

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, December 02, 2008**, at **5:15 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)	
ANTHONY P. TROIANI)	
EDWARD C. CAMARILLO)	
LEONEL T. GARZA)	COMMISSIONERS
CHARLIE CABLER		CITY MANAGER
PETE GONZALEZ		DEPUTY CITY MANAGER - FINANCE DIRECTOR
JOHN E. CHOSY		ASSISTANT 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 November 26, 2008.

EXECUTIVE SESSION:

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Anthony P. Troiani and carried unanimously, the Executive Session convened at 5:20 p.m.

A) Discussion pursuant to Section 551.071, of the Texas Government Code, regarding the status of collective bargaining with police and fire unions.

Upon conclusion of Executive Session, Mayor Pat M. Ahumada, Jr., convened the Regular Session.

PLEDGE OF ALLEGIANCE: UNITED STATES PLEDGE * TEXAS PLEDGE

The United States Pledge was lead by Mayor Pat M. Ahumada, Jr. The Texas Pledge was lead by Commissioner Ricardo Longoria, Jr.

INVOCATION:

The invocation was delivered by Mr. Alex Resendez of Brownsville, Texas.

ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION:

A) Consideration and ACTION on withdrawing the appeal and satisfying the judgment in Brownsville Police Officers Association v City of Brownsville.

Mr. Ric Navarro, Legal Counsel and Chief Negotiator for the City of Brownsville, noted that an offer had been delivered to the Police Officers' Union on November 14, 2008 but that no response had been received yet.

Commissioner Leonel T. Garza moved that the appeal in Brownsville Police Officers Association v City of Brownsville be dismissed and the judgment paid. Commissioner Charlie Atkinson seconded the motion. No vote was taken.

Mr. Charlie Cabler, City Manager, and Mr. Pete Gonzalez, Deputy City Manager, recommended that the City wait for the union's response.

Mr. Navarro recommended that the agenda item be tabled to allow the bargaining process to continue.

Commissioner Leonel T. Garza stated that he was in favor of withdrawing the appeal and satisfying the judgment in the Brownsville Police Officers Association v City of Brownsville. Commission Charlie Atkinson stated that he supported that position, whereupon, a vote was taken and the motion failed by the following vote:

Ayes: Commissioners Garza and Atkinson;

Nays Commissioners Troiani, Camarillo, Longoria, and Cisneros;

Abstention: Mayor Ahumada.

1. **MAYOR'S REPORT** NONE

2. **COMMISSIONERS' REPORTS** NONE

3. **PROCLAMATIONS:** *International Year of Astronomy*
(Mayor Pat M. Ahumada, Jr.)

Mayor Pat M. Ahumada, Jr., asked Mrs. Carol Lutsinger with STARLAB, UTB/TSC and Mr. Andy Miller, teacher at Gladys Porter High School, and students, to step forward to accept a proclamation declaring 2009 as “*International Year of Astronomy*”. Mr. Jose Guadalupe Martinez, Senior student at Gladys Porter High School thanked the Commission and presented them with a Plaque of Appreciation.

The proclamation was read by Ms. Estela Von Hatten, City Secretary.

4. **PRESENTATIONS:** *Employee of the Month*
(December 2008)

Mr. Pete Gonzalez, Deputy City Manager, recognized **Ms. Isabel Garcia, Fiscal Technician II**, at Municipal Court as “*Employee of the Month*” for the month of December 2008.

Upon motion by Commissioner Edward C. Camarillo, seconded by Commissioner Ricardo Longoria, Jr., and carried unanimously, this item was **tabled** until December 9, 2008.

5. CONSENT AGENDA ITEMS:

Upon motion by Commissioner Edward C. Camarillo, seconded by Commissioner Anthony P. Troiani and carried unanimously, Consent Agenda Items “a” through “c” were **approved**.

