

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, October 16, 2007**, at **4:45 P.M., 5:45 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 October 12, 2007:

EXECUTIVE SESSION:

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Carlos A. Cisneros, 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 551.072, of the Texas Government Code, regarding real property.**
 - C) Discussion pursuant to Section 551.076, of the Texas Government Code, regarding security devices.**
-

WORKSHOP:

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

- a) Discussion regarding Ordinance Number 2007-1100.44 amending the City Code to clarify the relationship between the Capital Improvement Advisory Committee (CIAC) and other entities; and dealing with related matters including \$500 penalties.**
-

REGULAR MEETING:

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

The U.S. Pledge of Allegiance was lead by Mayor Pat M. Ahumada, Jr. The Texas Pledge was lead by Commissioner Ricardo Longoria, Jr.

INVOCATION:

The invocation was given by Commissioner Ricardo Longoria, Jr.

1. **PROCLAMATIONS:** *Head Start Awareness Month*
(Mayor Pat M. Ahumada, Jr.)

Mayor Pat M. Ahumada, Jr., asked Ms. Estela Von Hatten, City Secretary, to read a proclamation designating October 2007 as *Head Start Awareness Month*. No one was present to receive the proclamation.

*Southern Pacific Linear Park and
Historic Hike & Bike Trail Week*
(Mayor Pat M. Ahumada, Jr.)

Mayor Pat M. Ahumada, Jr., asked Dr. Delina Barrera, Brownsville Community Improvement Corporation (BCIC) Executive Director, and Mr. Larry A. Brown, Aviation Director, to step forward and accept a proclamation designating October 15 – 22, 2007 as *Southern Pacific Linear Park and Historic Hike and Bike Trail Week*. He noted that the park and trail were completed and kick-off events were scheduled for Wednesday, October 17, 2007. The proclamation was read by Ms. Estela Von Hatten, City Secretary.

BUS Passenger Appreciation Week
(Mayor Pat M. Ahumada, Jr.)

Mayor Pat M. Ahumada, Jr., asked Ms. Norma H. Zamora, BUS Director, Mr. Jose Sosa, and Mr. Julian Olmos Lopez to step forward and accept a proclamation designating October 29 – November 2, 2007 as *BUS Passenger Appreciation Week*. The proclamation was read by Ms. Estela Von Hatten, City Secretary.

16. **Consideration and ACTION to deny access to the Army Corps of Engineers and the U.S. Border Patrol onto any Brownsville Public Utilities Board (BPUB) property.**

Commissioner Charlie Atkinson noted that he would abstain on this agenda item due to personal pending litigation with the U. S. Department of Homeland Security.

Commissioners Ricardo Longoria, Jr., Carlos A. Cisneros, and Anthony P. Troiani raised concerns regarding the City's business relationship with the Army Corps of Engineers on future projects and stated that denying access to the City property would not be in the best interest of the City's relationship with the Army Corps of Engineers.

Mayor Pat M. Ahumada, Jr., expressed concern that the Army Corps of Engineers had begun surveying City property without notice to the City or the City's permission to do so. He stated that he was in favor of allowing access to the Border Patrol.

Mayor Ahumada moved that access to the Army Corps of Engineers and the U.S. Border Patrol onto any City property be denied, including Brownsville Public Utilities Board (BPUB) property, with respect to the proposed construction of the border fence in our area.

The motion **failed** for lack of a second.

15. **Consideration and ACTION to retain an attorney to represent the City of Brownsville in the contemplated litigation regarding the Border Wall.**
14. **Consideration and ACTION to take affirmative action against the furtherance of the Department of Homeland Security's plan to design and construct a dividing wall in the corridor along the Rio Grande River at the U.S. and Mexico Border in the area located in and adjacent to the City of Brownsville, Texas.**

Mayor Pat M. Ahumada, Jr., asked agenda items 15 and 14 be read together as they dealt with the same issue.

