

**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, December 09, 2008**, at **5:25 P.M.** and **6:00 P.M.** with the following members present:

<b>PAT M. AHUMADA, JR.</b>	)	<b>MAYOR</b>
<b>RICARDO LONGORIA, JR.</b>	)	
<b>CHARLIE ATKINSON</b>	)	
<b>CARLOS A. CISNEROS</b>	)	
<b>ANTHONY P. TROIANI</b>	)	
<b>EDWARD C. CAMARILLO</b>	)	
<b>LEONEL T. GARZA</b>	)	<b>COMMISSIONERS</b>
<b>CHARLIE CABLER</b>		<b>CITY MANAGER</b>
<b>PETE GONZALEZ</b>		<b>DEPUTY CITY MANAGER - FINANCE DIRECTOR</b>
<b>JOHN E. CHOSY</b>		<b>ASSISTANT CITY ATTORNEY</b>
<b>ESTELA VON HATTEN</b>		<b>CITY SECRETARY</b>

A quorum being present, Deputy Mayor Charlie Atkinson 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 December 5, 2008.

**EXECUTIVE SESSION:**

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Anthony P. Troiani and carried unanimously, the Executive Session convened at 5:35 p.m.

- A) Discussion pursuant to Section 551.074, of the Texas Government Code, regarding personnel matters.**
- B) Discussion and possible decision under Article 551.086 of the Texas Government Code, regarding competitive matters pertaining to the Brownsville Public Utilities Board.**

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 Scout, Mr. Alejandro Zendejas, a former Scout Mayor during Scout Government Day 2008. The Texas Pledge was lead by Commissioner Ricardo Longoria, Jr.

***INVOCATION:***

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

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***ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION:***

- a) ACTION regarding appointment of an Interim City Attorney and providing compensation thereof.**

Commissioner Edward C. Camarillo moved that Mr. John Chosy, Assistant City Attorney, be appointed Interim City Attorney, until such time that a City Attorney was hired, and that Mr. Chosy be compensated according to the City Manager’s determination of compensation.

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

**b) ACTION regarding competitive matters pertaining to the Brownsville Public Utilities Board.**

Commissioner Charlie Atkinson announced that the City had accepted a \$40,000 yearly sponsorship, from the Brownsville Public Utilities Board, for the Brownsville Sports Park.

**MAYOR'S REPORT**

Mayor Pat M. Ahumada, Jr., wished a Merry Christmas and Happy New Year to Brownsville citizens and invited them to the "Mayor's Christmas Party" to be held on December 18, 2008 at Valley Inn and Country Club.

**COMMISSIONERS' REPORTS**

Commissioner Edward C. Camarillo noted that a Grafitti Abatement Program had been established and thanked volunteers and a UTB student who had participated in the newly established Volunteer Service Organization. He wished everyone a Merry Christmas and a Happy New Year.

Commissioner Carlos A. Cisneros asked Dr. Delina Barrera, BCIC Director, to deliver a Powerpoint update presentation regarding the Hike and Bike Trail proposed lighting and water fountains. He wished everyone a Merry Christmas and a Happy New Year.

Commissioner Ricardo Longoria, Jr., wished the citizens of Brownsville a Merry Christmas and a Happy New Year.

Commissioner Charlie Atkinson thanked City staff for their work and wished everyone a Merry Christmas and a Happy New Year.

Commissioner Leonel T. Garza thanked all those who participate in City boards and committees and wished everyone a Merry Christmas and a Happy New Year.

Commissioner Anthony P. Troiani thanked City staff for their work and wished everyone a Merry Christmas and a Happy New Year.

1. **PROCLAMATIONS:**

**Guadalupe “Lupe” Olvera**  
(Commissioner Anthony P. Troiani)

Mayor Pat M. Ahumada, Jr., asked Mr. Guadalupe “Lupe” Olvera, to step forward to accept a proclamation recognizing and commending him for “*Dedication to Community Service*”, as a strong advocate of Little League Baseball and youth sports and as a member of the John Hanson American Legion Post #43 in Brownsville.

The proclamation was read by Commissioner Anthony P. Troiani.

**Episcopal Day School –  
Boys Soccer Team**  
(Commissioner Carlos A. Cisneros)

Mayor Pat M. Ahumada, Jr., asked Coaches Mr. Michael Jones and Mr. Kelton Averyt and Leopards United Football Club soccer team members, in the under 9 years division, to step forward to accept a proclamation recognizing “*The Episcopal Day School’s Leopards United Football Club for its Amazing 2008 Soccer Season*”, having achieved a perfect 12-0 record while scoring 59 goals and allowing only 8.

