

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 17, 2008**, at **4:20 P.M., 5:35 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
JAMES R. GOZA		CITY ATTORNEY
JOHN 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 June 17, 2008:

WORKSHOP:

a) Discussion regarding Brownsville Urban System's, fares, routes, and fleet maintenance status report.

Norma Zamora, BUS Director, delivered a Powerpoint presentation of the Brownsville Urban System (BUS) fares and routes, as well as a fleet maintenance status report.

Mr. Renato Cardenas, suggested replacing the current big buses with smaller buses as a savings measure.

Commissioner Ricardo Longoria, Jr., stated that Norma Zamora, BUS Director had addressed the issue of smaller buses.

Mr. Ivan Welker, Fleet Administrator, noted that TECOM had Fleet Contract and a Transit Contract.

Commissioner Edward C Camarillo, recommended that a lobbyist be hired to attend to City BUS funding matters in Austin, Texas, as well as maintain contact with Washington, DC.

In response to Commissioner Camarillo's question regarding TECOM and bus maintenance, Ms. Norma Zamora, BUS Director, noted that monthly meetings were held, performance was monitored on a daily basis, and that major concerns and issues were brought to TECOM's attention for action.

b) Discussion regarding property valuation assessment.

Mr. Frutoso Gomez, Chief Appraiser, for the Cameron Appraisal District, accompanied by Rolando Cruz, Director of Real Estate, stated that they appraised the properties, sent notices to taxpayers, with taxpayers having thirty (30) days from receipt of the notice, to file a protest. He noted that both an informal hearing with an appraiser and a formal hearing were available for taxpayers' convenience.

Comments regarding homestead and business appraisal were made by Mr. Juan Rodriguez, Mr. B.S. Wadhvani, Mr. Fernando Ruiz, Mr. Roberto Uresti and Mr. Bahktani.

c) Discussion regarding a possible ordinance to prohibit the use of cell phones while driving.

Mayor Pat M. Ahumada, Jr. placed this item on the agenda in the interest of accident prevention as many individuals operate a motor vehicle while using cell phones or texting messages. Brief discussion ensued and it was determined that further study on this issue was needed.

d) Discussion regarding the use of the Brownsville Events Center on Fridays and Saturdays.

Mayor Pat M. Ahumada, Jr. noted that there was a need to increase revenue through conventions and that the event center should be available.

Mr. Skip Keller, Parks Director, and Ms. Corine Parris, Event Center Manager expressed their concerns regarding use of the center for conventions.

e) Discussion regarding solar thermal power.

Mr. Tad Hasse demonstrated a solar panel model.

EXECUTIVE SESSION: 5:35 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 551.071, of the Texas Government Code, regarding potential litigation.

Upon conclusion of the Executive Session, Mayor Pat M. Ahumada convened the regular session. There was no action taken in Executive Session.

REGULAR MEETING

PLEDGE OF ALLEGIANCE: UNITED STATES PLEDGE * TEXAS PLEDGE

The U.S. Pledge of Allegiance 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.

1. *MAYOR'S REPORT*

Mayor Pat M. Ahumada, Jr., read letters from the Texas Border Coalition.

2. *COMMISSIONERS' REPORT*

Commissioner Edward C. Camarillo noted that Southwest Key Program had participated in a graffiti clean-up. He recognized the the Brownsville Pony League "Scorpions" and gave notice that he would host a Town Hall Meeting at the San Pedro Hall at St. Joseph Catholic Church on E. St. Francis St., on June 25, 2008 at 6:00 p.m.

Commissioner Carlos A. Cisneros did not deliver a report.

Commissioner Ricardo Longoria, Jr., did not deliver a report.

Commissioner Charlie Atkinson delivered a brief update on the Brownsville Sports Park.

Commissioner Leonel T. Garza delivered an update on Brownsville airport projects and repairs, noting that a new hangar would be construction.

Commissioner Anthony P. Troiani thanked the 4-B (BCIC) board and staff and delivered a brief report on the Brownsville Sports Park's progress and possible baseball stadium.

3. ***PROCLAMATIONS:*** ***Red Shirt Fridays***

Mayor Pat M. Ahumada, Jr., asked Ms. Estela Von Hatten, City Secretary, to read a proclamation designating each Friday as “**Red Shirt Friday**” in support of all men and women who were serving in the Armed Forces.

Tigers Little Miss Kickball

No one was present to receive the proclamation. Mayor Pat M. Ahumada asked that the proclamation be read at the next City Commission meeting.

Roberto Robles, M.D.