With regard to contemplated litigation associated with the border wall, Mr. James R. Goza, City Attorney, noted that in his discussion with Attorneys, Mr. Ramon Garcia, and Mr. Jim Blackburn, the attorneys felt that certain legal avenues were available to the City but that Homeland Security Secretary, Michael Chertoff, had the authority to suspend current statutes in order to proceed with construction of the wall. He further noted that, in Yuma, Arizona, the government had overruled existing statutes.

Commissioners noted that the above referenced attorneys had not provided a packet of information, regarding a contemplated lawsuit, as they had promised.

Mayor Ahumada instructed the City Manager and City Attorney to draft a contract for negotiations with the attorneys, and that a report be presented in two weeks.

Commissioner Edward C. Camarillo noted that the attorneys had indicated that, if they pursued a lawsuit, they would only proceed to the federal level and would not be available to assist with litigation at the Supreme Court level.

All City Commissioners expressed their opposition to the border wall.

Commissioner Ricardo Longoria, Jr., suggested that Mayor Ahumada and the City Manager informally, verbally express the City's position to the federal government regarding the Department of Homeland Security's plan to construct the border wall.

Commissioner Anthony P. Troiani suggested that the City provide formal notice to the Department of Homeland Security noting the City's offense and displeasure regarding unauthorized surveys of City property and the surrounding border area in connection with federal government's proposed construction of the border wall.

Mayor Pat M. Ahumada, Jr., moved that the City Manager, City Attorney, and the BPUB Attorney hold discussions with Attorneys Jim Blackburn and Ramon Garcia to determine how the City would pursue this issue and what is expected from both parties, to determine who would take the lead if the case reached the appeals court, and that they be **authorized** to pursue other options for the City of Brownsville and for the City Attorney to seek a second competent legal counsel who specialized in litigation of this nature.

Commissioner Ricardo Longoria, Jr., noted that City Attorney Jim Goza and City Manager, Charlie Cabler would be sufficient for holding discussions as requested and that the BPUB Attorney did not need to be included.

Mayor Ahumada amended his motion to exclude the BPUB Attorney.

The motion was seconded by Commissioner Leonel T. Garza and **carried** by the following vote:

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

Nays: None;

Abstentions: Commissioner Atkinson.

2. PUBLIC COMMENT PERIOD:

Mr. Sergio Zarate invited the public and City Commissioners to the second annual “*Down by the Border*” children’s festival scheduled for October 27, 2007.

Mr. Roy Gonzalez expressed his opposition against the border fence and noted his approval of the Commission’s action to appoint Mr. Manny Vasquez to replace Mr. Chris Valadez on the Brownsville Public Utilities Board.

Mr. Robert Uresti expressed his opposition to a lawsuit against the federal government in relation to the proposed border wall.

Mr. Fernando Ruiz noted that the issue of the border wall was a constitutional matter that should be addressed in world court, and that the federal government must abide by the United States treaties with Mexico.

22. Consideration and ACTION to award a contract for the purchase and delivery of one (1) E.N.T. Call Box for the Brownsville Police Department.

Mr. Roberto C. Luna, Interim Purchasing Director, noted that the cost for this purchase would be reimbursed 100%. He further noted that the equipment is manufactured and solely distributed by Cellular Systems of California, Inc., and is therefore considered a sole source.

Commissioner Edward C. Camarillo moved that a contract, in the amount of **\$20,390.00**, be awarded to **Cellular Systems of California, Inc.** of Kimball, Nebraska, for the purchase and delivery of one (1) E.N.T. Call Box for use by the Brownsville Police Department.

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

24. Consideration and ACTION to award a contract for the purchase and delivery of one (1) new trailer-mounted diesel generator for the Brownsville Public Library.

Mr. Roberto C. Luna, Interim Purchasing Director, noted that \$50,000 of the cost for this purchase would be reimbursed 100%.

Commissioner Leonel T. Garza moved that a contract, in the amount of **\$69,938.58**, be awarded to **Volvo Construction Equipment & Services** of Houston, Texas, for the purchase and delivery of one (1) new trailer-mounted diesel generator for use by the Brownsville Public Library.

