

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, June 03, 2008**, at **5:30 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)	
EDWARD C. CAMARILLO)	
ANTHONY P. TROIANI)	
LEONEL T. GARZA)	COMMISSIONERS
CHARLIE CABLER		CITY MANAGER
JOHN CHOSY		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 May 30, 2008:

WORKSHOP: 5:30 P.M.

a) Discussion regarding status update on the Recycling Center with ESD.

Ms. Martha Martinez, ESD President was not present but submitted a written report prior to meeting time.

Commissioner Edward C. Camarillo expressed concerns regarding an updated report of recycling efforts by ESD, especially at the City's Elizabeth St. Recycling Center.

Commissioner Anthony P. Troiani suggested that a workshop be scheduled for the purpose of hearing Ms. Martinez' report.

Joe Lee Rubio, Brownsville Beautification Committee Chairperson, supported the recycling effort and asked that the Brownsville Beautification Committee be advised of the next scheduled workshop.

Mayor Pat M Ahumada, Jr. and Commissioner Charlie Atkinson were not present for the workshop.

EXECUTIVE SESSION: 5:40 P.M.

Upon conclusion of the Workshop Session, Commissioner Anthony P. Troiani moved that Executive Session be convened. The motion was seconded by Commissioner Edward C. Camarillo and carried unanimously. The Executive Session convened at 5:40 p.m. to discuss the following matters:

Mayor Pat M. Ahumada, Jr. was not present.

A) Discussion pursuant to Section 551.072, of the Texas Government Code, regarding real property

Upon conclusion of the Executive Session, the regular session was convened at 6:05 p.m. There was no action taken in Executive Session.

REGULAR MEETING: 6:00 P.M.

Mayor Pat M. Ahumada, Jr., convened the regular session at 6:10 p.m.

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 Thomas Carrubba, Pastor of the All Seaman's Center in Brownsville, Texas.

ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION:

- A) Consideration and ACTION on Resolution Number 2008-057 approving a right of first refusal interest on the note in the amount of \$550,000.00 (Five Hundred and Fifty Thousand Dollars) for a new building and swimming pool to be constructed on City of Brownsville owned property located on S. Price Road, adjacent to the Hike and Bike Trail, subject to the terms of the loan to the Veteran of Foreign Wars, Post 2035**

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Carlos A. Cisneros and carried unanimously, Resolution Number 2008-057 was **approved**. It was noted that the new construction, regarding a swimming pool reflected in the resolution, was not part of the construction.

Veterans of Foreign Wars Commander-Elect Oscar Tullos gave an update on the proposed construction, noting that Senator Eddie Lucio was helping with fundraising. He further noted that plans are to pay-off the loan in 10 years.

Veterans of Foreign Wars Commander Rodriguez thanked the City of Brownsville for their generosity and the partnership between City of Brownsville and Veteran of Foreign Wars, Post 2035.

1. ***MAYOR'S REPORT***

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

2. ***COMMISSIONERS' REPORT***

Commissioner Edward C. Camarillo apologized for missing the last meeting and noted that he was working with the Westside Neighborhood Association, whose residents are pro-active in the care of the neighborhood, to curb illegal activity in the area.

Commissioner Carlos A. Cisneros stated that a Public Workshop was held at Sports Park on May 31, 2008 and there had been good participation. He thanked Mr. Billy Killebrew for the K-9 presentation made at C.A.R.E. and BOYSA.

Commissioner Charlie Atkinson did not deliver a report.

Commissioner Leonel T. Garza reported updates on residential and commercial construction permits.

Commissioner Anthony P. Troiani thanked the Margaret Casey Foundation for the town hall meeting held on May 31, 2008. He noted that it had been well attended.

Commissioner Ricardo Longoria, Jr., reported that construction on East Avenue had begun, and that he planned to schedule meetings in the summer at the Southmost Community Center.

He expressed condolences to the family of Ulises Rodriguez, a young man who had recently perished at South Padre Island beach and, who had worked for the Commissioner on occasion.

