

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, July 15, 2008**, at **5:30 P.M.** and **6:00 P.M.** with the following members present:

PAT M. AHUMADA, JR.		MAYOR
RICARDO LONGORIA, JR.)	
CARLOS A. CISNEROS)	
EDWARD C. CAMARILLO)	
ANTHONY P. TROIANI)	
LEONEL T. GARZA)	COMMISSIONERS
CHARLIE CABLER		CITY MANAGER
JOHN CHOSY		CITY ATTORNEY
ESTELA VON HATTEN		CITY SECRETARY

ABSENT:

CHARLES ATKINSON)	COMMISSIONER
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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 July 15, 2008.

WORKSHOP:

a) Discussion regarding solar thermal power.

A Power Point presentation on alternative energy sources was delivered by Professor Genaro Lopez, PhD, from the Biological Sciences Department of the University of Texas at Brownsville.

REGULAR 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 delivered by Mr. Ariel Chavez, P.E., with Chavez Automated Design Consultants Corp., in Brownsville, Texas.

1. *MAYOR'S REPORT*

Mayor Pat M. Ahumada, Jr. did not deliver a report.

2. *COMMISSIONERS' REPORT*

Commissioner Edward C. Camarillo noted that Texas Department of Transportation (TXDOT) had approved a school zone light at Ortiz Elementary School.

Commissioner Carlos A. Cisneros announced that the drains and retention ponds worked effectively during the recent rains, that Los Ebanos Blvd was being re-designed, and he thanked Mr. Santana Torres, Public Works Director and staff for their work..

Commissioner Longoria thanked the Public Works Department for their work during the recent rains to keep the drains clean and flowing.

Commissioner Charlie Atkinson was absent.

Commissioner Leonel T. Garza did not deliver a report.

Commissioner Anthony P. Troiani thanked the Public Works Department for their good and effective work, and also noted that, in connection with the border fence, the Army Corp. of Engineers was expected to sue the City of Brownsville within 7-10 days.

3. PROCLAMATIONS: *U.S. Tennis Association*

Commissioner Edward C. Camarillo asked that presentation of the U.S. Tennis Association proclamation be scheduled for the City Commission meeting of August 05, 2008.

Officer Ruben Gutierrez

Mayor Pat M. Ahumada, Jr., asked Mrs. Ruben Gutierrez's widow and family to step forward and accept a proclamation naming the Brownsville Police Department Firing Range in honor of her husband, the late Police Officer Ruben Gutierrez.

The proclamation was read by Commissioner Leonel T. Garza.

Upon motion by Commissioner Carlos A. Cisneros, seconded by Commissioner Edward C. Camarillo and carried unanimously, Agenda **Item No. 10** was moved out of sequence for action.

10. Consideration and ACTION to name the Brownsville Police Department Firing Range in honor of Officer Ruben Gutierrez.

Commissioner Carlos A. Cisneros moved that the Brownsville Police Department Firing Range be named in honor of Officer Ruben Gutierrez as the "*Ruben Gutierrez Memorial Firing Range*".

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

4. 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 “i” were **approved as presented**

ITEMS No. “a” through “i”

- a) Approval of the Minutes of the Regular Meeting of July 01, 2008.
- b) Authorization for the following individuals to incur travel expense:

<u>Employee</u>	<u>Department</u>	<u>Destination</u>	<u>Date</u>
Jose Cuellar	BUS	Austin, TX	July 28 – 31, 2008
Jeff Johnston	B.O.E.M.	Bryan, TX	July 30 -Aug.01, 2008
Cassandra Guerrero	Fire	College Station, TX	July 20 – 25, 2008
Rodolfo Gamez	Fire	College Station, TX	July 20 – 25, 2008
Guadalupe Rocha	Fire	College Station, TX	July 20 – 25, 2008
Jose Martinez	Fire	College Station, TX	July 20 – 25, 2008
Guadalupe Villarreal	Fire	College Station, TX	July 20 – 25, 2008
Charles Hasse	Municipal Court	Liberty, TX	July 23 – 25, 2008
Debbie Morales	Municipal Court	Liberty, TX	July 23 – 25, 2008
Dora Vasquez	Municipal Court	Liberty, TX	July 23 – 25, 2008
Brad Barnes	Parks	Colorado Springs, CO	Aug. 03 – 10, 2008
Skip Keller	Parks	Baltimore, MD	Oct. 13 – 18, 2008
Venustiano Martínez	Parks	San Antonio, TX	July 25 – 27, 2008
Jesús Álvarez	Parks	San Antonio, TX	July 25 – 27, 2008
Antonio Saavedra	Parks	San Antonio, TX	July 25 – 27, 2008
Mark Lund	Planning	Austin, TX	July 29, 2008
Alfonso Vallejo	Planning	Austin, TX	July 28 – 29, 2008
Ben Medina	Planning	Nacogdoches, TX	July 17 – 18, 2008
Daniel DeAnda	Police	Corpus Christi, TX	July 28 – 30, 2008
Juan J. Garcia	Police	Corpus Christi, TX	July 28 – 30, 2008

Mr. Jose Cuellar, Maintenance Supervisor, will attend the “*Texas Accessibility Academy*”, sponsored by the Texas Department of Licensing and Regulation, on July 28-31, 2008 in Austin, Texas.