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

25. Consideration and ACTION to award a contract for the purchase and delivery of two (2) new Motorola radio repeaters for the Brownsville Police Department Communications Center.

Mr. Roberto C. Luna, Interim Purchasing Director, noted that the cost for this purchase would be reimbursed 100%.

Commissioner Leonel T. Garza moved that a contract in the amount of **\$43,242.25**, be awarded to **Motorola, Inc.** of San Antonio, Texas, for the purchase and delivery of two (2) new Motorola radio repeaters for use by the Brownsville Police Department Communications Center.

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

23. Consideration and ACTION to award a contract for the purchase and delivery of a rescue support system for the Brownsville Fire Department's Heavy Rescue Team.

21. Consideration and ACTION to award a contract for the purchase of one (1) used hydraulic excavator for the Public Works Department.

Commissioner Leonel T. Garza moved that a contract for the purchase of one (1) used tracked hydraulic excavator for the Public Works Department be awarded to **Holt CAT** of Weslaco, Texas, the lowest responsive bidder, in the amount of **\$77,200**, as follows:

One (1) used tracked hydraulic excavator:

Base bid price	\$66,000
Dealer-offered power train and Hydraulic system extended warranty for 2 additional years or 2,000 hours	<u>\$11,200</u>
Total price:	\$77,200

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

19. Consideration and ACTION to authorize a lease agreement between the City of Brownsville and the Brownsville Affordable Homeownership Corporation (BAHC) for office space.

Mayor Pat M. Ahumada, Jr., noted his objection to a lease agreement between the City of Brownsville and the Brownsville Affordable Homeownership Corporation (BAHC) and stated that the BAHC received City funds for construction of houses and, therefore, should not be housed within a City property as it gives the appearance of impropriety.

Mr. Ben Medina, Director of Planning and Community Development, noted that in years past the Community Development Corporation of Brownsville (CDCB), while contracted with the City for the City's Affordable Housing Program, was housed within the City-owned El Tapiz building.

Commissioner Carlos A. Cisneros moved that a lease agreement between the City of Brownsville and the Brownsville Affordable Homeownership Corporation (BAHC) be **authorized** for office space.

The motion was seconded by Commissioner Edward C. Camarillo and **carried** by the following **6-1-0** vote:

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

Nays: Mayor Ahumada.

Abstention: None

3. 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.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Edward C. Camarillo, and carried unanimously, Consent Agenda Items “a” through “h” were **approved**.

ITEMS No. “a” through “h”

a) Approval of the Minutes of the Regular Meeting of October 2, 2007.

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

<u>Employee</u>	<u>Department</u>	<u>Destination</u>	<u>Date</u>
Thomas F. Logan	BUS	Atlanta, GA	Oct. 22 – 25, 2007
Norma H. Zamora	BUS	Lewisville, TX	Nov. 16 – 17, 2007
Raquel Benavidez	City Attorney	Houston, TX	Nov. 27 – 29, 2007
Ben Nunez	Fire	Austin, TX	Oct. 21 – 26, 2007
Cassandra Teran	Fire	Austin, TX	Oct. 21 – 26, 2007
Edward Marks	Fire	Austin, TX	Oct. 22 – 27, 2007
Leonardo L. Perez	Fire	Washington, D.C.	Oct. 25 – 28, 2007
Juan Hernandez	Police	Austin, TX	Oct. 22 – 26, 2007
Julio Briones	Police	Austin, TX	Oct. 22 – 26, 2007
Daniel DeAnda	Police	Fort Worth, TX	Nov. 4 – 7, 2007
Carlos L. Garcia	Police	Austin, TX	Nov. 6 – 9, 2007
Henry Etheridge	Police	Austin, TX	Nov. 6 – 9, 2007

Mr. Thomas F. Logan, Transit Planner, will attend the “*Federal Transit Administration (FTA) National Transit Database (NTD) Urban (5307 and 5309)*”

Reporting Module Seminar,” sponsored by the Federal Transit Administration (FTA), on October 22 – 25, 2007, in Atlanta, Georgia.