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

2. **PRESENTATIONS:**

**Brownsville Farmers’ Market**  
(Commissioner Edward Camarillo – 10 minutes)

Dr. Rose Marie Gowen delivered a Powerpoint presentation on the recently established Brownsville Farmers’ Market, noting that it has been well attended.

**2006 International Code Council Books**  
(Evaristo Gamez – Building Inspections)

Mr. Evaristo Gamez, City of Brownsville Building and Permitting Official, noted that the International Code Council created a program whereby the 2006 IBC Codes, in Spanish, would be introduced to public officials in major cities in Mexico along the Texas/Mexico border in an on-going effort to further enhance safe and sanitary construction along the border. He introduced Mr. Jose Arnaldo Carrillo,

Director of Planning and Development, for the City of Matamoros, Tamaulipas, Mexico, and presented him with a set of the 2006 IBC Code Books in Spanish.

Mr. Jose Arnaldo Carrillo expressed his thanks for the code books and for the on-going coordination of efforts between the cities of Brownsville and Matamoros.

**3. CONSENT AGENDA ITEMS:**

All consent Agenda Items listed were considered to be routine by the City Commission and were 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 “k” were **approved**.

*ITEMS No. “a” through “k”*

**a) Authorization for the following individuals to incur travel expense:**

<u>Employee</u>	<u>Department</u>	<u>Destination</u>	<u>Date</u>
Mark Lund	Planning	San Antonio, TX	December 12, 2008
Lucy Garza	Planning	San Antonio, TX	December 18 – 19, 2008
Julio Briones	Police	Austin, TX	January 04 – 09, 2009
Juan Hernandez	Police	Austin, TX	January 04 – 09, 2009

Mr. Mark Lund, MPO Director, will attend a “*TEMPO*” meeting, sponsored by the Texas Department of Transportation, on December 12, 2008, in San Antonio, Texas.

Ms. Lucy Garza, Housing Manager, will attend the “*HUD’s C.D. Directors Quarterly Meeting*”, sponsored by the U.S. Department of Housing and Urban Development, on December 18-19, 2008, in San Antonio, Texas.

Police Investigators Mr. Julio Briones and Juan Hernandez, will attend the course “*Advanced Latent Prints*”, sponsored by the TX DPS Training Academy on January 04-09, 2008, in Austin, Texas.

- b) APPROVAL on SECOND and FINAL 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.**
- c) APPROVAL on SECOND and FINAL 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.**
- d) APPROVAL on SECOND and FINAL 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.**
- e) APPROVAL on SECOND and FINAL 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.**
- f) APPROVAL on SECOND and FINAL 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.**
- g) APPROVAL on SECOND and FINAL 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.**
- h) APPROVAL on SECOND and FINAL 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.**

- i) **APPROVAL on SECOND and FINAL 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.**
- j) **APPROVAL on SECOND and FINAL 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.**
- k) **APPROVAL on SECOND and FINAL READING of Ordinance Number 235-2008-073-S to allow a Medium Retail Specific Use (3C) in a Professional Office (1C) on Lot 1 of N.S. Liddel Subdivision Section V, located at 3004 East Avenue.**

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***BOARD & COMMISSION APPOINTMENTS:***

- 4. **Consideration and ACTION to reappoint one member to the Civil Service Commission.**

Commissioner Ricardo Longoria, Jr., moved that the City Manager’s re-appointment of **Mr. Santiago Galarza** to the Civil Service Commission be confirmed. The motion was seconded by Commissioner Edward C. Camarillo and carried unanimously.

- 5. **Consideration and ACTION to appoint or reappoint one member to the Greater Brownsville Incentives Corporation (GBIC).**

Commissioner Ricardo Longoria, Jr., moved that **Mr. Ernesto Gamez** be re-appointed to the Greater Brownsville Incentives Corporation (GBIC). The motion was seconded by Commissioner Charlie Atkinson and carried unanimously.

**6. PUBLIC COMMENT PERIOD:**

Mr. Roberto Uresti read a list of 12 items regarding public comment period, Roberts Rules of Order, property appraisal system, committee and board appointments, border fence, need for shelters and food banks, street repairs.

Mr. Fernando Ruiz expressed his appreciation to the Commission for their work, expressed his support of Brownsville policy officers, commended the City Manager, City Secretary and their staff for their work, and recognized members of the armed forces currently away from home

***ACTION ITEMS:***

- 7. Consideration and ACTION on Resolution Number 2008-100 authorizing the filing of an application for assistance and making certain findings in connection therein from the Texas Development Board. [Tabled Dec. 09, 2008]**

Upon motion by Commissioner Edward C. Camarillo, seconded by Commissioner Ricardo Longoria, Jr., and carried unanimously, the item was **TABLED**.