3. ***PROCLAMATIONS:*** *American Electric Power*

Mayor Pat M. Ahumada, Jr., asked **Mr. Gilberto Garza, Utility Forester**, with American Electric Power, to step forward to accept a proclamation recognizing him for his many achievements as a Utility Forester with the Brownsville Beautification Committee.

The proclamation was read by Commissioner Edward C. Camarillo.

Michael Anthony Garza

Mayor Pat M. Ahumada, Jr., asked **Mr. Michael Anthony “Mike” Garza** to step forward to accept a proclamation recognizing him for being an advocate to the city, working to help those in need of help, and always striving to “give back” to his community.

The proclamation was read by Commissioner Carlos A. Cisneros.

Brownsville Police Explorers

Mayor Pat M. Ahumada, Jr., asked the **Brownsville Police Department Explorers**, a group of young men and women that excell academically and have an interest in a career in criminal justice, to step forward to accept a proclamation recognizing and congratulating them in their recent competition in Alice, Texas with several other Police Explorer groups from around the state.

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

Alberto Barrera

Mayor Pat M. Ahumada, Jr., asked **Mr. Alberto Barreda, EMS**, to step forward to accept a proclamation “*recognizing him for his life-saving act of heroism*”.

The proclamation was read by Commissioner Leonel T. Garza.

Oseas Cantu

Mayor Pat M. Ahumada, Jr., asked Mr. Oseas Cantu, EMS, to step forward to accept a proclamation “*recognizing him for his life-saving act of his heroism*”.

The proclamation was read by Commissioner Ricardo Longoria, Jr.

Phillip Conatser

Mayor Pat M. Ahumada, Jr., asked Mr. Phillip Conatser, EMS, to step forward to accept a proclamation “*recognizing him for his life-saving act of his heroism*”.

The proclamation was read by Commissioner Anthony P. Troiani.

Brownsville Fire and EMS

Mayor Pat M. Ahumada, Jr., asked Brownsville Fire and EMS, Captain Eduardo Robertson, Jason Meyn, Cynthia Puentes, Oziel Garcia, and Luis R. Hernandez, to step forward to accept a proclamation in recognition of their “*Life-Saving Acts of heroism*”.

The proclamation was read by Commissioner Charlie Atkinson.

Susan Hart, MD.

Mayor Pat M. Ahumada, Jr., asked **Dr. Susan Hart** to step forward to accept a proclamation in recognition for her “*life-saving act of heroism*”.

The proclamation was read by Commissioner Edward C. Camarillo.

4. PRESENTATIONS:

Employee of the Month *(June 2008)*

Mr. Charlie Cabler, City Manager, recognized *Ms. Enriqueta “Queta” Rodriguez, Administrative Technician I* for the Building/ Permitting Department, as employee of the month for the month of June, 2008.

5. PUBLIC COMMENT PERIOD:

Mr. Robert Uresti expressed his opinion regarding proposed changes to the Public Comment Period and suggested that a cabinet composed of residents from each subdivision be formed to meet with City Commissioners to hear from the public.

Mr. Alex Resendez expressed his concern about hurricanes and storms noting that sandbags needed to be issued before it rained. He further noted that 1,400,000 people, living in the Lower Rio Grande Valley and up to Corpus Christi, Texas would need to be evacuated in case of an emergency and suggested that the public be advised about early evacuation.

Mr. Joe Lee Rubio, Brownsville Beautification Committee (BBC) Chairperson, noted that he would present a BBC budget and asked that he be contacted by phone or e-mail regarding beautification projects that meet criteria.

Mr. Bobby Wightman-Cervantes expressed his concern over the proper display of the United States flag and the City Commissioners’ conduct at City Commission meetings.

Ms. Graciana De Pena expressed her concern about increasing the literacy rate in the City of Brownsville, and thanked City Commissioner’s for their support. She further expressed her thanks to Mr. Charlie Cabler, City Manager, and Ms. Estela Von Hatten, City Secretary, for the professional and courteous customer service provided at both their offices.

