

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 a Regular Meeting**, on **Tuesday, September 16, 2008** at **5:20 P.M., 5:35 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: 5:20 P.M.

- a) Discussion regarding an update on Weir Project. (Commissioner Cisneros and Commissioner Atkinson – 15 min.)

EXECUTIVE SESSION: 5:35 P.M.

- A) Discussion pursuant to Section 551.071, of the Texas Government Code, regarding attorney consultation relating to pending litigation styled and numbered BPOA v City of Brownsville, Texas, Cause No. 2007-06-2918-A (107th Dist. Ct. – Cameron County, Texas) (Jim Goza – City Attorney – 15 min.)

*****10 MINUTE BREAK*****

REGULAR MEETING: 6:00 P.M.

PLEDGE OF ALLEGIANCE: UNITED STATES PLEDGE * TEXAS PLEDGE

INVOCATION:

1. *MAYOR’S REPORT*

2. *COMMISSIONERS’ REPORT*

3. *PROCLAMATIONS:* *Hector Jose Aguilar Meza*
Mexican Vice Consul
(Mayor Pat M. Ahumada, Jr.)

4. *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 “j”

- a) Approval of the Minutes of the Regular Meeting of September 02, 2008.
- b) Authorization for the following individuals to incur travel expense:

<u>Employee</u>	<u>Department</u>	<u>Destination</u>	<u>Date</u>
Rochelle M. Garza	BUS	Dallas, TX	Oct. 22-23, 2008
Leonel Garza	Building	Corpus Christi, TX	Oct. 08-10, 2008
German Saiz	Building	Corpus Christi, TX	Oct. 08-10, 2008
Omar Ochoa	Building	Corpus Christi, TX	Oct. 08-10, 2008
Doroteo Garcia, Jr.	Engineering	San Antonio, TX	Dec. 17-19, 2008
Luis F. Alonso	Engineering	San Antonio, TX	Dec. 17-19, 2008
Carlos F. Reyes	Engineering	San Antonio, TX	Dec. 17-19, 2008
Arturo Rodríguez	Health	Laredo, TX	Sept. 18, 2008
Joe Hinojosa	Health	Laredo, TX	Sept. 18, 2008
Noe D. Puga	Planning	Galveston, TX	Oct. 01-03, 2008
Ben Medina	Planning	Galveston, TX	Oct. 01-03, 2008
Miguel Salinas	Planning	Galveston, TX	Oct. 01-03, 2008
Sergio Zarate	Planning	Galveston, TX	Oct. 01-03, 2008
Mariano Garcia	Planning	Galveston, TX	Oct. 01-03, 2008
Adolfo Pereira	Planning	Galveston, TX	Oct. 01-03, 2008
Carlos L. Garcia	Police	Houston, TX	Oct. 01-03, 2008
Juan A. Hernandez	Police	Houston, TX	Oct. 01-03, 2008
Carlos L. Garcia	Police	Austin, TX	Sept. 26, 2008

Carlos L. Garcia	Police	Corpus Christi, TX	Oct. 06-07, 2008
Juan A. Hernandez	Police	Corpus Christi, TX	Oct. 06-07, 2008
Robert C. Luna	Purchasing	Austin, TX	Sep. 16 – 18, 2008
Reymundo Sanchez	Purchasing	Austin, TX	Sep. 16 – 18, 2008

- c) **APPROVAL on SECOND and FINAL READING of Ordinance Number 2008-1497** levying ad valorem taxes for the tax year 2008 for the use and support of the municipal government of the City of Brownsville, Texas, for the fiscal year 2009, providing for the interest and sinking fund for the fiscal year 2009 of the City of Brownsville, Texas, general obligation bonds. (Pete Gonzalez – Finance)
- d) **APPROVAL on SECOND and FINAL READING of Ordinance Number 2008-1133-Y** of the City Commission of the City of Brownsville, Texas amending Ordinance 86-1133, an ordinance pertaining to a franchise contract between the City of Brownsville and Governmental Managerial Services Inc. for collection and disposal of commercial and industrial solid waste, incorporating signed contract for all purposes and amending the rates for containerized collection of commercial and industrial solid waste and related matters as set forth in exhibit “A” establishing an increase of 7.05% as per section 13.02 (a), titled modification of rates, to reflect a consumer price index increase. (Pete Gonzalez – Finance)
- e) **APPROVAL on SECOND and FINAL READING of Ordinance Number 235-2007-034** to rezone from Apartment “H” to General Retail “G: (4CG) for 1.33 acres out of Block 16 of Esperanza Place Addition, located near Southmost Road and Dockberry Road. (Ben Medina, Jr. – Planning)
- f) **APPROVAL on SECOND and FINAL READING of Ordinance Number 235-2007-034-S** to allow a Light Commercial Specific Use (Used Car Lot, 5CG) in a General Retail for 0.33 acres out of Block 16 of Esperanza Place Addition, located near Southmost Road and Dockberry Road. (Ben Medina, Jr. – Planning)
- g) **APPROVAL on SECOND and FINAL READING of Ordinance Number 235-2008-003-S** to allow an Apartment Specific Use (Apartments) in a Dwelling for the North 5.00 acres out of 10 acres of Block 2 of KC Bennett Subdivision, located near FM 511 and Abelardo Drive. (Ben Medina, Jr. – Planning)