Mr. Jeff Johnston, Office of Emergency Management Director, will attend the “*Emergency Management Association of Texas Board of Directors Meeting*”, sponsored by Emergency Management Association of Texas, on July 30, 2008-August 01, 2008 in Bryan, Texas.

Fire Inspector Cassandra Guerrero, Pump Operator Rodolfo Gamez, and Fire Fighters Guadalupe Rocha, Jose Martinez, and Guadalupe Villarreal, will attend the “*79th Annual Municipal Fire School*”, sponsored by the State Firemen’s and Fire Marshals’ Association of Texas, on July 20-25, 2008, in College Station, Texas.

Mr. Charles Hasse, Information Technology Tech., Ms. Debbie Morales, Fiscal Tech III, and Ms. Dora Vasquez, Fiscal Tech I, will attend the “*INCODE Court Case Management Training*”, sponsored by Tyler Technologies INCODE Court, on July 23-25, 2008, in Liberty, Texas.

Mr. Skip Keller, Recreational Services Director , Parks and Recreation, will attend the “*2008 National Recreation and Park Association (NRPA) Congress & Exposition*”, sponsored by National Recreation and Park Association, on October 13-18, 2008 in Baltimore, Maryland

Mr. Brad Barnes, Parks Manager, will attend the “*2008 National Park Maintenance and Resource Management School*”, sponsored by the National Recreation and Park Association, on August 03-10, 2008, in Colorado Springs, Colorado.

Mr. Venustiano Martinez, Brownsville Sports Park Superintendent, Mr. Jesus Alvarez, Recreation & Events Coordinator, and Mr. Antonio Saavedra, Youth Recreation Supervisor, will attend the “*2008 Summer Games of Texas*”, sponsored by the Texas Amateur Athletic Federation, on July 25-27, 2008, San Antonio, Texas.

Mr. Mark Lund, MPO Director, Planning and Community Development, will attend the “*Part II: Land Use Modeling Workshop*”, sponsored by the Texas Department of Transportation, on July 29, 2008, in Austin, Texas.

Mr. Alfonso Vallejo, MPO Planner, will attend the “*Part II: Land Use Modeling Workshop*”, sponsored by the Texas Department of Transportation, on July 28-29, 2008, in Austin, Texas.

Mr. Ben Medina, Planning and Community Development Director, will attend the “*2008 Board meeting of the Alliance for I-69 Texas*”, sponsored by the Alliance for I-69 Texas, on July 17-18 , 2008, in Nacogdoches, Texas.

Investigator Daniel DeAnda, and Officer Juan Jose Garcia, will attend the “*Del Mar Regional Police Academy Patrol Rifle Course*”, sponsored by Del Mar Regional Police Academy, on July 28-30, 2008, in Corpus Christi, Texas.

- c) **APPROVAL on SECOND and FINAL READING of Ordinance Number 2008-567-TT to amend the Brownsville Code of Ordinances by clarifying the time period within which plat applications remain valid for approval purposes and delegating the responsibility for filing approved plat applications with Cameron County.**
- d) **APPROVAL on SECOND and FINAL READING of Ordinance Number 235-2008-042 to rezone from Dwelling “Z (DZ) to Apartment “F” (AF), 14.59 acres out of Block 7 and 8 of J.S. Duncan Subdivision located, near Duncan Road and Alton Gloor.**
- e) **APPROVAL on SECOND and FINAL READING of Ordinance Number 235-2008-043 to rezone from Dwelling “G” (DG), General Retail (4CH) and Heavy Industrial (9CJ) to General Retail (4CG), .44 acres of Lot 5, Block 7 of East Brownsville Addition, located at 2135 Southmost Road.**
- f) **APPROVAL on SECOND and FINAL READING of Ordinance Number 235-2008-044 to rezone from Dwelling “Z” (DZ) to Light Commercial “G” (5CG), 2.0 acres of 2 acre tract of land in Lot 1, Block 110 of El Jardin Resubdivision, located near Minnesota Avenue and Coffee Port.**

