

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, October 30, 2007, at 5:00 P.M., 5:50 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 26, 2007:

EXECUTIVE SESSION:

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

- A) Discussion pursuant to Section 551.087 and Section 551.072, of the Texas Government Code, regarding economic development and real property.**
 - B) Discussion pursuant to Section 551.072, of the Texas Government Code, regarding real property.**
 - C) Discussion pursuant to Section 551.071, of the Texas Government Code, regarding pending litigation styled Lamar Texas Limited Partnership v. the City of Brownsville, Texas.**
 - D) Discussion pursuant to Section 551.071, of the Texas Government Code, regarding Emmanuel Vasquez v. Brownsville Public Utilities Board, et. al.**
 - E) Discussion pursuant to Section 551.072, of the Texas Government Code, regarding real property.**
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WORKSHOP:

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

- a) Discussion regarding the proposed Flor de Mayo Bridge.**
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SPECIAL MEETING:

PLEDGE OF ALLEGIANCE: UNITED STATES PLEDGE * TEXAS PLEDGE

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

INVOCATION:

The invocation was given by Thomas Carrubba, Pastor of Assembly of God of Brownsville, Texas.

4. **CONSENT AGENDA ITEMS:**

All consent Agenda Items listed were considered to be routine by the City Commission and were approved as follows:

Mayor Pat M. Ahumada, Jr., requested that Consent Agenda Item (a) be set aside as he had additions to the minutes.

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

Mayor Pat M. Ahumada, Jr., requested the following corrections to the Minutes of October 16, 2007:

- Item No. 14 and 15 Note that Mayor Ahumada had asked that the BPUB attorney be included to participate but was denied.
- Item No. 19 Note Mayor Ahumada’s comments regarding a lease agreement between the City of Brownsville and the Brownsville Affordable Housing Corporation.
- Item No. 6 Clarify that 7 members to the CIAC Committee, one appointment by each member of the City Commission; Note that Mayor Ahumada had abstained on Ms. Lee Ann Greer’s appointment to the CIAC.

Mayor Pat M. Ahumada, Jr., moved that Consent Agenda Item “a”, Minutes of the Regular Meeting of October 16, 2007 be approved with the stated corrections.

Commissioner Ricardo Longoria, Jr., seconded the motion, subject to the City Secretary listening to the meeting video to determine if Mayor Ahumada had abstained on Ms. Lee Ann Greer’s appointment. The motion **carried unanimously.**

ITEMS No. “a” through “c”

- a) Approval of the Minutes of the Regular Meeting of October 16, 2007.**

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

Employee	Department	Destination	Date
Nayade Garza	City Secretary	Austin, TX	Dec. 8 – 11, 2007
Viviana Montana	City Secretary	Austin, TX	Dec. 8 – 11, 2007
Pete Gonzalez	Finance	San Antonio, TX	Dec. 5 – 7, 2007
Joseph Horn	Fire	Dallas, TX	Nov. 5 – 6, 2007
Esther Garza	Fire	Dallas, TX	Nov. 5 – 6, 2007
Natividad Trejo	Fire	Houston, TX	Nov. 18 – 21, 2007
Javier Quiroga	Fire	Houston, TX	Nov. 18 – 21, 2007
Esther Garza	Fire	Houston, TX	Nov. 18 – 21, 2007
R. Joe Ybarra	Fire	Houston, TX	Nov. 18 – 21, 2007
Jerry Hedgecock	Library	San Antonio, TX	Nov. 11 – 15, 2007
James McCoy	Library	San Antonio, TX	Nov. 11 – 15, 2007
Hiram Pena	Library	San Antonio, TX	Nov. 11 – 15, 2007
Corinna Chapa	Library	San Antonio, TX	Nov. 11 – 15, 2007
Phil A. Bellamy	Municipal Court	Austin, TX	Nov. 13 – 16, 2007
Ben Neece	Municipal Court	Austin, TX	Nov. 13 – 16, 2007
Mark Lund	Planning	Austin, TX	Nov. 15, 2007
Alfonso Vallejo	Planning	Austin, TX	Nov. 14, 2007
David DeLeon	Police	Orlando, FL	Nov. 5 – 8, 2007

Ms. Nayade Garza, Vital Statistics Supervisor, and Ms. Viviana Montana, Administrative Technician I, will attend the “53rd Annual Texas Vital Statistics Conference,” sponsored by the Texas Department of State Health Services, on December 8 – 11, 2007, in Austin, Texas.

