

THE STATE OF TEXAS §
CITY OF BROWNSVILLE §
COUNTY OF CAMERON §

Anthony P. Troiani, At-large Commissioner “A”
Ricardo Longoria, Jr., District Commissioner 1
Carlos A. Cisneros, District Commissioner 3

Leonel T. Garza, At-large Commissioner “B”
Charlie Atkinson, District Commissioner 2
Edward C. Camarillo, District Commissioner 4

Pat M. Ahumada, Jr., Mayor

**NOTICE OF PUBLIC MEETING OF THE
CITY COMMISSION OF THE CITY OF BROWNSVILLE**

Pursuant to Chapter 551, Title 5 of the Texas Government Code, the Texas Open Meetings Act, notice is hereby given that the City Commission of the City of Brownsville, Texas, in accordance with Article V, Section 12, of the Charter of said City, will convene a **Workshop an Executive Session and Regular Meeting**, on **Tuesday, October 21, 2008** at **4:55 P.M., 5:30 P.M** and **6:00 P.M.** 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, 78520.

WORKSHOP: 5:00 P.M.

- a) Discussion regarding proposed West Loop (toll road). (Commissioner Camarillo – 20 min)
- b) Discussion regarding Farmers Market. (Commissioner Camarillo – 10 min.)

EXECUTIVE SESSION: 5:30 P.M.

- A) Discussion pursuant to Section 551.086, of the Texas Government Code, regarding a meeting concerning municipally owned utilities. (John E. Chosy – Asst. City Attorney – 10 min.)
- B) Discussion pursuant to Section 551.087 of the Texas Government Code regarding economic development. (John E. Chosy – Asst. City Attorney – 10 min.)
- C) Discussion pursuant to Section 551.074, of the Texas Government Code, concerning the evaluation of the City Attorney of the City of Brownsville. (Commission – 10 min.)

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REGULAR MEETING: 6:00 P.M.

PLEDGE OF ALLEGIANCE: UNITED STATES PLEDGE * TEXAS PLEDGE

INVOCATION:

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ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION:

B) ACTION authorizing City Manager to execute a Fourth Implementation Agreement to the Memorandum of Understanding pertaining to Historic Downtown Brownsville. (John E. Chosy – Asst. City Attorney)

1. COMMISSIONERS' REPORTS ***Weir Project update
Status Report on Border Wall
(Commissioner Troiani)***

2. PROCLAMATIONS: ***Brownsville Independent School District
(City Commission)***

***Brownsville Independent School District
Board
(City Commission)***

***B.I.S.D. Superintendent –
Hector Gonzalez
(City Commission)***

3. CONSENT AGENDA ITEMS:

All consent Agenda Items listed are considered to be routine by the City Commission and will be approved by one motion. There will be no separate discussion of these items unless a City Commissioner so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.

ITEMS No. "a" through "i"

- a) Approval of the Minutes of the Special Meeting of September 09, 2008.**
- b) Approval of the Minutes of the Special Meeting of September 30, 2008.**
- c) Approval of the Minutes of the Regular Meeting of October 07, 2008.**

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

<u>Employee</u>	<u>Department</u>	<u>Destination</u>	<u>Date</u>
Jeff Johnston	B.O.E.M.H.S.	Austin, TX	Oct. 30-31, 2008
Rochelle M. Garza	BUS	Corpus Christi, TX	Oct. 28, 2008
John M. Rodriguez	BUS	Corpus Christi, TX	Oct. 28, 2008
Nayade Garza	City Secretary	Austin, TX	Dec 09-12, 2008
Viviana Montana	City Secretary	Austin, TX	Dec 09-12, 2008
Pete Gonzalez	Finance	San Antonio, TX	Oct. 28-31, 2008
Leonardo L. Perez	Fire	San Antonio, TX	Oct. 27-31, 2008
Ben Nunez	Fire	Austin, TX	Oct. 18-24, 2008
Ben R. Neece	Municipal Court	Austin, TX	Nov 05-07, 2008
Skip Keller	Parks	Osceola County, FL	Nov 17-21, 2008
Venustiano Martinez	Parks	Kissimmee, FL	Nov 17-21, 2008
Andres Trevino	Police	San Antonio, TX	Nov 09-14, 2008
Reynaldo Ybarra	Police	San Antonio, TX	Nov 09-14, 2008
Carlos L. Garcia	Police	Austin, TX	Oct. 26-29, 2008
Carlos L. Garcia	Police	Austin, TX	Oct. 19-20, 2008