6. 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 Charlie Atkinson., seconded by Commissioner Anthony P. Troiani and carried unanimously, Consent Agenda Items “a” through “k” were **approved as presented.**

ITEMS No. “a” through “k”

a) Approval of the Minutes of the Regular Meeting of May 20, 2008.

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

<u>Employee</u>	<u>Department</u>	<u>Destination</u>	<u>Date</u>
Juan D. Garcia	Aviation	Corpus Christi, TX	Aug.12 – 14, 2008
Bill Seale	Aviation	Corpus Christi, TX	Aug.12 – 14, 2008
Norma H. Zamora	Bus	Austin, TX	July 20 – 25, 2008
Rebeca Castillo	Bus	Nashville, TN	June 23 – 27, 2008
Raquel Benavides	City Attorney	Houston, TX	July 09 – 11, 2008
Leonardo Perez	Fire	Austin, TX	June 05 – 06, 2008
Frank Seals	Fire	San Antonio, TX	June 08 – 13, 2008
Arturo Rodriguez	Health	San Antonio, TX	June 24 – 27, 2008
Joe Hinojosa	Health	San Antonio, TX	June 24 – 27, 2008
Venustiano Martinez	Parks	Las Vegas, NV	June 08 – 12, 2008
Mario Garza	Police	Ft. Collins, CO	June 21 – 26, 2008
Laura Arnold	Police	Ft. Collins, CO	June 21 – 26, 2008

Mr. Juan David Garcia, Equipment Operator II, will attend the “*Airfield Lighting Maintenance Seminar*”, sponsored by Siemens Airfield Solutions, on August 12-14, 2008, at Corpus Christi, Texas.

Mr. Bill Seale, Electrician, will attend the “*Airfield Lighting Maintenance Seminar*”, sponsored by Siemens Airfield Solutions, on August 12-14, 2008, at Corpus Christi, Texas.

Ms. Norma H. Zamora, BUS Director, will attend “*Texas Department of Transportation (TXDOT), Regional Forum*” and the “*Texas Transit Association (TTA) Board and Membership Seminar*” on July 20-25, 2008, at Austin, Texas.

Ms .Rebeca Castillo, BUS ADA/DBE Coordinator, will attend the “*Disadvantaged Business Enterprise Course*”, sponsored by the National Transit Institute (NTI), on June 23-27, 2008, at Nashville, Tennessee.

Ms. Raquel Benavidez, Legal Secretary, will attend “*How to Handle Conflict and Confrontation Seminar*”, sponsored by National Seminars Training, on July 10, 2008, in Houston, Texas.

Fire Chief Leonardo Perez, will attend the “*Texas Commission on Fire Protection Fire Fighter Advisory Committee*”, sponsored by the Texas Commission on Fire Protection, on June 05-06, 2008, in Austin, Texas.

Fire Inspector Frank Seals, will attend the “*ICC Fire Plans Examiner Class*”, sponsored by the ICC Construction Exam Center, on June 08-13, 2008, in San Antonio, Texas.

Mr. Arturo Rodriguez, Public Health Director, and Joe Hinojosa, Assistant Public Health Director, will attend the “*Bi-national Health Council Planning Workshop*”, sponsored by Pan American Health Organization (PAHO), on June 24-27, 2008, in San Antonio, Texas.

Mr. Venustiano Martinez, Brownsville Sport Park Superintendent, will attend “*2008 SGMA Team Sports Show*”, sponsored by SGMA Team Sports, on June 08-12, 2008, in Las Vegas, Nevada.

Police Patrolman Mario Garza, and Police Patrolman Laura Arnold will attend the “2008 National Law Enforcement Exploring Conference”, sponsored by National Law Enforcement Exploring, on July 21-26, 2008, in Ft. Collins, Colorado.