Mr. Pete Gonzalez, Finance Director, will attend the “Public Funds Investment Act Workshop Seminar,” sponsored by the Texas Municipal League (TML), on December 5 – 7, 2007, in San Antonio, Texas.

Mr. Joseph Horn, Deputy Chief, and Ms. Esther Garza, EMS Billing Supervisor, will attend the “Medicare Audit Seminar,” sponsored by MPBEE – Medicare Part B Enrollment Experts, on November 5 – 6, 2007, in Dallas, Texas.

Fire Captain Natividad Trejo, Lieutenant Javier Quiroga, Ms. Esther Garza, EMS Billing Supervisor, and Dr. R. Joe Ybarra, Medical Director, will attend the “2007 Texas EMS Conference,” sponsored by the Texas Department of State Health Services, on November 18 – 21, 2007, in Houston, Texas.

Mr. Jerry Hedgecock, Public Information Services Director, Mr. James McCoy, Assistant Public Information Services Director, Mr. Hiram Pena, Automation Technologist, and Ms. Corinna Chapa, Technical Services Supervisor, will attend the “2007 Library Solution Annual Conference (LiSA),” sponsored by the Library Solution Annual Conference (LiSA), on November 11 – 15, 2007, in San Antonio, Texas.

Mr. Phil A. Bellamy, Associate Judge, will attend the “12-Hour Regional Judges Conference,” sponsored by the Texas Municipal Courts Education Center, on November 13 – 16, 2007, in Austin, Texas.

Mr. Ben R. Neece, Presiding Judge, will attend the “12-Hour Regional Judges Conference,” sponsored by the Texas Municipal Courts Education Center, on November 13 – 16, 2007, in Austin, Texas.

Mr. Mark Lund, MPO Director, will attend the “Texas Metropolitan Planning Organization (TEMPO) Workshop,” sponsored by the Texas Department of Transportation (TxDOT), on November 15, 2007, in Austin, Texas.

Mr. Alfonso Vallejo, MPO Transportation Planner, will attend the “Waco MPO Scenario Planning Workshop,” sponsored by the Texas Department of Transportation (TxDOT), on November 14, 2007, in Austin, Texas.

Police Investigator David De Leon will attend a “Texas Tactical Police Officers’ Association (TTPOA) National Special Weapons and Tactics (SWAT) Competition,” sponsored by the Texas Tactical Police Officers’ Association (TTPOA), on November 5 – 8, 2007, in Orlando, Florida.

- c) APPROVAL on SECOND and FINAL 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.**

BOARDS AND COMMISSION APPOINTMENTS:

5. Consideration and ACTION to appoint or reappoint one (1) member to the Board of Adjustment. [TABLED 10/16/2007]

Commissioner Edward C. Camarillo moved that **Mr. Oscar Garcia** be re-appointed to the Board of Adjustment.

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

6. Consideration and ACTION to appoint or reappoint two (2) members to the Transit Advisory Board.

Ms. Norma H. Zamora, BUS Director, noted that the Transit Advisory Committee (TAC) elected to reduce its committee to seven members due to attendance issues. She further noted that Ms. Celia Campana and Ms. Lee Lopez were no longer able to serve on the committee due to schedule conflicts.

Commissioner Carlos A. Cisneros moved that **Mr. Mark Maddy** and **Ms. Sylvia Berry** be re-appointed to the Transit Advisory Committee.

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

7. Consideration and ACTION to appoint or reappoint one (1) member to the Airport Advisory Board.

Commissioner Leonel T. Garza moved that **Mr. Ruben Rodriguez** be appointed to the Airport Advisory Board.

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

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

Commissioner Charlie Atkinson moved that **Mr. Ramon Hinojosa** be appointed to the Brownsville Public Utilities Board (BPUB).

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

Ayes: Commissioners Atkinson and Garza, Mayor Ahumada (*“subject to legal opinion”*);

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

Abstentions: None.

Mr. Jim Goza, City Attorney, clarified the terms of office for the PUB Board.

Mayor Pat M. Ahumada, Jr., asked Mr. Jon Schmid, PUB Attorney, to step forward and give his legal opinion.