- h) **APPROVAL** on **SECOND** and **FINAL READING** of **Ordinance Number 235-2008-052** to rezone from Dwelling “G” (DG), Medium Industrial “J” (8CJ) and General Retail “H” (4CH) to General Retail “G” (4CG), located at 2115 Southmost Road. (Ben Medina, Jr. – Planning)
- i) **APPROVAL** on **SECOND** and **FINAL READING** of **Ordinance Number 235-2008-053** to rezone from General Retail “A” (4CA) to General Retail “G” (4CG), 1.03 acres of Share 22 of Espiritu Santo Grant, located at 745 Media Luna. (Ben Medina, Jr. – Planning)
- j) **APPROVAL** on **SECOND** and **FINAL READING** of **Ordinance Number 235-2008-056-S** to allow a Medium Retail Specific Use (Salon and Spa, 3C) in Professional Office (1CG) for West ½ of the west ½ of Lot 1, Block “U” of Brownsville Land Improvement Company Subdivision, located at 409 Boca Chica Blvd. (Ben Medina, Jr. – Planning)

BOARDS AND COMMISSIONS:

- 5. Consideration and **ACTION** to appoint or re-appoint four (4) members to the Brownsville Urban System’s Transit Advisory Committee. (Norma H. Zamora BUS)
- 6. Consideration and **ACTION** to appoint two (2) members to the Cultural Affairs Committee. (Commissioner Anthony P. Troiani)

PUBLIC HEARINGS:

- 7. Public Hearing and **ACTION** on **FIRST READING** on **Ordinance Number 2008-1498** amending Chapter 22, Article VIII Pawnbrokers, Section 22-457, of the Brownsville City Code to require that Pawnbrokers register all property received electronically through approved electronic registration services, providing for a severability clause, penalties for violation, an effective date, and related matters. (John E. Chosy – City Attorney)

8. Public Hearing and **ACTION** on **FIRST READING** on **PROTESTED Ordinance Number 235-2008-048** to rezone from Medium Industrial “J” (8CJ) to Apartment “J” (AJ), 8.679 acres out of the Reserve “A” of the Sweetbriar Subdivision, located near Coffee Port Road and Central Avenue. (Ben Medina, Jr. – Planning)
9. Public Hearing and **ACTION** on **Resolution Number 2008-074** authorizing the filing of two grant applications with the Federal Transit Administration for the Urbanized Area Formula Program (authorized by 49 U.S.C. Chapter 53, Title 23 United States Code) for capital assistance for Fiscal Year 2008- of which available funding is a transfer of lapsed regional funds. (Norma H. Zamora – BUS)
10. Public Hearing and **ACTION** on **Resolution Number 2008-075** authorizing the filing of a grant application with the Federal Transit Administration for the BUS and Bus Facilities Program (authorized by 49 U.S.C. 5309 (b)) for Fiscal Year 2008 for the Multimodal Terminal Facility Project. (Norma H. Zamora – BUS)

11. 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:

12. Consideration and **ACTION** on **Resolution Number 2008-080** in recognition and support of the BIG READ MEXICO PROGRAM, one of two pilots launched by the national endowment for the arts, which will be hosted by the University of Texas at Brownsville and Texas Southmost College. (Commissioner Edward C. Camarillo)
13. Consideration and **ACTION** on **Resolution Number 2008-078** to conform staff purchasing limits to State Law and directing revision of Purchasing Policy and Procedures Manuel Policy. (John E. Chosy – Assistant City Attorney)
14. Consideration and **ACTION** reaffirming **Resolution Number 2006-052.** (Ben Medina, Jr. – Planning)
15. Consideration and **ACTION** on **Resolution Number 2008-081** authorizing amendments to multi-use stadium lease, reimbursement, and stadium construction and management agreements. (Commissioner Camarillo)
16. Consideration and **ACTION** on **Resolution Number 2008-082** authorizing publication of notice of intention to issue certificates of obligation. (Commissioner Camarillo)

PURCHASES/BIDS/CONTRACTS:

17. Consideration and **ACTION** to award a contract for Landscape and Irrigation Improvements for Memory/Xeriscape Park. (Roberto C. Luna – Purchasing)

18. Consideration and **ACTION** to award a contract for Irrigation Improvements for North and South Drive. (Roberto C. Luna – Purchasing)
19. Consideration and **ACTION** to award a contract for Landscape Improvements for University Boulevard. (Roberto C. Luna – Purchasing)
20. Consideration and **ACTION** to award a contract for Landscape and Irrigation Improvements for Palm Boulevard Phase V. (Roberto C. Luna – Purchasing)
21. Consideration and **ACTION** to award a contract for Purchase and Delivery of Vehicles for City Departments. (Roberto C. Luna – Purchasing)
22. Consideration and **ACTION** to authorize an Amendment to Phase III of the Enterprise Modernization Project Contract for the City of Brownsville Management Information System. (Roberto C. Luna – Purchasing)
23. Consideration and **ACTION** to award a contract for land use Transportation Scenario Plan Services for the Brownsville Metropolitan Planning Organization. (Roberto C. Luna – Purchasing)
24. Consideration and **ACTION** to award a contract for purchase & delivery of Global Positioning System to be used by the Engineering Department.(Roberto C. Luna – Purchasing)
25. Consideration and **ACTION** to award a contract for purchase and delivery of a Youth Football Uniforms for the Parks & Recreation Department. (Roberto C. Luna – Purchasing)
26. Consideration and **ACTION** to award a contract for Library Cataloging Records Services for the Brownsville Public Library System. (Roberto C. Luna – Purchasing)
27. Consideration and **ACTION** to award a term contract for Purchase & Delivery of Motor Fuel for the City of Brownsville. (Roberto C. 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 September 16, 2008, Agenda of items to be considered by the Brownsville City Commission was posted on the Bulletin Area at City Hall – Federal Building, on September 12, 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