- 8. Consideration and ACTION on Resolution Number 2008-101 suspending the effective date of Texas Gas Service Company's requested rate change.**

Commissioner Edward C. Camarillo moved that Resolution Number 2008-101, be **adopted**, to suspend the effective date of Texas Gas Service Company's requested rate change.

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

Commission requested that attorney fees be included and that reimbursement to the City be provided, if possible.

**9. Consideration and ACTION on Resolution Number 2008-102 granting consent for the creation of the Isla Largo Municipal Utility District.**

Mr. Ben Medina, Director of Planning and Community Development, noted that single family homes, hotels and motels would be developed on the land which was in the Laguna Madre Water District service area.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Anthony P. Troiani and carried unanimously, Resolution Number 2008-102 was **adopted**, granting consent for the creation of the Isla Largo Municipal Utility District.

**10. Consideration and ACTION to acknowledge the Finance Director's Financial Statements and Cash Investment Report for the City of Brownsville for the Fiscal Year ending September 30, 2008.**

Mr. Pete Gonzalez, Deputy City Manager and Chief Financial Officer, delivered a Powerpoint presentation of the Financial Statements and Cash Investment Report for Fiscal Year ending September 30, 2008, noting that the report was unofficial at this time.

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***PURCHASES/BIDS/CONTRACTS:***

**11. Consideration and ACTION on Resolution Number 2008-104 to award a contract for the sale of Surplus City Real Property, an Industrial Facility, located at the North Side of Billy Mitchell Boulevard, East of Central Avenue, Southeastern, Brownsville, Texas.**

Commissioner Ricardo Longoria moved that Resolution Number 2008-104 be adopted as presented, to award a contract in the amount of **\$1,805,000**, to **Border Manufacturer Contractors, LLC**, for the sale of surplus City real property, an industrial facility located at the north side of Billy Mitchell Boulevard, east of Central Avenue, in southeastern Brownsville, Texas.

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

**12. Consideration and ACTION to award a contract for the purchase of one (1) new model fire apparatus (compressed air foam) for the Brownsville Fire Department.**

Commissioner Anthony P. Troiani moved that a contract, in the amount of **\$369,500**, be awarded to **Siddons Fire Apparatus, Inc. of Manor, Texas**, for the purchase of one (1) new model fire apparatus (compressed air foam) for the Brownsville Fire Department.

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

**13. Consideration and ACTION to award a contract for the purchase of one (1) 2008 year model single-drum vibratory smooth roller for the Public Works Department.**

Upon motion by Commissioner Anthony P. Troiani, seconded by Commissioner Edward C. Camarillo and carried unanimously, a contract in the amount of **\$97,026.23** was awarded to **Holt Caterpillar of Weslaco, Texas**, for the purchase of one (1) 2008 year model single-drum vibratory smooth roller for the Public Works Department.

**14. Consideration and ACTION to award a contract for the 31<sup>st</sup> Year CDBG and 2007 CIP Project Contract No. 4 for Street Paving and Drainage Improvements for Elda Drive, Elda Circle, Acapulco Avenue, Veracruz Avenue, Merida Court and Mazatlan Avenue.**

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Anthony P. Troiani and carried unanimously, a contract in the amount of **\$1,242,755**, was awarded to **R&R Paving, LLC of San Benito, Texas**, for the 31<sup>st</sup> year CDBG and 2007 CIP Project Contract No. 4, for street paving and drainage improvements for Elda Drive, Elda Circle, Acapulco Avenue, Veracruz Avenue, Merida Court and Mazatlan Avenue.

**15. Consideration and ACTION to award a term contract renewal for Software Maintenance and Technical Support for Public Safety Information System for the Brownsville Police Department.**

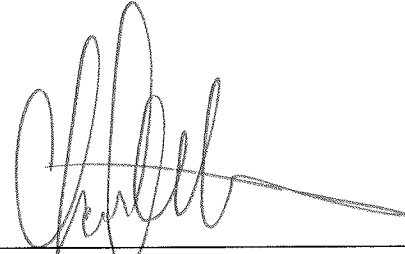
Commissioner Ricardo Longoria, Jr., moved that a term contract renewal in the amount of \$90,927 be awarded to **Spillman Technologies, Inc., of Logan, Utah**, for software maintenance and technical support for Public Safety Information System for the Brownsville Police Department.

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**ADJOURNMENT:**

There being no further business to come before the City Commission, the meeting adjourned at 8:00 p.m.

Approved this 6<sup>th</sup> day of January, 2009.



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

Attest:



Estela Von Hatten  
City Secretary

