

**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, November 13, 2007**, at **5:00 P.M., 5:30 P.M.** and **6:00 P.M.** with the following members present:

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

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 November 9, 2007:

## **EXECUTIVE SESSION:**

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

- A) Discussion pursuant to Section 551.072, of the Texas Government Code, regarding real property.**
  - B) Discussion pursuant to Section 551.071, of the Texas Government Code, regarding pending litigation styled Golden Spread vs. City of Brownsville, et al.**
- 

## **WORKSHOP:**

Upon conclusion of the Executive Session, Mayor Pat M. Ahumada, Jr., convened the Workshop Session to discuss the following items:

- a) Discussion on a City-wide bond program for paving streets and curing drainage problems within the city limits of Brownsville.**
  - b) Discussion regarding new state storm water rules affecting the City of Brownsville as a Phase II City and the time line for submittal of associated Municipal Separate Storm Sewer System (MS4) Permit Application to the Texas Commission of Environmental Quality (TCEQ).**
- 

## **SPECIAL MEETING:**

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

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

## ***INVOCATION:***

The invocation was given by Pastor Gregory Fish of Central Christian Church of Brownsville, Texas.

---

## **1. PUBLIC COMMENT PERIOD:**

Mr. Dagoberto Barrera submitted a public comment form, but did not address the City Commission because he addressed his concerns during Workshop Item “a” regarding taxes.

Mr. Fernando Ruiz spoke regarding the bond paving program and invited the citizens of Brownsville to participate in the public hearings.

Mr. Alex Resendez thanked the City Commission and City Staff for the wonderful job on paving his street, and spoke in favor of the bonds paving program if the money were to be used properly.

Ms. Sue Alton, Animal Shelter Advisory Board Member, noted that comparison with other cities such as McAllen was not the same because the Brownsville shelter is funded by the City, as opposed to McAllen, which is a county-wide shelter and therefore, shelters more animals. She further noted that McAllen’s Animal Shelter received funding from county or other sources that the City of Brownsville does not. Ms. Alton stated that a spay and neuter clinic was available, but that the clinic was not fully equipped.

Mr. Charles Hasse spoke regarding grant funds available and offered his grant-writing services to the City.

---

## **2. MAYOR’S REPORT**

In response to local editorials, Mayor Pat M. Ahumada, Jr., noted that the City of Brownsville was paving streets.

He also noted that a 180-foot flag pole will be erected near the expressway benefiting the Veteran’s Park, pending the Federal Aviation Association’s (FAA) approval for the antenna.

Regarding relief aid to flooding victims in Tabasco, Mexico, Mayor Ahumada reviewed the Red Cross' list for donations and noted that various H.E.B. and Wal-Mart stores in Brownsville were participating in the effort and could assist those who wished to purchase non-perishable items to send. He stated that the Red Cross in Mexico had requested that donations of non-perishable items be made by packing them in a specific sized box, and could be delivered to various drop-off locations in Brownsville. He further noted that Valley Trucking and Loera Exports were willing to provide the use of their trucks to deliver the donations into Mexico.

---

### **3. *REPORT FROM RECYCLING VOLUNTEER***

Dr. Sandra Garcia, Ecological Advisory Committee Volunteer, gave a brief description of a recycling plan for the City of Brownsville that would join with the Brownsville Independent School District (BISD). She noted that the City was currently reviewing Requests for Proposal of companies that are willing to service and recover recyclable materials. Her proposal, should a private company be brought on board, would place 12 bins in strategic areas of the City. She further reviewed the status of her efforts to develop the recycling plan. She noted that, as President of the Ortiz Elementary PTA, she had written a Lowe's grant for an outdoor classroom which, she said, was well received by the Brownsville Independent School District (BISD) and the start of recycling efforts at Ortiz Elementary, Stillman Middle School and Pace High School have gained approval.

She further noted that ESD, a recycling company, had agreed to help with the procedures for collecting and storing recyclable materials at the selected locations.