e) APPROVAL on SECOND and FINAL READING of Ordinance Number 235-2008-055 to rezone from Dwelling “Z” (DZ) to Light Retail “G” (2CG) for lot 1 thru 4 of Naranjo Vista Addition located near Anacua Street and Expressway 77/83. (Ben Medina, Jr. – Planning)

f) APPROVAL on SECOND and FINAL READING of Ordinance Number 235-2008-055-S to allow a General Retail Specific Use (Tortilleria Factory 4C) in Light Retail (2CG) for Lot 1 thru 4 of Naranjo Vista Addition located near Anacua Street and Expressway 77/83. (Ben Medina, Jr. – Planning)

g) APPROVAL on SECOND and FINAL READING of Ordinance Number 2008-919-H an ordinance amending Chapter 10, Wreckers, of the Code of Ordinances, Section 110-128, to increase the rates for collision haul and removal of debris on non-consensual tows. (Robert Esparza – Traffic)

h) APPROVAL on SECOND and FINAL READING of Ordinance Number 2008-1499 amending Chapter 348 Zoning, Article VIII, Section 348-1419, Fees, of the Code of Ordinances by adding certain fees and dealing with related matter. (Commissioners Atkinson/ Cisneros)

i) APPROVAL on SECOND and FINAL READING of Ordinance Number 2008-235.78 amending the Code of Ordinances, Chapter 316, Article II, Mobile Home Parks, by adding Section 316-69(a), Special Use Permit, amending Section 316-145, Additional Land Uses, and dealing with related matters. (Commissioners Atkinson/Cisneros)

BOARDS AND COMMISSIONS:

4. Consideration and **ACTION** to appoint one (1) member to the Greater Brownsville Incentives Corporation (GBIC).(Ben Medina, Jr. – Planning)
5. Consideration and **ACTION** to appoint one (1) member to the Brownsville Beautification Committee. (Skip Keller – Parks & Recreation)

PUBLIC HEARINGS:

6. Public Hearing and **ACTION** on **FIRST READING of Ordinance Number 235-2008-057** to consider the rezoning of Block 6 of the Virginia Heights Industrial Subdivision, Block 4 of the Virginia Heights Industrial Resubdivision, and Blocks 1 and 2 of the Villa Verde Subdivision from First Manufacturing “J” (1MJ) to Dwelling “H” (DH) so that the zoning is consistent with the actual land use. (Ben Medina, Jr. – Planning)
7. Public Hearing and **ACTION** on **FIRST READING of Ordinance Number 235-2008-058** to consider the rezoning of Blocks 138 and 127 of the Original Brownsville Township Site located near the intersections of E. Madison St. and 6th Streets from Seventh Commercial “H” (7CJ) to Fourth Commercial “J” (4CJ) so that the zoning designation is consistent with the dominant land uses of the surrounding area and so that new development is compatible with the adjacent Historic City Cemetery. (Ben Medina, Jr. – Planning)
8. Public Hearing and **ACTION** on **FIRST READING on Ordinance Number 235-2008-059** to consider the rezoning of the lands under the U.S. 77 Viaduct between E. 6th St. and E, 12th St from First Manufacturing “J” (1MJ) to Fourth Commercial “J” (4CJ) so that the zoning of the said parcels are consistent with the surrounding land uses. (Ben Medina, Jr. – Planning)