- g) **APPROVAL on SECOND and FINAL READING of Ordinance Number 235-2008-044-S to allow a Light Industrial Specific Use (Machine Shop 7C) in Light Commercial (5CG), for .29 acres of Lot 1, Block 110 of El Jardin Resubdivision, located near Minnesota Avenue and Coffee Port.**
 - h) **APPROVAL on SECOND and FINAL READING of Ordinance Number 235-2008-045 to rezone, from Dwelling “G” (DG) to Professional Office “G” (ICG), 0.2900 acres out of S. Block 130 of Los Ebanos Properties Subdivision, located at 154 North Street.**
 - i) **APPROVAL on SECOND and FINAL READING of Ordinance Number 2008-235.77 to amend the Brownsville Code of Ordinances by defining the time period within which zoning applications remain valid for approval and related purposes.**
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BOARDS AND COMMISSIONS:

5. Consideration and ACTION to appoint or re-appoint ten (10) members to the Heritage Council.

Mr. Jose Gavito, Heritage Officer, noted that Heritage Council member Mr. John E. Chosy, Assistant City Attorney, was being replaced as he was now employed by the City of Brownsville.

Commissioner Ricardo Longoria, Jr., moved that the proposed slate of members be **re-appointed** to the Heritage Council. The motion was seconded by Commissioner Camarillo and **carried unanimously**.

PUBLIC HEARINGS:

- 6. Public Hearing and ACTION on FIRST READING of Ordinance Number 2008-1496 to amend Chapter 2 of the City Code of Ordinances creating the office of Deputy City Manager and authorizing up to two Assistant City Managers, providing for appointment of persons to these offices, describing duties, and method of compensation.**

Mr. Charlie Cabler, City Manager, reviewed a City departments' organizational chart noting that, as the City was growing, two additional administrative positions would be needed in the future. He further noted that there would no financial impact on the current year's budget.

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

Commissioner Ricardo Longoria, Jr., moved that Ordinance Number 2008-1496 be **adopted** on first reading to amend Chapter 2 of the City Code of Ordinances, creating the office of Deputy City Manager, authorizing up to two Assistant City Managers, providing for appointment of persons to these offices, describing duties and method of compensation, and dealing with related matters.

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

7. *PUBLIC COMMENT PERIOD:*

Mr. Robert Uresti, concerned about the mosquito population, compared the City of Brownsville with the City of McAllen and surrounding cities stating they were pro-active in dealing with the problem. He also noted that the City of Brownsville would wait too long before beginning to spray insecticide and not spray enough.

Mr. Ernesto De Leon noted that he was not in favor of the City incurring an expense in connection with the proposed assistance to the City of Tampico MX., in the event of a flood. He noted that a volunteer team would be preferable.

A representative from Casa Amigos in Solidarity and Action (CASA) of Brownsville expressed their opposition to the Border Wall and noted that they were still collecting signatures.

Ms. Melissa Shears, representing East Brownsville Little League Baseball and Softball, mentioned that the team won the District Championship at Weslaco, TX, and now qualified for participating in the State Tournament to represent Brownsville and the Rio Grande Valley in Waco.

ACTION ITEMS:

- 8. Consideration and ACTION to authorize the audio recording of all executive sessions held by City Commission and to retain such recordings according to state policy.**

Mayor Pat M. Ahumada, Jr., stated that he would like to have executive sessions taped recorded in order to document the exact wording in the event of litigation.

Mr. Jim Goza, City Attorney, noted that he would not recommend tape recording.

Mr. Charlie Cabler, City Manager, noted that tape recordings were not reliable in that many times not all voices are recorded or distinguishable.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Leonel T. Garza and carried unanimously, executive sessions would continue to be documented via **certified agenda** and tape recording of the executive sessions was not approved.

9. Consideration and ACTION to authorize the sending of a response team to Tampico, MX to assist with the flooding issues in that area.

Mayor Pat M. Ahumada, Jr., noted that, in case of a hurricane similar to Katrina, or other disaster, he would like to authorize that a response team from Brownsville be sent to Tampico, Mexico.

Commissioner Carlos A. Cisneros expressed concern as to what personnel and equipment would be sent, and who would pay for the cost of such an operation. He further noted that the Valley was currently in the hurricane season and that City of Brownsville's needs came first. He was in favor of sending volunteers to help.

Commissioner Leonel T. Garza noted that, during the flooding disaster in Tabasco, Mexico, public volunteers and food donations were sent.

Upon motion Commissioner Ricardo Longoria, Jr., seconded by Commissioner Carlos A. Cisneros and **carried unanimously**, sending a response team to Tampico, MX to assist with the flooding issues in that area was **denied**.

11. Consideration and ACTION to approve an application for a Class "B" Mobile Home Park Permit. [TABLED]

Commissioner Edward C. Camarillo moved that the item be **tabled** pending further information. The motion died for lack of a second.

Mr. Leo Garza, Assistant Building and Permits Director, briefly reviewed the request.