*Commissioner Carlos A. Cisneros left the meeting and did not return.*

---

#### 4. **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.**

Mayor Pat M. Ahumada, Jr., set aside Consent Agenda Item “a” “**Approval of the Minutes of the Special Meeting of October 30, 2007.**” noting the following additions to Item 4a of the October 30, 2007 Special Meeting Minutes:

He noted that Item No. 6 of the October 16, 2007 minutes should reflect that Commissioners agreed that each Commissioner would appoint one member to the Capital Improvement Advisory Committee (CIAC), and that he was denied his appointment to this Committee;

Mayor Ahumada also noted that **Item 8** of the October 30, 2007 minutes should reflect that on October 30, 2007 he had stated that his intent, on June 26, 2007, had been to state that Dr. Zavaletta’s term was a 4-year appointment. *(the video reflects that Mayor Ahumada moved that Dr. Zavaletta be appointed as his “successor”.)* He further stated that those who had abstained on June 26, 2007, (Commissioners Camarillo, Cisneros and Troiani) should not be a part of this (October 30, 2007) discussion.

He further noted that the minutes should reflect that Commissioner Longoria had stated (on October 30, 2007) that the appointment was not for four years, and that Commissioners Atkinson and Garza had on October 30, 2007 reaffirmed that the appointment was for four years. *(Review of the October 30, 2007 meeting video does not indicate that Commissioner Longoria made such statement or that Commissioners Atkinson and Garza reaffirmed a four year term.)*

Commissioner Charlie Atkinson moved that Consent Agenda Items “a” through “i” with noted corrections to the minutes be approved. The motion **failed** for lack of a second.

In response to Commissioner Longoria, Mayor Ahumada stated he did not want verbatim minutes, but that the minutes should reflect what he had said.

Commissioner Troiani clarified that all appointments to the CIAC Committee could be made by each commissioner, provided that the City Commission approved the motion for appointment. He further noted that if the minutes were to be technical, that the language “*subject to the approval of the City Commission*” also be included.

Commissioner Anthony P. Troiani moved that Consent Agenda Item “a” be approved “*as is*”. The motion was seconded by Commissioner Ricardo Longoria, Jr., and **carried** by the following vote:

Ayes: Commissioners Troiani, Longoria, Camarillo and Atkinson;

Nays: Mayor Ahumada;

Abstentions: None; *Commissioner Garza had not yet arrived and was not present to vote. Commissioner Cisneros had left the meeting and was not present to vote.*

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Charlie Atkinson, and carried unanimously, Consent Agenda Items “b” through “i” were **approved**.

*ITEMS No. “a” through “i”*

**a) Approval of the Minutes of the Special Meeting of October 30, 2007.**

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

<b><u>Employee</u></b>	<b><u>Department</u></b>	<b><u>Destination</u></b>	<b><u>Date</u></b>
Larry A. Brown	Aviation	Monterrey, Mexico	Dec. 2 – 5, 2007
Michael Jones	Aviation	Monterrey, Mexico	Dec. 2 – 5, 2007
Cesar Garcia	Fire	Houston, TX	Nov. 18 – 21, 2007
Luis Del Angel	Fire	Houston, TX	Nov. 18 – 21, 2007
Cesar Pedraza	Fire	Houston, TX	Nov. 18 – 21, 2007
Jeff Johnston	OEM	San Antonio, TX	Dec. 2 – 7, 2007
Steve Hubanks	Parks	San Antonio, TX	Dec. 16 – 19, 2007
Pedro Vela	Police	San Antonio, TX	Nov. 18 – 21, 2007
Marian Culver-Kingsburg	Police	San Antonio, TX	Nov. 18 – 21, 2007
Eduardo Perez	Police	Rio Rancho Grande, Mexico	Nov. 28 – 30, 2007
Abraham Garcia	Police	San Antonio, TX	Dec. 9 – 11, 2007
David Navarro	Police	San Antonio, TX	Dec. 9 – 11, 2007

Mr. Larry A. Brown, Aviation Director, and Mr. Michael Jones, Business Development Manager, will attend the “*Network Latin America*,” sponsored by OMA and Sabre Airline Solutions, on December 2 – 5, 2007, in Monterrey, N. L., Mexico.