Ms. Norma H. Zamora, BUS Director, will attend the “*Texas Transit Association (TTA) Annual Board Retreat and Strategic Planning Session*,” sponsored by the Texas Transit Association (TTA), on November 16 – 17, 2007, in Lewisville, Texas.

Ms. Raquel Benavidez, Legal Secretary, will attend the “*Basics of Knock-Your-Socks-Off Customer Service*,” sponsored by Padgett-Thompson Seminars, on November 27 – 29, 2007, in Houston, Texas.

Fire Marshal Ben Nuñez and Fire Inspector Cassandra Teran will attend the “*9th Annual Fire Marshal’s Conference*,” sponsored by the Texas Fire Marshals Association, on October 21 – 26, 2007, in Austin, Texas.

Fire Lieutenant Edward Marks will attend the “*ICS 300 and 400 Incident Management Training*,” on October 22 – 27, 2007, in College Station, Texas.

Fire Chief Leonardo L. Perez will attend the “*International Association of Fire Chiefs (IAFC) 2007 Leadership Summit*,” sponsored by the Texas Fire Chiefs Association, on October 25 – 28, 2007, in Washington, D. C.

Police Crime Scene Investigators Juan Hernandez and Julio Briones will attend a “*Texas Department of Public Safety Latent Automated Fingerprint Identification System (AFIS) Training*,” sponsored by the Texas Department of Public Safety, on October 22 – 26, 2007, in Austin, Texas.

Mr. Daniel DeAnda, Firearms Instructor, will attend the “*SIGARMS Armorer Certification – Sig Sauer Pistols Course*,” sponsored by SIGARMS Academy, on November 4 – 7, 2007, in Fort Worth, Texas.

Police Chief Carlos L. Garcia and Lieutenant Henry Etheridge will attend the “*Texas Police Association Police and Fire Civil Service Seminar*,” sponsored by the Texas Police Association, on November 6 – 9, 2007, in Austin, Texas.

- c) **APPROVAL on SECOND and FINAL READING of Ordinance Number 235-2007-605-CU allowing a Conditional Use Permit, to sell off-premise alcohol (wet store), for Lot 18 Block 1 out of Isla De Palmas Subdivision, Section IV, located near Esperanza and Southmost Road.**
- d) **APPROVAL on SECOND and FINAL READING of Ordinance Number 235-2007-606-CU allowing a Conditional Use Permit, to sell on-premise alcohol (wet restaurant and bar), for Lots 5 and 6 Block FF out of Brownsville Land and Improvement Company located near Central Boulevard and North Coria Street.**
- e) **APPROVAL on SECOND and FINAL READING of Ordinance Number 2007-235.70 to consider the repeal of the O51 Overlay District from approximately 17.176 acres out of a 200.34 acre tract known as the Santander Townsite of Barreda Gardens Tract in Share 1 of Espiritu Santo Grant.**
- f) **APPROVAL on SECOND and FINAL READING of Ordinance Number 2007-235.71 to consider the repeal of the O51 Overlay District from approximately 59.66 acres out of a 200.34 acre tract known as the Santander Townsite of Barreda Gardens Tract in Share 1 of Espiritu Santo Grant.**
- g) **APPROVAL on SECOND and FINAL READING of Ordinance Number 2007-235.72 to consider the repeal of the O51 Overlay District from approximately 72.34 acres out of a 200.34 acre tract known as the Santander Townsite of Barreda Gardens Tract in Share 1 of Espiritu Santo Grant.**
- h) **APPROVAL on SECOND and FINAL READING of Ordinance Number 2007-235.73 to consider the repeal of the O51 Overlay District from approximately 5.845 acres out of a 200.34 acre tract known as the Santander Townsite of Barreda Gardens Tract in Share 1 of Espiritu Santo Grant.**

BOARDS AND COMMISSION APPOINTMENTS:

4. Consideration and ACTION to appoint or reappoint citizens to the Brownsville Citizen's Advisory Committee (BCAC). [DISCUSSED 10/02/2007]

Mayor Pat M. Ahumada, Jr., moved that **Mr. Ben Salinas** and **Ms. Rose Art** be appointed to the Brownsville Citizen's Advisory Committee (BCAC).