Mr. Ariel Chavez, representing Cardenas Development, property owner, stated that the mobile home park would be a 40-acre low density park with lots measuring 50 by 120 feet, with adequate drainage and meet all requirements

Commissioner Ricardo Longoria, Jr., recommended that the matter be further reviewed by the owner.

Mayor Pat M. Ahumada noted that he was not in favor of creating a mobile home park.

Commissioner Edward C. Camarillo mentioned that the plans for the proposed mobile home park did not include any recreational space for the families who would reside there and that recreational space should be incorporated in the plans.

Mr. Ben Medina, Planning and Community Development Director, stated that according to the ordinance the proposed park met minimum standards and the Planning Department would provide additional information at the next City Commission meeting.

Commissioner Anthony P. Troiani moved that the item be **tabled**, and that the owner meet with Mr. Ben Medina, Director of Planning and Development, for further discussion.

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

12 Consideration and ACTION to authorize local participation, as required by TXDOT, for the FM 511 project in the amount of \$660,521.01.

Commissioner Ricardo Longoria, Jr., moved that local participation, as required by TxDOT, be **authorized** for the FM 511 Right-Of-Way (ROW) project in the amount of **\$660,521.01**.

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

13. Consideration and ACTION on Resolution Number 2008-064 to authorize the City Manager to accept Grant number SA-T01-10041-09 from the Auto Burglary and Theft Prevention Authority (ABTPA) for the South Texas Auto Theft Enforcement Task Force Project for FY 2008-2009 in the amount of \$1,069,152 the Brownsville Police Department's share amount is \$466,293.00.

Commissioner Anthony P. Troiani moved that Resolution Number 2008-064 be **approved**, to authorize the City Manager to accept Grant number SA-T01-10041-09 from the Auto Burglary and Theft Prevention Authority (ABTPA) for the South

Texas Auto Theft Enforcement Task Force Project for FY 2008-2009, in the amount of **\$1,069,152**, with the Brownsville Police Department's share to be **\$466,293.00**.

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

- 14. Consideration and ACTION on Resolution Number 2008-065 to amend the Master Development agreement for the University Park TIRZ adopted by the City on January 16, 2007 deleting the purchase of 79.57 acres for park usage and to reevaluate the TIRZ for this development.**

Mr. Ben Medina, Planning and Community Development Director noted that the land in question, adjacent to the Rio Grande River and the levee, would be affected by the proposed border fence.

Commissioner Ricardo Longoria, Jr., moved that Resolution Number 2008-065 be **approved**, to amend the Master Development agreement for the University Park TIRZ adopted by the City on January 16, 2007 deleting the purchase of 79.57 acres for park usage and to reevaluate the TIRZ for this development.

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

PURCHASES/BIDS/CONTRACTS:

- 15. Consideration and ACTION to award a contract for the 2007 CIP Project Contract No. 2 for street paving and drainage improvements for Lakeway and Beaver Pond Drive.**

Commissioner Edward C. Camarillo moved that a contract, in the amount of **\$511,871.25**, be awarded to **Cubco Construction Company**, of Brownsville, TX, for the 2007 CIP Project Contract No. 2 for street paving and drainage improvements for Lakeway Beaver Pond Drive.

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

16. Consideration and ACTION to award a contract for the purchase and delivery of Self-Contained Breathing Apparatus System to be used by the Brownsville Fire Department

Commissioner Ricardo Longoria, Jr., moved that a contract, in the amount of **\$296,592.12**, be awarded to **Municipal Emergency Services Inc.** for the purchase and delivery of Self Contained Breathing Apparatus System to be used by the Brownsville Fire Department.

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

17. Consideration and ACTION to award a term contract for Inmate Telecommunications Vending Services for the Brownsville Police Department.

Commissioner Ricardo Longoria, Jr., moved that a term contract be awarded to **Securas Technologies of Irving, TX** for Inmate Telecommunications Vending Services for the Brownsville Police Department.

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

18. Consideration and ACTION to rescind contract awarded to Adelco Enterprises for Airport Cargo Building Roof Repairs at the Brownsville/South Padre Island International Airport and award contract to second low bidder, Montes Construction.

Mr. Robert Luna, Purchasing Director, stated that the awarded contractor, Adelco Enterprises, failed to provide the required performance and payment bonds. He, therefore, recommended that the contract awarded to Adelco Enterprises be rescinded, forfeiting the \$4,430.00 cashier's check. He recommended that the contract be awarded to the second responsive low bidder.

Commissioner Ricardo Longoria, Jr., moved that the contract, awarded by the City Commission on June 17, 2008, to **Adelco Enterprises** for Airport Cargo Building Roof Repairs at the Brownsville/South Padre Island International Airport