Fire Lieutenant Cesar Garcia, Lieutenant Luis Del Angel, and Lieutenant Cesar Pedraza will attend the “*Texas EMS Conference 2007*,” on November 18 – 21, 2007, in Houston, Texas.

Mr. Jeff Johnston, Director of the Office of Emergency Management, will attend the “*2007 Texas Homeland Security Conference*,” sponsored by the Texas Governor’s Division of Emergency Management, on December 2 – 7, 2007, in San Antonio, Texas.

Mr. Steve Hubanks, Golf Course Superintendent, will attend the “*Texas TurfGrass Association Annual Conference & Show*,” sponsored by the Texas TurfGrass Association, on December 16 – 19, 2007, in San Antonio, Texas.

Police Investigators Pedro Vela and Marian Culver-Kingsbury will attend a “*Public Agency Training Council (PATC) Death and Homicide Investigation Seminar*,” sponsored by the Public Agency Training Council (PATC), on November 18 – 21, 2007, in San Antonio, Texas.

Police Investigator Eduardo Perez will attend an Intelligence Information Meeting between Mexico and bordering Texas Cities, hosted by the Assistant Secretary to the Governor of Coahuila, Mexico, on November 28 – 30, 2007, in Rio Rancho Grande, Coahuila, Mexico.

Police Detectives Abraham Garcia and David Navarro will attend a “*Pre-Interrogation Handwriting Identification Forgery Detection Statement Analysis Course*,” sponsored by the San Antonio Police Department Training Academy, on December 9 – 11, 2007, in San Antonio, Texas.

- c) APPROVAL on SECOND and FINAL READING of Ordinance Number 235-2007-002-SA to allow a Professional Office (1C), Retail (2C), Daycare (1C), Professional Beauty Salon (2C) and a space for Dry Cleaners (2C) in a Dwelling Zoning for Lot 3 Block 1 of Diamond Point II located near Alton Gloor and Tandy Road.**

- d) APPROVAL on SECOND and FINAL READING of Ordinance Number 235-2007-029-S to allow a Specific Use in a Light Retail “G” Classification (auto body shop) for Lot 1 Block 1 out of Ernesto Cortez Subdivision located near FM 511and Prescott Lane.**
- e) APPROVAL on SECOND and FINAL READING of Ordinance Number 235-2007-045 to rezone, from Dwelling “Z” (DZ) to Dwelling “F” (DG) Classification, Lots 13 and 14 Block 16 out of Barreda Gardens Subdivision located near FM 1421 and US 281.**
- f) APPROVAL on SECOND and FINAL READING of Ordinance Number 235-2007-046-S to allow a Light Commercial Specific Use (used auto sales) in a General Retail Classification for Lot 7 Block 6 of East Brownsville Addition Section One Subdivision located near Southmost Road and International Boulevard.**
- g) APPROVAL on SECOND and FINAL READING of Ordinance Number 2007-1481 to extend the Standby Purchase Bond Agreement between the City of Brownsville and Bank of America for Obligations designated as “City of Brownsville Texas Utilities System Subordinate Lien Revenue and Refunding Bonds, Series 2002A and 2002B”.**
- h) APPROVAL on SECOND and FINAL READING of Ordinance Number 2007-1452-B to amend the Code of Ordinances Chapter 328 Signs; Article II. Construction, Maintenance, and Landscaping Specifications and dealing with related matters.**
- i) APPROVAL on SECOND and FINAL READING of Ordinance Number 2007-1070-E to amend Chapter 50-66 of the Code of Ordinances by adopting the 2006 Edition of the International Fire Code as published by the International Code Council, Inc.; regulating and governing the safeguarding of life and property from handling, and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of Brownsville.**

**BOARDS AND COMMISSION APPOINTMENTS:**

**6. Reconsideration and ACTION on the possibility of removing an Airport Advisory Board Member and appointing a replacement.**

Mayor Pat M. Ahumada, Jr., requested that this item be tabled since Commissioner Leonel T. Garza, who had placed item on the agenda, was not present at the meeting.