Mayor Pat M. Ahumada, Jr., asked **Roberto Robles, M.D.** to step forward to accept a proclamation recognizing him for his dedication to community service, including the founding of the Brownsville Society for the Performing Arts, serving as Chair of the Health Services Committee for the Brownsville Chamber of Commerce, serving on the Project React advisory board and, since 1998, serving as a member of the Texas Southmost College Board of Trustees.

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

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 “f” were **approved.**

ITEMS No. “a” through “f”

a) Approval of the Minutes of the Regular Meeting of June 03, 2008.

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

<u>Employee</u>	<u>Department</u>	<u>Destination</u>	<u>Date</u>
John Doude	Aviation	Austin, TX	July 20 – 24, 2008
Patrick Willis	BBC	Irving, TX	June 24 – 27, 2008
Delina Barrera	BCIC	Austin, TX	Sept. 28 – Oct. 02, 2008
Alex Lorio	BCIC	Austin, TX	Sept. 28 – Oct. 02, 2008
Norma H. Zamora	BUS	Austin, TX	June 25 – 27, 2008
Cassandra Guerrero	Fire	Austin, TX	June 22 – 27, 2008

Mr. John Doude, Airport Operations Supervisor, will attend the “*AAAE Airport Certified Employee (ACE) Security Review Course*”, sponsored by The American Association of Airport Executives, on July 20-24, 2008, in Austin, Texas.

Mr. Patrick Willis, Brownsville Beautification Committee Representative, will attend the “*Keep Texas Beautiful Conference*”, sponsored by Keep Texas Beautiful, on June 24-27, 2008 in Irving, Texas.

Dr.. Delina Barrera, Brownsville Community Improvement Corporation Executive Director, and Mr. Alex Lorio, Assistant Director, will attend the “*2008 Fall Basic Economic Development Course*,” sponsored by Texas Economic Development Council, on September 28-October 02, 2008, in Austin, Texas.

Ms. Norma H. Zamora, BUS Director, will attend a meeting of the “*Texas Transportation Commission*” and the “*Texas Transit Association meeting*,” sponsored by the Texas Transportation and Texas Transit on June 25-27, 2008, in Austin, Texas.

Fire Inspector Cassandra Guerrero, will attend the “*4th Texas Biennial Juvenile Firesetter Conference*,” sponsored by the State Fire Marshal’s Office, and the Texas Chapter of the International Association of Arson Investigators and the Texas Engineering Extension Service, in June 22-27, 2008 in Austin, Texas.

- c) **APPROVAL on SECOND and FINAL READING of Ordinance Number 2008-1452-C amending the Code of Ordinances, Chapter 328, Signs, Article II, Section 11, Off Premises Signs and dealing with related matters.**
- d) **APPROVAL on SECOND and FINAL 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.**
- e) **APPROVAL on SECOND and FINAL 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.**
- f) **APPROVAL on SECOND and FINAL 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**

PUBLIC HEARINGS:

- 5. **Public Hearing and ACTION on FIRST READING of Ordinance Number 2008-898-C, to amend Chapter 74- Parks and Recreation, of the Brownsville City Code of Ordinances to include the Brownsville Linear Park.**

Mr. John Chosy, City Attorney, delivered an overview of the proposed ordinance, noting that there had been complaints regarding individuals attempting to operate cars and motorcycles on the Linear Park bike and pedestrian trail.

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

Commissioner Edward C Camarillo moved that Ordinance Number 2008-898-C be **approved** to amend Chapter 74 – Parks and Recreation of the Brownsville City Code of Ordinances to include the Brownsville Linear Park. The motion was seconded by Commissioner Ricardo Longoria, Jr. and carried unanimously.

6. **Public Hearing and ACTION on FIRST READING of Ordinance Number 2008-1494, amending Chapter 54 Health and Sanitation, Article VI, by repealing the current section 54-175 and replacing it with new language that prohibits smoking in restaurants and all other commercial businesses open to the general public, except for those businesses operating primarily as bars whose gross receipt sales for alcohol exceed fifty-one percent (51%) of their total business revenue; setting fines not to exceed two thousand dollars, and dealing with related matters.**

Mr. Ernesto De Leon, noted that, five years ago, a survey was done with Episcopal Day School, St. Mary's Elementary School, and Brownsville Independent School District and that 99.9% of the kids favored non-smoking in restaurants and he was in favor of the proposed ordinance. He congratulated the mayor and the commissioners for bringing the ordinance for action.

Upon motion by Commissioner Leonel T. Garza seconded by Commissioner Charlie Atkinson and carried unanimously, the public hearing was **closed**.

