation recognizing her dedication and service to the City of Brownsville during her tenure as City Commissioner At Large “A”. Ms. Estela Von Hatten, City Secretary, read the proclamation.

Ernie L. Hernandez, Jr.

Ms. Estela Von Hatten, City Secretary, read a proclamation recognizing former Commissioner At Large “B”, Mr. Ernie L. Hernandez, for his years of service to the City of Brownsville during his tenure as City Commissioner. Mr. Ernie L. Hernandez, Jr., was not present.

Mayor Pat Ahumada thanked the citizens for their vote and discussed issues he would like to address for the benefit of Brownsville. He then introduced members of his advisory team:

Dr. Rafael Otero	Economic Advisor
Dr. Sandra Garcia	Head of the Ecological team
Marin Marin	
Arturo Treviño	International Liason
Adolfo Pereira	
Raymond Hinojosa	
Oscar Cavazos	Organize Meetings
Dennis Sanchez	
Ray Lopez	Business and Political Liaison

Lavice Laney
Jim Rose
Jackie Bird
Julie Hailey
Dee Labinsky
Nancy Sargento
Pet Rescue

Domesticated Pet Rescue Program for
a “No-Kill” Community

BOARDS AND COMMISSION APPOINTMENTS:

- 4. Consideration and ACTION to appoint or reappoint three (3) members and one (1) alternate member to the Planning and Zoning Commission. [TABLED 06/19/2007]**

Commissioner Edward C. Camarillo moved that this item be **tabled** noting that he would propose the initiation of application guidelines and procedures for citizens who would serve on all City Boards and Committees. The motion was seconded by Commissioner Anthony P. Troiani, and **failed** by the following vote:

AYES: Commissioners Cisneros, Camarillo, and Troiani;

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

Commissioner Ricardo Longoria, Jr., moved that **Mr. Troy Wittemore** be re-appointed to the Planning and Zoning Commission. Upon appointment, Mr. Wittemore’s term would expire March 16, 2010. The motion was seconded by Commissioner Charlie Atkinson, and **carried** unanimously by the following vote:

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

NAYS: None.

Commissioner Edward C. Camarillo moved that **Mr. Ricardo Filizola** be appointed to the Planning and Zoning Commission, to replace Mr. Leonel Rosales whose term expired. The motion was seconded by Commissioner Anthony P. Troiani and **failed** by the following vote:

AYES: Commissioners Cisneros, Camarillo, and Troiani;

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

Commissioner Charlie Atkinson moved that **Mr. David Polin** be appointed to the Planning and Zoning Commission to replace Mr. Leonel Rosales whose term expired. Upon appointment, Mr. Polin's term would expire June 26, 2010. The motion was seconded by Ricardo Longoria, Jr., and **carried** by the following vote:

AYES: Mayor Ahumada, Commissioners Longoria, Atkinson, and Garza;

NAYS: Commissioners Cisneros, Camarillo and Troiani.

Commissioner Carlos A. Cisneros noted that his "Nay" vote to Commissioner Atkinson's appointment was because the appointment pertained to Commissioner Camarillo and was not due to who the candidate was.

Commissioner Leonel T. Garza moved to **appoint Mr. Mariano Garcia** to the Planning and Zoning Commission to replace Mr. Jose F. Galvan whose term expired. The motion was seconded by Commissioner Charlie Atkinson, and **carried** unanimously by the following vote:

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

NAYS: None.

Mr. Ben Medina, Director of Planning and Community Development, noted that the alternate or special member of the Planning and Zoning Commission must reside in the City's extraterritorial jurisdiction (ETJ).

Mr. Ray Lopez, Special Member of the Planning and Zoning Commission, addressed the City Commission noting that he could no longer serve on the Planning and Zoning Commission due to other commitments.

Upon motion by Mayor Pat Ahumada, seconded by Commissioner Anthony P. Troiani and carried unanimously, the appointment of an alternate member to the Planning and Zoning Commission was **tabled** by the following vote:

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

NAYS: None.