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

Commissioner Carlos A. Cisneros moved that **Mr. William Anderson** be appointed to the Brownsville Citizen's Advisory Committee.

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

Commissioner Ricardo Longoria, Jr., moved that **Mr. Rick Zayas** and **Ms. Marysol Longoria** be appointed to the Brownsville Citizen's Advisory Committee.

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

Commissioner Leonel T. Garza moved that **Mr. Robert Galindo** be appointed to the Brownsville Citizen's Advisory Committee.

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

Commissioner Charlie Atkinson moved that **Ms. Mary Thomae** and **Ms. Laura Garcia Cackley** be appointed to the Brownsville Citizen's Advisory Committee.

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

5. Consideration and ACTION to appoint or reappoint five (5) members and four (4) alternate members to the Board of Adjustment.

Upon motion by Commissioner Carlos A. Cisneros, seconded by Commissioner Edward C. Camarillo, and **carried unanimously, Mr. Mike Garza** was **appointed** to the Board of Adjustment as an alternate member to replace Mr. Gabriel Garcia

Commissioner Anthony P. Troiani moved that Mr. Eddie Sikes be appointed to the Board of Adjustment. The motion was seconded by Commissioner Carlos A. Cisneros, but no vote was taken because Commissioner Troiani **withdrew** his motion.

Commissioner Anthony P. Troiani moved that appointment of **Mr. Oscar Garcia**, to the Board of Adjustments, be **tabled**.

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

Upon motion by Commissioner Leonel T. Garza, seconded by Commissioner Charlie Atkinson, and **carried unanimously**, **Ms. Joyce Brown** was **appointed** to the Board of Adjustments as an alternate member to replace Mr. Ismael Hinojosa.

Commissioner Carlos A. Cisneros moved that the following members of the Board of Adjustments be **re-appointed**:

Ruben Herrera

Joe Wallace Garcia

Alberto A. Alegria

Ignacio Torteya, III

Richard Zayas

John Kinch (*as alternate member*)

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

PUBLIC HEARINGS:

- 6. Public Hearing and ACTION on FIRST READING of Ordinance Number 2007-1100.44 amending the City Code to clarify the relationship between the Capital Improvement Advisory Committee (CIAC) and other entities; and dealing with related matters including \$500 penalties. [TABLED 10/02/2007]**

Ms. Allison Bastian, City Planner II, reviewed the proposed revisions to the ordinance. The ordinance noted that a newer CIAC was created by City Commission rules on January 3, 2006.

Commissioner Ricardo Longoria, Jr., moved that the CIAC be composed of **seven (7) members**, instead of ten (10), so that **each Commissioner appoints one member** and each Commissioner is represented, and that a quorum would consist of four (4) members present.

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

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

Nays: Mayor Ahumada.

Commissioner Ricardo Longoria, Jr., moved that language reflecting that the **CIAC may choose their Chairperson from within**, be included in the revisions.

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

Commissioner Carlos A. Cisneros suggested that each Commissioner appoint one member to the CIAC so that each Commissioner has a representative on the CIAC.

Commissioner Anthony P. Troiani moved that language in Section 314-21 (j), stating that **a super majority vote be required to adopt and enforce CIAC rules**, be left as is. The motion was seconded by Commissioner Ricardo Longoria, Jr., and **carried unanimously**.

Commissioner Anthony P. Troiani moved that language regarding that the City's extra-territorial jurisdiction (**ETJ requirement**), as described in Section 300-29(b)(1), be left as is.

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

Commissioner Anthony P. Troiani moved that Section 300-37 be revised to state that the **City Commission would adopt the rules for the CIAC's** efficient transaction of business.