ITEMS No. “a” through “c”

- a) Approval of the Minutes of the Regular Meeting of November 18, 2008.
- b) Authorization for the following individuals to incur travel expense:

<u>Employee</u>	<u>Department</u>	<u>Destination</u>	<u>Date</u>
Brad Barnes	Parks	Fort Worth, TX	Dec. 07-10, 2008
Ben Medina, Jr.	Planning	Chicago, IL	Dec. 15-17, 2008
Julio Briones	Police	Austin, TX	Nov 30-Dec 05, 2008
Juan Hernandez, Jr.	Police	Austin, TX	Nov 30-Dec 05, 2008

Mr. Brad Barnes, Parks and Recreation Manager, will attend the “*2008 Texas Turfgrass Association Conference & Show*”, on December 7-10, 2008, in Fort Worth, Texas.

Mr. Ben Medina, Jr., Planning Department Director, will attend the “*HOME Program Training*”, sponsored by the U. S. Department of Housing and Urban Development on December 15-17, 2008, in Chicago, Illinois.

Police Investigators Mr. Julio Briones and Juan Hernandez, will attend the course “*Techniques in Developing Latent Prints*”, sponsored by the TX DPS Training Academy on November 30, 2008 through December 05, 2008, in Austin, Texas.

- c) **APPROVAL** on **SECOND** and **FINAL READING** of **Ordinance Number 2007-1497-A** amending Section 332-169 of the City of Brownsville Municipal Code regarding park land dedication requirements.

BOARDS AND COMMISSIONS:

6. Consideration and ACTION to appoint or re-appoint three (3) members to the Brownsville Community Improvement Corporation.

Commissioner Edward C. Camarillo moved that **Ms. Paulita G. Rico** be **re-appointed** to the Brownsville Community Improvement Corporation's board of directors. The motion was seconded by Commissioner Charlie Atkinson and carried unanimously.

Commissioner Ricardo Longoria, Jr., moved that **Commissioner Charlie Atkinson** be **re-appointed** to the Brownsville Community Improvement Corporation's board of directors. The motion was seconded by Commissioner Edward C. Camarillo and carried unanimously.

Commissioner Leonel T. Garza moved that **Commissioner Carlos A. Cisneros** be **re-appointed** to the Brownsville Community Improvement Corporation's board of directors. The motion was seconded by Commissioner Edward C. Camarillo and carried unanimously.

PUBLIC HEARINGS:

At the request of Mr. Ben Medina, Director of Planning and Community Development, agenda items 7 and 8 were read consecutively as the proposed rezoning dealt with the same property.

Mr. Medina noted that the Planning and Zoning Commission had approved the proposed rezoning.

7. **Public Hearing and ACTION on FIRST READING of Ordinance Number 235-2008-039 to rezone from Dwelling “G” (DG) to Light Retail “G” (2CG) for 1.00 acre out of Share 23 of Espiritu Santo Grant located at 213 Esperanza Road.**
8. **Public Hearing and ACTION on FIRST READING of Ordinance Number 235-2008-039-S to allow a General Retail Specific Use (Party Place 4C) in a Light Retail (2C) for 1.00 acre out of Share 23 of Espiritu Santo Grant located at 213 Esperanza Road.**

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

Commissioner Ricardo Longoria, Jr., moved that Ordinance Numbers 235-2008-039 and 235-2008-039-S be **adopted** at first reading as presented.

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

9. **Public Hearing and ACTION on FIRST READING of Ordinance Number 235-2008-054 to rezone from Dwelling “A” to Apartment “G” (AG) for 0.996 acres out of Block 8 and the East line of Lot 1, Block 18, West of West Brownsville Addition located near W. Washington Street and Browne Street.**

Mr. Medina noted that the Planning and Zoning Commission had approved the proposed rezoning.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Leonel T. Garza and carried unanimously, the public hearing was **closed.**

Commissioner Edward C. Camarillo moved that Ordinance Number 235-2008-054 be **adopted** at first reading as presented.