5. Consideration and ACTION to appoint one (1) member to the Brownsville Public Utilities Board (BPUB).

Mayor Pat Ahumada moved that **Dr. Joseph Zavaletta** be appointed to the Brownsville Public Utilities Board (BPUB), as his successor, to complete his term of office which would expire on December 7, 2007. The motion was seconded by Commissioner Charlie Atkinson, and **carried** by the following vote:

AYES: Mayor Ahumada, Commissioners Longoria, Atkinson and Garza;

NAYS: None;

ABSTAIN: Commissioners Cisneros, Camarillo and Troiani.

6. Consideration and ACTION to appoint a Mayor Pro-Tem and a Deputy Mayor Pro-Tem to the Brownsville City Commission.

Mayor Pat Ahumada moved that **Commissioner Charlie Atkinson** be appointed as the **Mayor Pro-Tem** to replace Commissioner Sally M. Arroyo, and that **Commissioner Ricardo Longoria, Jr.**, be reappointed as **Deputy Mayor Pro-Tem**.

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

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

NAYS: None.

7. Consideration and ACTION to appoint member(s) to the Airport Advisory Board.

Commissioner Charlie Atkinson moved that this item be **tabled**. The motion was seconded by Commissioner Anthony P. Troiani and carried unanimously by the following vote:

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

NAYS: None.

8. Consideration and ACTION to appoint member(s) to the Capital Improvements Advisory Committee (CIAC).

Mr. Jim Goza, City Attorney, addressed Commissioner Edward C. Camarillo's concern regarding appointment or reappointment of members to the Capital Improvements Advisory Committee (CIAC). Mr. Goza noted that a majority vote of the City Commission was needed to replace members to the CIAC Committee

Commissioner Leonel T. Garza moved that **Ms. Karen Ballard** be appointed to the Capital Improvements Advisory Committee (CIAC). The motion was seconded by Commissioner Ricardo Longoria, Jr., and **carried** by the following vote:

AYES: Mayor Ahumada, Commissioners Longoria, Atkinson, and Garza;

NAYS: None;

ABSTAIN: Commissioners Cisneros, Camarillo, and Troiani.

Commissioner Charlie Atkinson moved that **Mr. Kiko Rendon** be appointed to the CIAC Committee. The motion was seconded by Commissioner Ricardo Longoria, Jr., and **carried** unanimously by the following vote:

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

NAYS: None.

Commissioner Carlos A. Cisneros moved that **Mr. Richard Zayas** be appointed to the CIAC Committee. The motion was seconded by Commissioner Anthony P. Troiani, and **carried** by the following vote:

AYES: Commissioners Cisneros, Camarillo, Garza, and Troiani;

NAYS: Mayor Ahumada, Commissioners Longoria and Atkinson.

Commissioner Anthony P. Troiani moved that **Mr. Mark Esparza** be appointed to the CIAC Committee. The motion was seconded by Commissioner Carlos A. Cisneros, and **failed** by the following vote:

AYES: Commissioners Cisneros, Camarillo, and Troiani;

NAYS: Mayor Ahumada and Commissioner Atkinson;

ABSTAIN: Commissioners Longoria and Garza.

Commissioner Charlie Atkinson moved that **Mr. Dennis Sanchez, Ms. Lee Ann Greer and Mr. Abraham Galonsky** be appointed to the CIAC Committee. The motion **failed** due to lack of a second.

Commissioner Charlie Atkinson moved that **Mr. Dennis Sanchez** be appointed to the CIAC Committee. The motion was seconded by Commissioner Carlos A. Cisneros, and **carried** unanimously by the following vote:

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

NAYS: None.

Commissioner Ricardo Longoria, Jr., moved that **Mr. Mateo Salas** be appointed to the CIAC Committee. The motion was seconded by Commissioner Charlie Atkinson, and **carried** by the following vote:

AYES: Mayor Ahumada, Commissioners Longoria, Atkinson, Cisneros, Camarillo, and Garza;

NAYS: None;

ABSTAIN: Commissioner Troiani.