Upon motion by Commissioner Edward C. Camarillo, seconded by Commissioner Charlie Atkinson and **carried unanimously**, the item was **tabled**.\* *\*This agenda item was re-opened for consideration and action later in the meeting after Commissioner Leonel T. Garza arrived.*

**7. Consideration and ACTION on the possibility of removing a Parks and Recreation Advisory Committee Member(s) and appointing replacement(s).**

Commissioner Charlie Atkinson moved that **Mr. Ricco Holloway** be appointed to replace Mr. Tony Saavedra, **Mr. Mike Jones** to replace Mr. John Patriarca, and **Mr. Sergio Zarate** to replace Mr. Rene Torres, on the Parks and Recreation Advisory Committee.

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

**5. Consideration and ACTION on the possibility of removing a Brownsville Citizens Advisory Committee (BCAC) Board Member and appointing a replacement.**

Mayor Pat M. Ahumada, Jr., asked to have this agenda item reconsidered. He further noted that he received a resignation letter from Ms. Rose Art who was unable to continue serving on the Brownsville Citizens Advisory Committee (BCAC).

Mayor Pat M. Ahumada, Jr., moved that **Reverend Gerald W. Frank** be appointed to the Brownsville Citizens Advisory Committee (BCAC), but **no vote was taken**.

In response to Mr. Victor Maldonado, Homeless Coordinator with the Planning Department, Mayor Ahumada noted that Reverend Gerald W. Frank had submitted his letter of resignation from the Brownsville Housing Authority (BHA) board in order to serve on the BCAC. Mayor Ahumada accepted Reverend Frank's written resignation.

Mayor Pat M. Ahumada, Jr., moved that **Reverend Gerald W. Frank** be appointed to the Brownsville Citizens Advisory Committee (BCAC).

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

Ayes: Mayor Ahumada; Commissioners Camarillo and Atkinson;

Nays: Commissioners Troiani and Longoria;

Abstentions: None; *Commissioner Garza had not yet arrived and was not present to vote.*

*Commissioner Cisneros had left the meeting and was not present to vote.*

---

### ***PUBLIC HEARINGS:***

**8. Public Hearing and ACTION to approve Class "L" Permit Number CL-2007-002, to allow a game arcade at 620 Paredes Line Road, Brownsville, Texas. [TABLED 10/16/2007]**

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

Commissioner Ricardo Longoria, Jr., moved that Class "L" Permit Number CL-2007-002, be **approved** to allow a game arcade at 620 Paredes Line Road, Brownsville, Texas.

The motion was seconded by Commissioner Charlie Atkinson and **carried** by the following vote:

Ayes: Commissioners Atkinson, Longoria, and Troiani;

Nays: Mayor Ahumada and Commissioner Camarillo;

Abstentions: None *Commissioner Garza had not yet arrived and was not present to vote.*

*Commissioner Cisneros had left the meeting and was not present to vote.*

---

***ACTION ITEMS:***

9. **Consideration and ACTION on Resolution Number 2007-061 to permit free parking at all downtown parking meters during the holiday season from Sunday, December 9, 2007 through Monday, December 24, 2007.**

Mr. Peter L. Goodman, Heritage Officer, gave a brief overview of the resolution.

Commissioner Edward C. Camarillo moved that Resolution Number 2007-061 be **approved** to permit free parking at all downtown parking meters during the holiday season from Sunday, December 9, 2007 through Monday, December 24, 2007.

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

10. **Consideration and ACTION on Resolution Number 2007-064 to request financial assistance from the Texas Water Development Board for the easement costs of various improvements to the City's Utility System with the Villa Nueva Colonia Wastewater Improvements Project; authorizing the financial advisors, bond counsel, and engineers to coordinate the submission of the application to the Texas Water Development Board; and other matters in connection therewith.**

Mr. Ben Medina, Director of Planning and Community Development, gave a brief overview of the resolution.