Police Investigator Julio Briones, will attend the “Sig Sauer Rangemaster Certification Course”, sponsored by SIGARMS Academy, on September 29, 2008 to October 03, 2008, in San Antonio, Texas.

- c) **APPROVAL on SECOND and FINAL READING of Ordinance Number 2008-1090-E to amend Ordinance Number 2007-1090-D of the City Code of Ordinances regarding the preparation of agendas, the conduct of City Commission meetings, public comment and dealing with related matters.**
- d) **APPROVAL on SECOND and FINAL READING of Ordinance Number 235-2008-005-S to allow Apartments Specific Use (duplex) in a Dwelling “Z” on Lot 12 & 13 of Naranja Vista Addition located at 7220 Obregon Avenue.**
- e) **APPROVAL on SECOND and FINAL READING of Ordinance Number 235-2008-032 to rezone from Medium Retail “G” (3CG) to General Retail “G” (4CG) for Lot 1, Block 1 of Villa Bonita Subdivision Section IV located at 4800 Fonsi Drive.**
- f) **APPROVAL on SECOND and FINAL READING of Ordinance Number 235-2008-033 to rezone from Dwelling “Z” (DZ) to General Retail “G” (4CG) for Lot 11, 12 and 13 of Olmito Original Townsite located at 5302 North Expressway 77/83.**
- g) **APPROVAL on SECOND and FINAL READING of Ordinance Number 235-2008-034 to rezone from Dwelling “G” (DG) to Light Commercial “G” (5CG) for 2.00 acres out of Block 21 of El Jardin Subdivision located near FM 802 and Dana Avenue.**
- h) **APPROVAL on SECOND and FINAL READING of Ordinance Number 235-2008-034-S to allow a Light Industrial Specific Use (Equipment Rental 7C) in Light Commercial (5C) for 2.00 acres out of Block 21 of El Jardin Subdivision located near FM 802 and Dana Avenue.**
- i) **APPROVAL on SECOND and FINAL READING of Ordinance Number 235-2008-035 to rezone from Dwelling “Z” (DZ) to**

General Retail “G” (4CG) for 1.12 acres out of Share 12 Espiritu Santo Grant located at 7291 North Expressway 77/83.

j) APPROVAL on SECOND and FINAL READING of Ordinance Number 235-2008-602-CU to allow a conditional use permit to sell off-premise alcohol (wet store) for Lot 1, Block 1 of Portmex Subdivision Replat located at 3505 International Blvd. –

k) APPROVAL on SECOND and FINAL READING of Ordinance Number 2008-318-II to amend certain sections of Chapter 106 Vehicles for Hire in the City of Brownsville Code of Ordinances.

BOARDS AND COMMISSIONS:

7). Mayoral Appointments to the Brownsville Housing Authority (BHA). (TABLED 05/06/2008) (TABLED 5/20/2008) (TABLED 06/03/2008)

Mayor Pat M. Ahumada, Jr., noted that he had not received a letter of registration from a BHA board member.

Upon motion by Commissioner Anthony P. Troiani, seconded by Commissioner Edward C. Camarillo, the item was carried unanimously, the item was **tabled**.

8. Consideration and ACTION to appoint or re-appoint one (1) member to the Brownsville Public Utilities Board.

Commissioner Charlie Atkinson moved that **Mr. Ramon Hinojosa** be appointed to the Brownsville Public Utilities Board. The motion was seconded by Commissioner Leonel T. Garza and carried by the following vote:

Ayes: Commissioners Garza, Atkinson, Longoria, and Cisneros

Nays: Commissioners Troiani, and Camarillo

Abstentions: None

9. Consideration and ACTION to appoint or re-appoint three (3) members to the Brownsville Public Library Advisory Board.

Upon motion by Commissioner Carlos A. Cisneros, seconded by Commissioner Anthony P. Troiani and carried unanimously, **Mr. Robert Rosas** was appointed to the Brownsville Public Library Advisory Board.