9. Public Hearing and **ACTION** on **FIRST READING** on **Ordinance Number 235-2008-061** to rezone from Dwelling “G” (DG) to Light Retail “G” (2CG), Tract 2 of La Coma Unsubdivided land, located at 735 Milpa Verde. (Ben Medina, Jr. – Planning)
10. Public Hearing and **ACTION** on **FIRST READING** on **Ordinance Number 235-2008-062** to rezone from Dwelling “Z” (DZ) to Light Industrial “G” (7cg), 1.69 acres out of Block 213 of El Jardin Resubdivision, located at Frontage Road and Vermillion Avenue. (Ben Medina, Jr. – Planning)
11. Public Hearing and **ACTION** on **FIRST READING** on **Ordinance Number 235-2008-064** to rezone from Medium Commercial “G” (6CG) to Light Industrial “G” (7CG), 72.702 acres tract of Volume 12813, Page 147 ORCC out of Volume 3483 Page 212 ORCC, located near Paredes Line Road and FM 511. (Ben Medina, Jr. – Planning)
12. Public Hearing and **ACTION** on **FIRST READING** on **Ordinance Number 235-2008-065-S** to allow a Medium Commercial “G” Specific Use (Storage Warehouse) in General Retail “G” for Lot 24, Block 171 of Olmito Townsite, located on Anacua Street and Expressway 77/83. (Ben Medina, Jr. – Planning)
13. Public Hearing and **ACTION** on **FIRST READING** on **Ordinance Number 235-2008-602** to rezone from Dwelling “Z” (DZ) to General Retail “G” (4CG), Block 171 of Olmito Townsite, located on Anacua Steet and Expressway 77/83. (Ben Medina, Jr. – Planning)
14. Public Hearing and **ACTION** to approve the expenditure of \$31,659 from the 2008 Edward Byrne Justice Assistance Grant (JAG) Program, awarded to the Brownsville Police Department, to purchase new mobile data computers for the Brownsville Police Department’s patrol vehicles. (Carlos L. Garcia – Police)

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15. PUBLIC COMMENT PERIOD: PLEASE NOTE:

PLEASE NOTE THAT THE PUBLIC COMMENT PERIOD AND CONDUCT AT CITY COMMISSION MEETINGS IS GOVERNED BY CITY ORDINANCE NUMBER 2008-1090-E ADOPTED ON JUNE 3, 2008.

- THE “PUBLIC COMMENT FORM” IS DESIGNATED FOR SPEAKERS TO BE RECOGNIZED AND ADDRESS THE COMMISSION ON A SUBJECT THAT IS **NOT A PUBLIC HEARING**.
- **ADDRESS THE COMMISSION AS A WHOLE – DO NOT DIRECT YOUR COMMENTS TO ANY INDIVIDUAL MEMBER OF THE COMMISSION.**

- **THE PUBLIC COMMENT PERIOD IS A TOTAL OF 15 MINUTES.**
- THERE IS A **THREE (3)-MINUTE TIME LIMIT** PER SPEAKER.
- NO **FORMAL** ACTION CAN BE TAKEN.
- FOR THE RECORD, THE SPEAKER **MUST IDENTIFY BY NAME** BEFORE SPEAKING.
- **“PUBLIC COMMENT FORMS”** ARE LOCATED ON THE SECOND FLOOR AT THE ENTRANCE OF THE COMMISSION CHAMBERS (on the day of the meeting).
- **“PUBLIC COMMENT FORMS”** MUST BE FILLED OUT AND PRESENTED TO THE CITY SECRETARY STAFF **NO LATER THAN 6:00 P.M.** TO BE CONSIDERED OR RECOGNIZED.
- **“PUBLIC COMMENT FORMS”** ARE NOT ACCEPTED AFTER 6:00 P.M.
- **POWERPOINT PRESENTATIONS ARE NOT CONDUCTED DURING THE PUBLIC COMMENT PERIOD.** [For further information, contact The Office of the City Secretary at 548-6001]

PRESENTATIONS:

PERSONS/GROUPS SCHEDULED TO CONDUCT A PRESENTATION OR DISTRIBUTING HANDOUTS ASSOCIATED WITH A PRESENTATION TO THE COMMISSION MUST PROVIDE A COPY OF SAME TO THE CITY SECRETARY FOR THE RECORD.