Commissioner Edward C. Camarillo moved that Resolution Number 2007-064, be **approved**, to request financial assistance from the Texas Water Development Board for the easement costs of various improvements to the City's Utility System with the Villa Nueva Colonia Wastewater Improvements Project; authorizing the financial advisors, bond counsel, and engineers to coordinate the submission of the application to the Texas Water Development Board; and other matters in connection therewith.

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

**11. Consideration and ACTION on Resolution Number 2007-065 to authorize the purchase of certain real property described as 23.29 acres out of Lot 5 Block 205 of El Jardin Subdivision and designating signatories for closing.**

Mr. Larry A. Brown, Aviation Director, gave a brief overview of the resolution, and noted a fair market value purchase price of \$315,000.

Commissioner Ricardo Longoria, Jr., moved that Resolution Number 2007-065 be **approved**, to authorize the purchase of certain real property described as 23.29 acres out of Lot 5 Block 205 of El Jardin Subdivision and designating signatories for closing.

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

**12. Consideration and ACTION to approve the use of free lance grant writers for a 5% fee of the amount sought and awarded in conjunction with the City of Brownsville to encourage and enhance City revenues to meet the needs that are not being currently met.**

*Commissioner Leonel T. Garza arrived.*

Commissioner Edward C. Camarillo expressed concerns regarding the use of free lance writers, including the need for background checks, grant compliance, whether the grant writer would commit the City to a grant requiring a financial match. He recommended that the City hire one grant writer, that he/she be submitted to a background check, be funded through the City, and build from there.

Commissioner Ricardo Longoria, Jr., questioned ethical issues regarding payment of a 5% fee, of a grant amount sought and awarded, to a free-lance grant writer.

Mr. Jim Goza, City Attorney, noted that anyone submitting a grant on behalf of the City must have the City of Brownsville's endorsement.

Mr. Charlie Cabler, City Manager, noted that grant monies cannot be used to pay grant writer fees, and that City funds would need to be used.

Mayor Pat M. Ahumada, Jr., moved that the City Manager and City Attorney be authorized to explore the use of free lance writers, check for legality of same, and submit a report in two weeks. The motion **failed** for lack of a second.

Commissioner Anthony P. Troiani moved that the item be **tabled**, but that the City Manager and City Attorney develop criteria to be followed if a grant writer was hired and that procedures be developed regarding the submission of bids. The motion was seconded by Commissioner Edward C. Camarillo and **carried** by the following vote:

Ayes: Mayor Ahumada (*with the instruction that the item be resubmitted in two weeks*), Commissioners Troiani, Camarillo, Longoria, Atkinson, and Garza;

Nays: None;

Abstentions: None. *Commissioner Cisneros had left the meeting and was not present to vote.*

**13. Consideration and ACTION to incorporate a handicap designated area into the proposed Brownsville Sportsplex with the proper park amenities and capital improvements to meet the City's handicap children's needs.**

Mayor Pat M. Ahumada, Jr., noted that certain persons had asked to ensure that a specific area be designated for physically challenged children at the Sports Park.

Commissioner Charlie Atkinson noted that the park would have a *Miracle Field* for physically challenged children and that it would be an area where other children could come together so that no one would be isolated.

Dr. Delina Barrera, Executive Director for the Brownsville Community Improvement Corporation (BCIC), stated that a designated area for physically challenged children was required by law and development of same was already in progress at the Sports Park.

Mayor Pat M. Ahumada, Jr., moved that this item be **tabled indefinitely** since the issue was **already in development** after being approved and discussed by the BCIC Board.

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

*Commissioner Charlie Atkinson stepped out.*

**14. Consideration and ACTION to amend the City budget for expanding the City Animal Shelter for a capacity of 300 pets.**

Mayor Pat Ahumada, Jr., asked that the process to address the need for increased capacity and additional personnel be developed. He instructed the City Manager to look into what other communities the size of Brownsville had in place and if it would be feasible for the City.

Commissioner Edward C. Camarillo noted that the spay/neuter clinic needed to be fully equipped and allowed to begin their work before any expansion of the animal shelter is approved.