Commissioner Ricardo Longoria, Jr. moved that the **remaining slate of members be re-appointed** to the Brownsville Public Library Advisory Board. The motion was seconded by Commissioner Anthony P. Troiani and carried unanimously.

PUBLIC HEARINGS:

10. Public Hearing and ACTION on FIRST READING of Ordinance Number 2008-1367-A to adopt the Texas Food Establishment Rules of the Texas Department of State Health Services as made effective on March 15, 2006, providing for penalties thereof and related matters.

Mr. Arturo Rodriguez, Public Health Director, noted that proposed Ordinance Number 2008-1367-A updated the standards as required by the Texas Department of State Health Services.

Upon motion by Commissioner Anthony P. Troiani, seconded by Commissioner Leonel T. Garza., and carried unanimously, the public hearing was **closed**.

Commissioner Anthony P. Troiani moved that Ordinance Number 2008-1367-A be **approved** to adopt the Texas Food Establishment Rules of the Texas Department of State Health Services as made effective on March 15, 2006. The motion was seconded by Commissioner Leonel T. Garza and carried unanimously.

Commissioner Ricardo Longoria, Jr. had stepped out and did not vote.

11. Public Hearing and ACTION on SECOND READING of Ordinance Number 2008-1200.136 to accept a voluntary annexation submitted by the Brownsville Independent School District, as required by Chapter 43 of the Texas Local Government Code, and dealing with related matters.

Ms. Allison Bastian, Planner I, Planning Department, noted that Ordinance Number 2008-1200.136 proposed acceptance of annexation of an 80-acre tract where a new high school would be built.

Upon motion by Commissioner Carlos A. Cisneros, seconded by Commissioner Leonel T. Garza and carried unanimously, the public hearing was **closed**.

Commissioner Leonel T. Garza moved that Ordinance Number 2008-1200.136 be **approved** to accept a voluntary annexation submitted by the Brownsville Independent School District, as required by Chapter 43 of the Texas Local Government Code. The motion was seconded by Commissioner Carlos A. Cisneros and carried unanimously.

Commissioner Ricardo Longoria, Jr. stepped out and did not vote.

12. Public Hearing and ACTION on FIRST READING of Ordinance Number 235-2008-037 to rezone from Dwelling “G” (DG) to Medium Retail “G” (3CG) for Lot 4, Block 4 of Cameron Park City of Brownsville Addition located near Paredes Line Road and Alta Mesa Blvd.

Mr. Ben Medina, Director of Planning and Community Development, noted that the Planning and Zoning Commission had voted to recommend approval of the proposed rezoning

Upon motion by Commissioner Carlos A. Cisneros, seconded by Commissioner Edward C. Camarillo and carried unanimously, the public hearing was **closed**.

Commissioner Anthony P. Troiani moved that Ordinance Number 235-2008-037 to be **adopted** at first reading as presented. The motion was seconded by Commissioner Leonel T. Garza and carried unanimously.

Commissioner Ricardo Longoria, Jr. stepped out and did not vote.

13. Public Hearing and ACTION on FIRST READING of Ordinance Number 235-2008-038 to rezone from Dwelling “G” (DG) to Medium Retail “G” (3CG) for Lot 28 of ABST 2 of Palmas Del Sur located at 35 Esperanza Road

Mr. Ben Medina, Director of Planning and Community Development, noted that the Planning and Zoning Commission had voted to recommend approval of the proposed rezoning

Upon motion by Commissioner Edward C. Camarillo, seconded by Commissioner Carlos A. Cisneros and carried unanimously, the public hearing was **closed.**

Commissioner Edward C. Camarillo, moved that Ordinance Number 235-2008-038 to be **adopted** at first reading as presented. The motion was seconded by Commissioner Anthony P. Troiani and carried unanimously.

Commissioner Ricardo Longoria, Jr. stepped out and did not vote.