ACTION ITEMS:

16. Consideration and **ACTION** on amended T-Mobile Brownsville Abatement Agreement providing for a minimum of five hundred (500) employees to be hired by December 31, 2009, with minimum wages of at least ten dollars (\$10.00) per hour with comprehensive benefits made available to employees with at least seventy-five percent (75%) of benefits costs paid by employer, also including the requirement to execute company contracts for utility services with the Brownsville Public Utilities Board, for a ten (10) year period of city tax abatement, averaged at fifty-percent (50%) during the term of the abatement. (Jim Goza – City Attorney)
17. Consideration and **ACTION** to authorize the acceptance and expenditure of the Governor’s Division of Emergency Management (GDEM) FY 2008 Emergency Management Performance Grant (EMPG) awarded to the Brownsville Office of Emergency Management and Homeland Security in the amount of \$28,749.00. (Jeff Johnston – Office of Emergency Management)
18. Consideration and **ACTION** on **Resolution Number 2008-090** officially accepting the *“Cover the Border Hazard Mitigation Action Plan”*, for the Rio Grande Border Region. (Jeff Johnston – Office of Emergency Management)

19. Consideration and **ACTION** on **Resolution Number 2008-088** authorizing the submittal of a funding application to the Brownsville Community Improvement Corporation (BCIC) for the Fiscal Year 2009 for expanding the dog kennels at the Brownsville Animal Regulation and Care Center. (Arturo Rodriguez – Health)
20. Consideration and **ACTION** on **Resolution Number 2008-089** authorizing the submittal of a funding application to the Brownsville Community Improvement Corporation (BCIC) for the Fiscal Year 2009 for the purchase of 2 Ultra-Violet (ULV) machines needed to help control the mosquito population. (Arturo Rodriguez – Health)
21. Consideration and **ACTION** on **Resolution Number 2008-091** to authorize the submittal of funding application to Brownsville Community Improvement Corporation (BCIC) for quality of life projects for Fiscal Year 2009. (Skip Keller – Parks & Recreation)
22. Consideration and **ACTION** to authorize the use of Washington Park from February 23-March 1, 2009 for the *Sombrero Festival*; authorizing the sale and consumption of alcoholic beverages from February 26-28, 2009 during festival hours; authorizing the closure of Adams Street between 7th and 9th Street for the festival from February 25-March 1, 2009; and permission to use the parking along Madison Street between 7th and 9th Streets for *Sombrero Festival* vendor parking from February 25-March 1, 2009; and authorize the use of (3) three mobile bleachers for seating at the park. (Skip Keller – Parks & Recreation)
23. Consideration and **ACTION** on **Resolution Number 2008-092** authorizing an application to request for funding from the Brownsville Community Improvement Corporation (BCIC) for quality of life projects for Fiscal Year 2009. (Santana Torres – Public Works)

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PURCHASES/BIDS/CONTRACTS:

24. Consideration and **ACTION** authorizing 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 designed by Zone number 1 on the official Fire Protection Service Zone Map of the CCESD No. 1. (EMS) (Leonardo L. Perez – Fire)

- 25. Consideration and **ACTION** to award a term contract for annual maintenance for HVAC & R System Equipment for the Brownsville Police Department Headquarters Building. (Roberto C. Luna – Purchasing)
- 26. Consideration and **ACTION** to authorize an extension of a contract for maintenance services with TECOM-All Star (Roberto Luna – Purchasing)

ADJOURNMENT:

NOTE: The City Commission of the City of Brownsville reserves the right to discuss any items in Executive Session whenever authorized under the Texas Open Meetings Act, Chapter 551, Title 5 of the Texas Government Code.

NOTE: The City of Brownsville does not discriminate on the basis of disability in the admission of, access to, treatment of, or employment in its programs, activities, or public meetings. Any individual with a disability in need of an accommodation is encouraged to contact the ADA Coordinator at 956/548-6037 (voice or Relay TX) by Monday, no later than 5:00 P.M., to make proper arrangements.

By; Pat M. Ahumada, Jr.
Mayor of the City of Brownsville.

I certify that a copy of the October 21, 2008, Agenda of items to be considered by the Brownsville City Commission was posted on the Bulletin Area at City Hall – Federal Building, on October 17, 2008. I further certify that the Agenda was posted on the City's website and can be downloaded by accessing: www.cob.us/agendas.asp.



Estela Von Hatten, City Secretary