Commissioner Anthony P. Troiani noted that, based on his recent experience, the shelter allowed a non-spayed/neutered pet to be adopted with the understanding that the adopting individual or family return to have the pet spayed or neutered.

Commissioner Edward C. Camarillo moved that an amendment to the City budget for expanding the Animal Shelter to a capacity of 300 pets be **tabled**.

The motion was seconded by Commissioner Ricardo Longoria, Jr., but **no vote was taken**.

Mayor Pat M. Ahumada, Jr., moved that the City Manager develop a plan to expand the animal shelter. The motion **failed** for lack of a second.

Commissioner Leonel T. Garza moved that a City budget amendment, for expansion of the Animal Shelter to a capacity of 300 pets, be **tabled**.

The motion was seconded by Commissioner Anthony P. Troiani and **carried** by the following vote:

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

Nays: Mayor Ahumada;

Abstentions: None; *Commissioner Atkinson had stepped out and was not present to vote.*

*Commissioner Cisneros had left the meeting and was not present to vote.*

***PURCHASES/BIDS/CONTRACTS:***

- 15. Consideration and ACTION to approve the Community Development Block Grant (CDBG) Agreement between the City of Brownsville and Cameron Willacy Counties Community Projects (CWCCP).**

Ms. Lucy Garza, Housing Manager of Planning and Community Development, gave a brief overview of the agreement.

Commissioner Ricardo Longoria, Jr., moved that the Community Development Block Grant (CDBG) Agreement between the City of Brownsville and Cameron Willacy Counties Community Projects (CWCCP) be **approved**.

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

- 16. Consideration and ACTION to award a contract to perform a certified power train rebuild and general repair options to D8R Bulldozer for the Public Works Department, Landfill Division.**

Mr. Roberto C. Luna, Interim Purchasing Director, gave a brief overview of the contract.

Commissioner Anthony P. Troiani moved that a contract, in the amount of **\$195,610**, be awarded to **Holt/Caterpillar** of Weslaco, Texas to perform a certified power train rebuild and general repair options to City's 1998 Caterpillar D9R bulldozer.

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

- 17. Consideration and ACTION to award a contract for the purchase of two (2) 2008 year model 14-16 cubic-yard dump trucks for the Public Works Department, Streets Division.**

Mr. Roberto C. Luna, Interim Purchasing Director, gave a brief overview of the contract.

Commissioner Leonel T. Garza moved that a contract in the amount of **\$163,816**, be awarded to **Houston Freightliner/Sterling** of Houston, Texas for, for the purchase of two (2) 2008 model freightliner M2-106 14-16 cubic yard dump trucks as follows:

Two (2) 2008 Model Freightliner M2-106 14-16 cubic yard Dump Trucks (\$81,408 each)	\$162,816
H-GAC administrative fee	<u>\$ 1,000</u>
Total	\$163,816

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

**18. Consideration and ACTION to award a contract for the purchase of one 15-foot flex-wing rotary mower for the Brownsville/South Padre Island International Airport.**

Mr. Roberto C. Luna, Interim Purchasing Director, gave a brief overview of the contract and noted that a budget amendment would need to be submitted by the finance department at the next City Commission meeting.

Commissioner Leonel T. Garza moved that a contract, in the amount of **\$15,925**, be awarded to **H&V Equipment, Inc.** of Progreso, Texas, for the purchase and delivery on one new 15-foot rotary mower attachment.

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

*Commissioner Charlie Atkinson returned.*

**19. Consideration and ACTION to award a contract for operation management services for the Recycling Center of the City of Brownsville.**

Mr. Roberto C. Luna, Interim Purchasing Director, requested authorization to negotiate a service contract with ESD to finalize and have a complete proposal or to table this agenda item. One proposal was received.

Commissioner Edward C. Camarillo moved that this item be **tabled.**

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

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

Nays: Mayor Ahumada;

Abstentions: None

Ms. Marta A. Martinez, owner of Ecological Services and Dispositions (ESD), a recycling business, presented her proposal for a contract between the City and ESD for recycling in Brownsville.