ACTION ITEMS:

14. Consideration and ACTION on Resolution Number 2008-058 regarding the purchase of 805 Taylor Street for \$104,000.

Mr. Ben Medina, Director of Planning and Community Development reviewed the proposed resolution and Mr. Roberto Luna, Purchasing Director, reviewed additional documentation associated with the purchase of property located at 805 E. Taylor Street.

Upon motion by Commissioner Ricardo Longoria Jr., seconded by Commissioner Edward C. Camarillo and carried unanimously, Resolution Number 2008-058 was **approved as presented.**

15. Consideration and ACTION to consider the approval of the October 1, 2008 thru September 30, 2009 Home Grant Program and projects.

Commissioner Anthony P. Troiani moved that the October 1, 2008 thru September 30, 2009 Home Grant Program and projects be **approved**. The motion was seconded by Commissioner Ricardo Longoria, Jr., and carried unanimously.

16. Consideration and ACTION authorizing staff to study for possible changes to the traffic patterns at the intersections of Old 77, Morrison Road and McAllen Road.

Mr. Ben Medina, Director of Planning and Community Development, and Robert Esparza, Traffic Department Director, presented proposed changes to the traffic pattern at Old Highway 77 and Morrison Road.

Mr. Esparza noted that if the changes weren't satisfactory to safer traffic patterns in the area, then the proposed barriers would be removed and further study would be needed to determine how to best deal with traffic at the busy intersection.

Commissioner Edward C. Camarillo, moved that the changes for the traffic patterns be **approved**. The motion was seconded by Commissioner Charlie Atkinson and carried unanimously.

PURCHASES/BIDS/CONTRACTS:

17. Consideration and ACTION to approving a Lease Agreement with National Electric Coil (NEC) for 31,523 sq ft of the Airport Building No. 23 (The former Levis Bldg)

Mr. Larry A. Brown, Director of Aviation reviewed the proposed Lease Agreement and Mr. Roberto Luna, Purchasing Director, reviewed additional documentation associated with the proposed Lease Agreement of the property.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Anthony P. Troiani and carried unanimously, a Lease Agreement with the National Electric Coil (NEC) for 31,523 sq ft. of the Airport Building No. 23 was **approved**.

18. Consideration and ACTION to award a contract for Fence Construction at the Southmost Park located at the Southmost Public Library

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Leonel T. Troiani and carried unanimously, a contract, in the amount of **\$116,803.10**, was awarded to **Hurricane Fence Co., of Harlingen, Texas**, for the construction of the fence to be built around Southmost Park, located at the Southmost Public Library Branch.

19. Consideration and ACTION to award a contract for the Purchase of One (1) 2008 Year Model Refuse Compactor for the Public Works Department Landfill Division.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Edward C. Camarillo and carried unanimously, a term contract in the amount of **\$836,291.83** was awarded to **Holt Caterpillar of Weslaco, Texas**, for the purchase of One (1) 2008 Year Model Refuse Compactor for the Public Works Department Landfill Division.

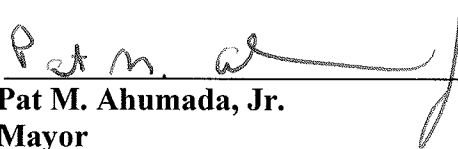
20. Consideration and ACTION to award a contract for the purchase and delivery of Ground Maintenance Equipment for the Brownsville Sports Park.

Upon motion by Commissioner Edward C. Camarillo, seconded by Commissioner Anthony P. Troiani, and carried unanimously, a term contract in the amount of **\$16,850.00**, was awarded to **Barbee-Neuhaus Implement Company**, for the purchase and delivery of Ground Maintenance Equipment for the Brownsville Sports Park.

ADJOURNMENT:

There being no further business to come before the City Commission, the meeting adjourned at 7:35 p. m.

Approved this 17th day of JUNE, 2008.



Pat M. Ahumada, Jr.
Mayor

Attest



Estela Von Hatten
City Secretary