Mr. Jon Schmid asked the City Commission to examine the language of the Charter that states BPUB can appoint their board members.

Commissioner Leonel T. Garza moved that **Dr. Joseph Zavaletta** be re-appointed to the Brownsville Public Utilities Board (BPUB).

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

Ayes: Mayor Ahumada, Commissioners Garza and Atkinson;

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

Abstentions: None.

Commissioner Carlos A. Cisneros moved that **Mr. Arturo Farias** be appointed to the Brownsville Public Utilities Board (BPUB) to replace Dr. Joseph Zavaletta.

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

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

Nays: Mayor Ahumada and Commissioner Garza;

Abstentions: None.

PUBLIC HEARINGS:

9. **Public Hearing and ACTION on FIRST 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”.**

Mr. Leandro Garcia, Chief Financial Officer for the Brownsville Public Utilities Board (BPUB), gave a brief overview of the ordinance.

In response to Commissioner Ricardo Longoria, Jr., Mr. Garcia noted that the financial advisors, Estrada & Hinojosa, concurred with their request to extend the Standby Purchase Bond Agreement between the City of Brownsville and Bank of America.

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 2007-1481 be **approved** at first reading.

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

10. **Public Hearing and ACTION on FIRST 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.**

Mayor Pat M. Ahumada, Jr., moved that Ordinance Number 2007-1452-B be **tabled** as requested by the Brownsville Beautification Committee.

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

Ayes: Mayor Ahumada, Commissioners Camarillo and Garza;

Nays: Commissioners Longoria, Cisneros, Atkinson and Troiani;

Abstentions: None.

Mr. Evaristo Gamez, Building Inspections Director, noted the addition of the “60 days before the election” restriction to the signs ordinance.

Mr. Leland Salinger expressed his concerns regarding the sign ordinance and suggested that the ordinance should include a language stating that a “*candidate must have applied and been accepted*”, before any signs could be posted.

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 that Ordinance Number 2007-1452-B be **approved** at first reading.

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

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

Nays: Commissioner Camarillo;

Abstentions: None.

11. Public Hearing and ACTION on FIRST 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.

Fire Chief Leonardo L. Perez gave a brief overview of the ordinance and recommended that fire codes be upgraded.

Upon motion by Commissioner Anthony P. Troiani, seconded by Commissioner Charlie Atkinson, and carried unanimously, the public hearing was **closed**.

Commissioner Charlie Atkinson moved that Ordinance Number 2007-1070-E be **approved** at first reading.

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

ACTION ITEMS:

12. Consideration and ACTION authorizing City Manager to undertake settlement negotiations in the case styled “Lamar Texas Limited Partnership v. the City of Brownsville, Texas”.

Commissioner Charlie Atkinson moved to **authorize** the City Manager and City Attorney to undertake settlement negotiations in the case styled *Lamar Texas Limited Partnership v. the City of Brownsville, Texas*.

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

13. Consideration and ACTION regarding litigation styled Emmanuel Vasquez v. Brownsville Public Utilities Board, et. al.

Commissioner Anthony P. Troiani moved that the City’s oversight responsibility of BPUB be acknowledged, that financial information and pricing information, related to municipal versus commercial rates, be provided by BPUB as the Commission had previously requested.

The motion was seconded by Commissioner Edward C. Camarillo and **failed** because **no vote was taken**.

Mr. Jim Goza, City Attorney, advised the Commission to wait until ongoing litigation is completed.

Commissioner Leonel T. Garza moved that the City’s oversight responsibility of the Brownsville Public Utilities Board (BPUB) be **acknowledged**. The motion was not seconded.

Commissioner Anthony P. Troiani repeated his motion that the City’s oversight responsibility of BPUB be acknowledged.

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

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

Nays: None;

Abstention: Mayor Ahumada. He noted that he abstained because the City Charter addressed the issue of oversight.

14. Consideration and ACTION on Resolution Number 2007-059 to authorize City Staff to pursue a new corporation application membership (charter) with the Boys and Girls Clubs of America (BGCA).

Mr. Chris Patterson, Parks and Recreation Manager, gave a brief overview of the resolution.

Upon motion by Commissioner Leonel T. Garza, seconded by Commissioner Edward C. Camarillo, and carried unanimously, Resolution Number 2007-059 was **approved**, authorizing City Staff to pursue a new corporation application membership (charter) with the Boys and Girls Clubs of America (BGCA).