Commissioner Carlos A. Cisneros moved that **Mr. Michael Garza** be appointed to the CIAC Committee. The motion was seconded by Commissioner Edward C. Camarillo, and **failed** by the following vote:

AYES: Commissioners Cisneros, Camarillo, and Troiani;

NAYS: Mayor Ahumada, Commissioners Atkinson and Garza;

ABSTAIN: Commissioner Longoria.

Commissioner Edward C. Camarillo moved that **Mr. Eugene Novogrodsky** be appointed to the CIAC Committee. The motion was seconded by Commissioner Carlos A. Cisneros, and **failed** by the following vote:

AYES: Commissioners Cisneros, Camarillo, and Troiani;

NAYS: Mayor Ahumada, Commissioners Atkinson and Garza;

ABSTAIN: Commissioner Longoria.

Commissioner Leonel T. Garza moved that **Mr. Ruben Rodriguez**, a guidance counselor at Pace High School, be appointed to the CIAC Committee. The motion was seconded by Commissioner Ricardo Longoria, Jr., but the **motion was withdrawn** by Commissioner Garza because Mr. Rodriguez was not of the real estate industry as required by CIAC guidelines.

Mr. Jim Goza, City Attorney, in response to Commissioner Troiani's question, noted that the CIAC guidelines required that at least 40%, or 3 members, of the committee, must be representative of the real estate, development or building industries.

Mayor Pat Ahumada moved that **Mr. Abraham Galonsky** be appointed to the CIAC Committee. The motion was seconded by Commissioner Ricardo Longoria, Jr., and **carried** by the following vote:

AYES: Mayor Ahumada, Commissioners Longoria, Atkinson, Cisneros, Camarillo, and Garza;

NAYS: Commissioner Troiani.

Commissioner Ricardo Longoria, Jr., moved that **Ms. Nora Pompa** be appointed to the CIAC Committee. The motion was seconded by Commissioner Charlie Atkinson, and **carried** unanimously by the following vote:

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

NAYS: None.

In response to Commissioner Anthony P. Troiani's question, Commissioner Ricardo Longoria, Jr., clarified that Ms. Nora Pompa was a representative of the real estate industry as was Mr. Mark Esparza.

9. Consideration and ACTION to reactivate the Charter Review Committee and appoint or reappoint members to the Charter Review Committee.

Mayor Pat Ahumada moved that the **existing** Charter Review Committee be reactivated. Commissioners Cisneros and Camarillo had noted that they would abstain. The motion **failed** for a lack of a second.

Commissioner Anthony P. Troiani moved that this item be **tabled**. The motion was seconded by Commissioner Carlos A. Cisneros and **failed** by the following vote:

AYES: Commissioners Cisneros, Camarillo and Troiani;

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

Mayor Pat Ahumada moved that the **existing** Charter Review Committee be reactivated. The motion was seconded by Commissioner Ricardo Longoria, Jr., and **carried** by the following vote:

AYES: Mayor Ahumada, Commissioners Longoria, Atkinson, and Garza;

NAYS: None;

ABSTAIN: Commissioners Cisneros, Camarillo and Troiani.

There was no action taken on the appointment or reappointment of members to the Charter Review Committee.

PUBLIC HEARINGS:

10. Public Hearing and ACTION on FIRST 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).

Mr. Evaristo Gamez, Building Inspections Director, gave a brief overview of the ordinance noting the revision to Section 338-35. Approval Procedures; (b) Application

Requirements, Number (3) which reflected that “the City requires that first priority be given to City-owned property”.

Mr. Harry McNair, businessman and concerned citizen, spoke in opposition of the amendment to the ordinance stating the City would be in competition with private industry by requiring companies to give the City first priority to City-owned property for the installation of a wireless communication facility (WCF).

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

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

NAYS: None.