Commissioner Edward C. Camarillo noted that other organizations and businesses pay a per-pound amount for recyclable items and the public would not have that opportunity with ESD if the City awarded all the business to one company, namely ESD.

Mr. Charlie Cabler, City Manager, noted that if ESD were approved they would work out of the City recycling facility and other issues need to be reviewed such as who would pay the facilities' utilities, attend to equipment failure, and maintain the building. Mr. Cabler noted that the City would want to address those issues before a recommendation is made.

---

***DISCUSSION:***

**20. Update on Impact Fees.**

Ms. Genoveva Gomez, Water and Wastewater Director at the Brownsville Public Utilities Board (BPUB), gave a brief update regarding the impact fee required public hearings. She noted that the research data will be complete in December 2007, but would need to be sent to Black & Veatch for their recommendations which were scheduled to be completed by August 2008.

In response to Commissioner Charlie Atkinson, Mr. Jim Goza, City Attorney, stated that a new impact fee, by law, required new public hearings and beginning the process over again because a temporary impact fee had previously been approved. Mr. Goza reviewed the procedures that included the participation of the new Capital Improvement Advisory Committee (CIAC).

Ms. Gomez further noted that there were new members to the CIAC Committee and they would need to be updated on the requirements of the impact fee process. In response to Commissioner Leonel T. Garza, Ms. Gomez stated they would try to expedite the final impact fee recommendation for March 2008 instead of August.

**21. Report on the Capital Improvement Advisory Committee (CIAC) and Impact Fees.**

Mayor Pat M. Ahumada, Jr., announced the Capital Improvement Advisory Committee (CIAC) would meet on November 14, 2007 at the Conference Room on the Fourth Floor of the Brownsville City Hall – Federal Building, located at 1001 East Elizabeth Street, Brownsville, Cameron County, Texas.

**22. Discussion regarding existing smoking ordinance and possible amendments.**

Mayor Pat M. Ahumada, Jr., noted that part of his campaign pledge had been to ban smoking in local restaurants.

Commissioner Charlie Atkinson suggested placing the *No Smoking Ordinance* at the next elections and let the citizens of Brownsville decide whether to ban smoking.

Mr. Jim Goza, City Attorney, noted that City Charter does not allow for referendum elections and to do so would require a Charter amendment election.

Mayor Ahumada suggested that the Charter review committee be contacted to schedule a meeting to consider possible items for amendments. He further noted that a change to the current Charter would be needed, within the allowable time frame.

Mayor Ahumada mentioned the Charter Review Committee had already been activated and members would need to be contacted to evaluate this request.

---

*Upon Mayor Pat M. Ahumada, Jr.'s, request to reconsider agenda item number 6 now that Commissioner Leonel T. Garza was present, Commissioner Ricardo Longoria, Jr., withdrew his motion to adjourn to reconsider motions made on said agenda item.*

---

**6. Reconsideration and ACTION on the possibility of removing an Airport Advisory Board Member and appointing a replacement.**

This agenda item was tabled earlier in the meeting due to Commissioner Leonel T. Garza's absence.

Commissioner Leonel T. Garza moved that **Mr. Ruben Rodriguez** be appointed to the Airport Advisory Board to complete Mr. Ben Douglas' unexpired term of office, and that he be appointed to a new 3-year term.

The motion was seconded by Mayor Pat M. Ahumada, Jr., and **carried unanimously.**

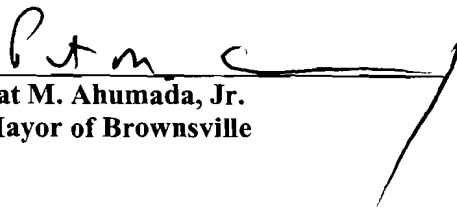
---

**ADJOURNMENT:**


There being no further business to come before the City Commission, the meeting adjourned at 8:28 p.m.

Approved the 4<sup>th</sup> day of December, 2007.



  
Pat M. Ahumada, Jr.  
Mayor of Brownsville

Attest

  
Estela Von Hatten  
City Secretary