The motion was seconded by Commissioner Leonel T. Garza and **carried by the following 6-1-0 vote:**

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

Nay: Mayor Ahumada;

Abstain: None.

Upon motion by Commissioner Anthony P. Troiani, seconded by Commissioner Charlie Atkinson, and **carried unanimously, Pastor Victor Alvarez** was **appointed** as the City's extra-territorial jurisdiction (**ETJ**) **member** to the Capital Improvement Advisory Committee (CIAC).

Upon motion by Commissioner Charlie Atkinson, seconded by Commissioner Carlos A. Cisneros, and **carried unanimously, Mr. David Betancourt** was **appointed** to the CIAC Committee.

Upon motion by Commissioner Leonel T. Garza, seconded by Commissioner Carlos A. Cisneros, and **carried unanimously, Ms. Karen Ballard** was **appointed** to the CIAC Committee.

Mayor Pat M. Ahumada, Jr., moved to **appoint himself** to the CIAC Committee as the Brownsville Public Utilities Board (BPUB) appointment.

The motion was seconded by Commissioner Charlie Atkinson, and **failed** by the following **2-5-0 vote:**

Ayes: Mayor Ahumada and Commissioner Atkinson;

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

Abstain: None.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Edward C. Camarillo, and **carried unanimously**, **Ms. Nora Pompa** was **appointed** to the CIAC Committee.

Upon motion by Commissioner Carlos A. Cisneros, seconded by Commissioner Anthony P. Troiani, and **carried unanimously**, **Mr. Rick Zayas** was **appointed** to the CIAC Committee.

Upon motion by Commissioner Edward C. Camarillo, seconded by Commissioner Anthony P. Troiani, and **carried unanimously**, **Mr. Mark Esparza** was **appointed** to the CIAC Committee.

Commissioner Charlie Atkinson moved that **Ms. Lee Ann Greer** be **appointed** to the CIAC Committee.

The motion was seconded by Commissioner Edward C. Camarillo, and **carried** by the following **6-0-0** vote:

Ayes: Mayor Ahumada, Commissioners Troiani, Atkinson, Garza, Longoria, Cisneros, and Camarillo;
Nays: None;
Abstain: None

Upon Mr. Ben Medina's review of the revisions to the Ordinance, Mayor Ahumada noted that he would change his vote from "nay" to a "yea", on **Section 300-37** that stated that the **City Commission would adopt the rules for the CIAC's** efficient transaction of business, the motion thus passed on the following **7-0-0** vote:

Ayes: Mayor Ahumada, Commissioners Troiani, Atkinson, Garza, Longoria, Cisneros, and Camarillo;
Nays: None.

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

Commissioner Ricardo Longoria, Jr., moved that Ordinance Number 2007-1100.44 be **approved** on first reading, with revisions as stated.

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

7. Public Hearing and ACTION on FIRST 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. [TABLED 09/04/2007]

Mr. Ben Medina, Jr., Director of Planning and Community Development, reviewed the eighteen (18) recommended restrictions to Ordinance Number 235-2007-002-SA that the neighborhood and the owner agreed to.

Ms. Judy King, area resident, expressed her concern over whether there would be square footage reserved for professional office space.

Mr. Roberto Ruiz, Architect, and Ms. Argelia Miller spoke in favor of the proposed ordinance as a Specific Use.

Upon motion by Commissioner Charlie Atkinson, seconded by Commissioner Edward C. Camarillo, and **carried unanimously**, the public hearing was **closed**.

Commissioner Edward C. Camarillo moved that Ordinance Number 235-2007-002-SA be approved **as a Specific Use** at first reading.

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

8. Public Hearing and ACTION on FIRST 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.

Mr. Ben Medina, Jr., Director of Planning and Community Development, noted the Planning and Zoning Commission’s recommendation for approval of the proposed ordinance.