Commissioner Charlie Atkinson moved that Ordinance Number 2007-1387-B be **approved** on First Reading, amending Section 338-35. Approval Procedures, (b) Application Requirements, Number (3). The motion was seconded by Commissioner Ricardo Longoria, Jr., and **carried** by the following vote:

AYES: Mayor Ahumada, Commissioners Longoria, Atkinson, and Garza;

NAYS: Commissioners Cisneros, Camarillo and Troiani.

ACTION ITEMS:

- 11. Discussion and ACTION regarding instruction to Brownsville Public Utilities Board to review and update the July 2006 Capital Improvements Plan and Land Use Assumptions Plan for Water and Wastewater Facilities eligible to be funded by impact fees, and to submit the Board’s recommendation for any adjustment to the impact fees to the Capital Improvements Advisory Committee (CIAC).**

Mayor Pat Ahumada moved that the Brownsville Public Utilities Board be instructed to review and update the July 2006 Capital Improvements Plan and Land Use Assumptions Plan for Water and Wastewater Facilities eligible to be funded by impact

fees, and to submit the Board's recommendation for any adjustment to the impact fees to the Capital Improvements Advisory Committee (CIAC).

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

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

NAYS: None;

ABSTAIN: Commissioner Cisneros.

12. Consideration and ACTION regarding a moratorium on animal euthanasia.

Mayor Pat Ahumada moved that a 90-day moratorium on animal euthanasia be approved. The motion was seconded by Commissioner Charlie Atkinson, and **carried** by the following vote:

AYES: Mayor Ahumada, Commissioners Longoria, Atkinson, and Garza;

NAYS: None;

* ABSTAIN: Commissioner Cisneros, Camarillo and Troiani.

13. Consideration and ACTION regarding the City of Brownsville internal auditor.

Mayor Pat Ahumada stated that he would want the City of Brownsville's internal auditor to report directly to the Mayor and City Commission instead of to the City Manager as is the current practice.

Mr. Jim Goza, City Attorney, noted that the internal auditor, in accordance with the City Charter and the City Personnel Policy, reports to the City Manager. He further noted that the City Manager can then direct the internal auditor to investigate any issues that the Commission wishes. He further noted that any changes to the Charter would need to be reviewed by the Charter Review Committee.

** Corrected vote as per review of meeting Video to reflect that Commissioner Edward C. Camarillo had abstained from voting on Item 12.*

Mr. Goza recommended against having the internal auditor report directly the City Commission.

Mayor Pat Ahumada moved that this item be **tabled**. The motion was seconded by Commissioner Carlos A. Cisneros, and **carried** unanimously by the following vote:

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

NAYS: None.

PURCHASES/BIDS/CONTRACTS:

14. Consideration and ACTION regarding the contract with Economists.com.

Mr. Ben Medina, Director of Planning and Community Development, and Mr. Leandro Garcia, Chief Financial Officer of the Brownsville Public Utilities Board (BPUB), addressed the issue of the pending report by Mr. Jeff Snowden of Economists.com. They noted that Mr. Snowden, in order to complete the study, had requested information that BPUB Engineers can provide at a cost of \$16,000, in addition to the \$50,000 already paid towards the work being done by Mr. Snowden.

Commissioner Anthony P. Troiani moved that this item be **tabled**. The motion **failed** due to a lack of a second.

Commissioner Ricardo Longoria, Jr., moved that the contract with Economist.com not be completed and that Economist.com return all research data to date. The motion was seconded by Commissioner Charlie Atkinson, and **carried** by the following vote:

AYES: Mayor Ahumada, Commissioners Longoria, Atkinson and Garza;

NAYS: Commissioners Cisneros, Camarillo and Troiani.

PUBLIC COMMENT PERIOD:

There were no public comments.

ADJOURNMENT:

There being no further business to come before the City Commission, the meeting adjourned at 7:04 p.m.

Approved the 7th day of August 2007.



Charlie Atkinson
Mayor Pro Tem of Brownsville

Attest:

Estela Von Hatten
City Secretary