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

10. Public Hearing and ACTION on FIRST READING of Ordinance Number 235-2008-060 to rezone from General Retail “G” Specific Use (4CG) to Light Commercial (5C) for 0.27 Acres out of Lot 4 & 5 of East Brownsville Addition located at 1935 Southmost Road.

Mr. Medina noted that the Planning and Zoning Commission had approved the proposed rezoning.

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 235-2008-060 be **adopted** at first reading as presented.

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

11. Public Hearing and ACTION on FIRST READING of Ordinance Number 235-2008-066 to consider the rezoning of the Citrus Acres Subdivision from Apartment “H” (AH) to Dwelling “G” (DG) so that the zoning designation is consistent with the actual land use.

Mr. Medina noted that the Planning and Zoning Commission had approved the proposed rezoning.

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

Commissioner Edward C. Camarillo moved that Ordinance Number 235-2008-066 be **adopted** at first reading as presented.

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

12. Public Hearing and ACTION on FIRST READING of Ordinance Number 235-2008-067 to consider the rezoning of the McKenzie Acres Subdivision from First Manufacturing “j” (1MJ) areas of the McKenzie Acres Subdivision to Dwelling “G” (DG) so that the zoning designation is consistent with the actual land use.

Mr. Medina noted that the Planning and Zoning Commission had approved the proposed rezoning.

Upon motion by Commissioner Edward C. Camarillo, seconded by Commissioner Anthony P. Troiani and carried unanimously, the public hearing was **closed**.

Commissioner Anthony P. Troiani moved that Ordinance Number 235-2008-067 be **adopted** at first reading as presented.

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

13. Public Hearing and ACTION on FIRST READING of Ordinance Number 235-2008-068 to consider the rezoning of the Buena Vida Housing Projects in Downtown Brownsville from Seventh Commercial “H” (7CH) to Apartment “H” (AH) so that the zoning designation is consistent with the actual land use.

Mr. Medina noted that the Planning and Zoning Commission had approved the proposed rezoning.

Upon motion by Commissioner Edward C. Camarillo, seconded by Commissioner Leonel T. Garza and carried unanimously, the public hearing was **closed**.

Commissioner Edward C. Camarillo moved that Ordinance Number 235-2008-068 be **adopted** at first reading as presented.

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

14. Public Hearing and ACTION on FIRST READING of Ordinance Number 235-2008-069 to rezone from Dwelling “Z” to General Retail “G” (4CG) for 1.43 acres of Lot 4 and ½ of Lot 5, Block 1 of Cameron Park Subdivision 3 located at 4176 Paredes Line Road.

Mr. Medina noted that the Planning and Zoning Commission had approved the proposed rezoning.

Upon motion by Commissioner Anthony P. Troiani, seconded by Commissioner Edward C. Camarillo and carried unanimously, the public hearing was **closed**.

Commissioner Anthony P. Troiani moved that Ordinance Number 235-2008-069 be **adopted** at first reading as presented.

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

15. Public Hearing and ACTION on FIRST READING of Ordinance Number 235-2008-072-S to allow a Medium Retail Specific Use (3C) in a Professional Office (1C) for Lot 4, Block 5 Land O'Lakes Subdivision located at Old Port Isabel and Creekbend Drive.

Mr. Medina noted that the Planning and Zoning Commission had approved the proposed rezoning.

Upon motion by Commissioner Carlos A. Cisneros, seconded by Commissioner Anthony P. Troiani and carried unanimously, the public hearing was **closed**.

Commissioner Carlos A. Cisneros moved that Ordinance Number 235-2008-072-S be **adopted** at first reading as presented.

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

16. Public Hearing and ACTION on FIRST READING of Ordinance Number 235-2008-073-S to allow a Medium Retail Specific Use (3C) in a Professional Office (1 C) on Lot 1 of N.S. Liddell Subdivision Section V, located at 3004 East Avenue.

Mr. Medina noted that the Planning and Zoning Commission had approved the proposed rezoning.