Mr. Oscar Gonzalez, who resided next door to the auto body shop, expressed his concern regarding the shop's over spraying, the vehicle paint blowing into his yard, and damage to his vehicles. Mr. Gonzalez also noted his support for the ordinance only if the auto body shop would remain in compliance. Commissioners assured Mr. Gonzalez that the body shop owner could be fined and/or closed down if vehicle painting was not done indoors.

Upon motion by Commissioner Charlie Atkinson, seconded by Commissioner Carlos A. Cisneros, and carried unanimously, the public hearing was **closed**.

Commissioner Edward C. Camarillo moved that Ordinance Number 235-2007-029-S be **approved** at first reading.

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

9. Public Hearing and ACTION on FIRST 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.

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

Mr. Ariel Chavez, Engineer representing the owner, spoke in favor of the ordinance.

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 235-2007-045 be **approved** at first reading.

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

10. Public Hearing and ACTION on FIRST 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.

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

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

Commissioner Ricardo Longoria, Jr., moved that Ordinance Number 235-2007-046-S be **approved** at first reading.

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

11. 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)

Mr. Ben Medina, Jr., Director of Planning and Community Development, noted that the game arcade would consist of eighty (80) machines, 3 employees, and no alcoholic beverages would be served or sold.

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

Commissioner Charlie Atkinson moved that action on this item be **tabled**.

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

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

Nays: Commissioner Longoria.

ACTION ITEMS:

12. Consideration and ACTION on Resolution Number 2007-057 to support an application for a Municipal Setting Designation (MSD) for 1900 Billy Mitchell Boulevard.

Mr. Larry A. Brown, Aviation Director, gave a brief overview of the resolution requesting a Municipal Setting Designation (MSD) district at the Brownsville South Padre Island International Airport. Mr. Brown further noted that the City of Brownsville is the property owner and, as such, could restrict use of underground land, since potable water is available.

Commissioner Edward C. Camarillo moved that Resolution Number 2007-057, be **approved**, supporting an application for a Municipal Setting Designation (MSD) for 1900 Billy Mitchell Boulevard.

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

13. Consideration and ACTION on Resolution Number 2007-058 consenting to the condemnation of a property needed for the construction of the Brownsville Urban System Multimodal Terminal Project.

Ms. Norma H. Zamora, BUS Director, briefly reviewed the proposed resolution

Commissioner Ricardo Longoria, Jr., moved that Resolution Number 2007-058 be **approved**, consenting to the condemnation of a property needed for the construction of the Brownsville Urban System Multimodal Terminal Project.

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

17. Consideration and ACTION to continue funding the City of Brownsville's share of the Valley Air Care Project.

Fire Chief Leonardo L. Perez introduced Mr. Bill Ashton and Mr. Rene Perez of the Valley Air Care Helicopter Project. Chief Perez noted that the City of Brownsville's share for the Emergency Helicopter Medevac Services was \$27,428.00.

Commissioner Charlie Atkinson moved that continuation of funding for the City of Brownsville's share of the Valley Air Care Project, in the amount of **\$27,428.00**, be **approved**.

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

PURCHASES/BIDS/CONTRACTS:

18. Consideration and ACTION to authorize a Mutual Aid Agreement between the City of Brownsville and the City of Port Isabel EMS to provide ambulance services.

Fire Chief Leonardo L. Perez gave a brief overview of the agreement noting that approval of the agreement would be mutually beneficial to medical patients in Port Isabel and in Brownsville, Texas.

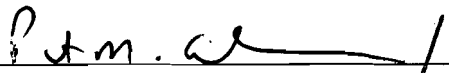
Commissioner Leonel T. Garza moved that a Mutual Aid Agreement between the City of Brownsville and the City of Port Isabel EMS be **authorized** to provide ambulance services as stated.

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


ADJOURNMENT:

There being no further business to come before the City Commission, the meeting adjourned at 8:18 p.m.

Approved the 30th day of October, 2007.


Pat M. Ahumada, Jr.
Mayor of Brownsville

Attest


Estela Von Hatten
City Secretary



(corrections requested on October 30, 2007 are included).