15. Consideration and ACTION on Resolution Number 2007-060 to authorize the submittal of funding applications to Brownsville Community Improvement Corporation (BCIC) for quality of life projects for Fiscal Year 2008.

Mr. Chris Patterson, Parks and Recreation Manager, gave a brief overview of the resolution.

Commissioner Ricardo Longoria, Jr., moved to **approve** Resolution Number 2007-060 authorizing the submittal of funding applications to Brownsville Community Improvement Corporation (BCIC) for quality of life projects for Fiscal Year 2008.

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

19. Consideration and ACTION for the City of Brownsville to enter into a contract with Cameron County Emergency Service District No. 1 to furnish ambulance and emergency medical services to the unincorporated area of Cameron County designated by Zone Number 1 on the official Fire Protection Service Zone Map of the CCESD No. 1.

20. Consideration and ACTION for the City of Brownsville to enter into a contract with Cameron County Emergency Service District No. 1 to furnish fire fighting services to the unincorporated area of Cameron County designated by Zone Number 1 on the official Fire Protection Service Zone Map of the CCESD No. 1.

Mayor Pat M. Ahumada, Jr., requested that items 19 and 20 be read together.

Fire Chief Leonardo L. Perez noted the District would pay a sum of **\$273,089.80** per year for firefighting services and **\$206,282.69** per year for ambulance and emergency medical services.

Commissioner Charlie Atkinson moved that both agenda items 19 and 20 be **approved**; entering into a contract with Cameron County Emergency Service District (CCESD) Number 1 to furnish ambulance, emergency medical services, and firefighting services to the unincorporated area of Cameron County designated by Zone Number 1 on the official Fire Protection Service Zone Map of the CCESD No. 1.

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

21. Consideration and ACTION to award a term contract for software maintenance and technical support for Public Safety Information System for the Brownsville Fire Department.

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

Commissioner Ricardo Longoria, Jr., moved that a term contract in the amount of **\$18,090**, be awarded to **Spillman Technologies, Inc.** of Logan, Utah, for software maintenance and technical support for the Public Safety Information System at the Brownsville Fire Department.

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

22. Consideration and ACTION to award a term contract for software maintenance and technical support for Public Safety Information System for the Brownsville Police Department.

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

Commissioner Ricardo Longoria, Jr. moved that a term contract, in the amount of **\$83,645**, be awarded to **Spillman Technologies, Inc.** of Logan, Utah, for software maintenance and technical support for the Public Safety Information System at the Brownsville Police Department.

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

16. Consideration and ACTION on Resolution Number 2007-062 to authorize the submittal of a funding application to Brownsville Community Improvement Corporation (BCIC) for Fiscal Year 2008 for the Pet Park Project. (TABLED)

Upon motion by Commissioner Carlos A. Cisneros, seconded by Commissioner Leonel T. Garza, and carried unanimously, Resolution Number 2007-062 was **tabled.**

17. Consideration and ACTION on Resolution Number 2007-063 supporting the Texas Border Radio Communications System Plan.

Mr. Jeff Johnston, Director of the Office of Emergency Management, noted the addition of item “f” to the resolution:

f. will include a financial commitment from as yet unidentified funds, to a level consistent with the regional and multi-jurisdictional nature of this project.

Commissioner Carlos A. Cisneros moved that Resolution Number 2007-063 be **approved**, including the addition of item “f”.

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

PURCHASES/BIDS/CONTRACTS:

18. Consideration and ACTION on a Memorandum of Understanding between the City of Brownsville and Brownsville International Air Cargo Inc. for the establishment and operation of a dual customs pre clearance facility at the Brownsville/South Padre International Airport.

Mr. Larry A. Brown, Aviation Director, recommended approval.

Commissioner Anthony P. Troiani moved that a Memorandum of Understanding, between the City of Brownsville and Brownsville International Air Cargo Inc., be **approved** for the establishment and operation of a dual customs pre clearance facility at the Brownsville/South Padre International Airport.

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.

ADJOURNMENT:


There being no further business to come before the City Commission, the meeting adjourned at 7:50 p.m.

Approved the 13th day of November 2007.




Pat M. Ahumada, Jr.
Mayor of Brownsville

Attest


Estela Von Hatten
City Secretary