Mr. Robert Uresti noted that the lot for the proposed business was a standard size and that there did not appear to be sufficient parking.

Upon motion by Commissioner Edward C. Camarillo, seconded by Commissioner Leonel T. Garza and carried unanimously, the public hearing was **closed**.

Commissioner Ricardo Longoria, Jr., moved that Ordinance Number 235-2008-073-S be **adopted** at first reading as presented.

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

PUBLIC COMMENT PERIOD:

Commissioner Carlos A. Cisneros announced the Brownsville Sports Park Ribbon Cutting scheduled for December 5, 2008.

Commissioner Edward C. Camarillo announced a Grafitti Abatement Program.

Mayor Pat M. Ahumada, Jr., invited residents to “*Christmas Luncheon with the Mayor*” at Valley Inn and Country Club on December 18, 2008.

Mr. Alex Resendez commented on the need for Christmas spirit in the City of Brownsville.

Mr. Robert Uresti requested that there be a specific phone number within the City that the public could use to report street, traffic, health or other hazards or requests for service.

ACTION ITEMS:

18. Consideration and ACTION on Tax Abatement Agreement with T-Mobile USA, Inc.

Upon motion by Commissioner Edward C. Camarillo, seconded by Commissioner Anthony P. Troiani and carried unanimously, the Tax Abatement Agreement with T-Mobile USA, Inc., was **approved**.

19. Consideration and ACTION on Resolution Number 2008-096 to permit free parking at all downtown parking meters during the holiday season from Sunday December 14, 2008 through Friday, December 26, 2008.

Upon motion by Commissioner Carlos A. Cisneros, seconded by Commissioner Anthony P. Troiani and carried unanimously, Resolution Number 2008-096 was

approved to permit free parking at all downtown parking meters during the holiday season from Sunday, December 14, 2008 through Friday, December 26, 2008.

- 20. Consideration and ACTION on Resolution Number 2008-098 requesting the members of the 81st Legislative Session of the State of Texas to support legislation that increases funding for the Texas Recreation & Parks Account local park grant program and the Texas State Park System.**

Mr. Brad Barnes, Park Manager, noted that the proposed resolution called for the support of the 81st State Legislative Session to increase funding, as well as protect the set-aside funds for the local park grant program from earmarks.

Commissioner Charlie Atkinson moved that Resolution Number 2008-098 be **approved** as presented. The motion was seconded by Commissioner Edward C. Camarillo and carried unanimously.

PURCHASES/BIDS/CONTRACTS:

- 21. Consideration and ACTION to award a contract for a Lobbyist-Consultant to represent the City of Brownsville in Washington, D.C.**

Mr. Roberto Luna, Purchasing and Contracts Manager, noted that upon review by a City evaluation committee, the firm of Meyers & Associates of Washington, DC had received the highest score on the statement of qualifications.

In response as to why there was no information, regarding costs and expenses, for the other firms who ranked in the top three, Mr. Luna responded that figures on the Meyers firm were established only after final contract negotiations were initiated with Meyers and Associates.

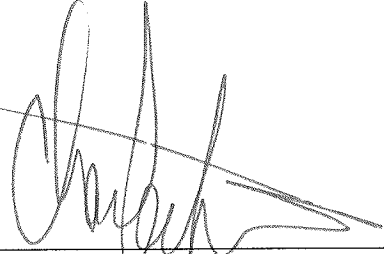
Commissioner Ricardo Longoria, Jr., moved that the Purchasing and Contracting Services Department **seek proposals from the other two top ranked firms** and that these be presented for the Commission's consideration.

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

ADJOURNMENT:

There being no further business to come before the Commission, the meeting adjourned at 7:30 p.m.

Approved this 6TH day of January, 2009.



~~Pat M. Ahumada, Jr.~~
~~Mayor~~
CHARLIE ATKINSON
MAYOR PRO-TEM

Attest:



Estela Von Hatten
City Secretary