Commissioner Leonel T. Garza moved that Ordinance Number 2008-1494 be **approved** amending Chapter 54 Health and Sanitation, Article VI, by repealing the section 54-175 and replacing it with new language that prohibits smoking in restaurants and all other commercial businesses open to the general public, except for those businesses operating primarily as bars whose gross receipt sales for alcohol exceed fifty-one percent (51%) of their total business revenue, setting fines not to exceed two thousand dollars. The motion was seconded by Commissioner Charlie Atkinson and carried unanimously.

In discussion, Commissioner Ricardo Longoria, Jr. noted that some restaurants operate under a bar and grill business designation and asked if the ordinance would affect them or would the restaurants need to show proof of alcohol receipts of 51% or more.

Mayor Pat M. Ahumada responded that the business needed to show representation of 51% or more and if not, the restaurants needed to abide by the ordinance.

Commissioner Leonel T Garza noted that the ordinance was long overdue.

Commissioner Edward C. Camarillo noted that a number of establishments would be affected this ordinance and probably many restaurants owners were not yet aware of this proposed ordinance.

Mayor Pat M. Ahumada noted that a public hearing had been called and noticed in the agenda and that a second and final reading would be held prior to final approval of the ordinance.

7. Public Hearing and ACTION on FIRST READING of Ordinance Number 235-2008-040 to rezone from Apartment “H” (AH) to Light Commercial “G” (5CG) for Lot 1.5 acres out of Block 17 of Esperanza Place located near FM 802 and Old Port Isabel Road.

Mr. Ben Medina, Director of Planning and Community Development, noted that the proposed rezoning had been approved by the Planning and Zoning Commission.

Upon motion by Commissioner Charlie Atkinson, seconded by Commissioner Edward C. Camarillo., and carried unanimously, the public hearing was **closed**.

Commissioner Charlie Atkinson moved that Ordinance Number 235-2008-040 be **adopted** on first reading. The motion was seconded by Commissioner Edward C Camarillo and carried unanimously.

Mr. Ben Medina, Planning and Community Development Director, noted that the Planning and Zoning Commission had approved the proposed rezoning for a specific use and he requested that Items 8 through 10 be considered simultaneously as they dealt with the same property.

- 8. Public Hearing and ACTION on FIRST READING of Ordinance Number 235-2008-041 to rezone from Dwelling “G” (DG) to General Retail “G” (4CG) for 46 acres out of Espiritu Santo Grant located at 2525 W. Alton Gloor Blvd.**
- 9. Public Hearing and ACTION on FIRST READING of Ordinance Number 235-2008-041-S to allow a Medium Commercial Specific Use (Baseball Stadium 6C) in General Retail (4C) for 21 acres out of the 46 acres out of Espiritu Santo Grant located at 2525 W. Alton Gloor Blvd.**
- 10. Public Hearing and ACTION on FIRST READING of Ordinance Number 235-2008-603-CU an ordinance allowing a conditional use permit for on-premise consumption and off-premise sales of alcohol (wet restaurants and wet stores) for 46 acres out of Espiritu Santo Grant located at 2525 W. Alton Gloor Blvd.**

Mr. Medina reviewed the purpose of each ordinance and introduced Mr. Richard Hope, representing Hope Development, who reviewed schematic site plans.

In response to Commissioners Edward C. Camarillo and Charlie Atkinson, Mr. Medina noted that 21 acres would be set aside for specific use and that there would be sufficient parking spaces at the site.

Mr. Roberto Uresti, noted that there were not enough restroom facilities at the site and that he opposed smoking and alcoholic beverages in the baseball area.

Mr. Jorge Villarreal, River Rock founding member, thanked the city for the facilities that were being constructed he also stated that it would be disappointing to see park green space converted into retail space.

Mr. Abel Hernandez, a Brownsville cyclist, noted that the park was in a great location and asked for careful development of this property.

Ms. Gabriela Lozano, thanked the city for the bike trails, and suggested that staff consider the project carefully before finalizing the development.

In response to Mr. Alex Resendez, Mayor Ahumada noted that no bonds were being issued by the City for this park.

Ms. Meggie Heggie, a co-founder of Brownsville River Rock and owner of USA Unlimited Sports Adventures, also had been involved with the beginning of the development of the trails, also thanked the City of Brownsville and Parks and Recreation Department for working hand in hand towards development of the park. She asked that the trails be protected and preserved and offered her assistance in the master planning and oversight of the trail portion surrounding the stadium and retail space. She requested that adequate restroom facilities, water fountains, rest areas, and picnic areas be included in the park's development.

Commissioner Charlie Atkinson suggested that a committee be established. Mayor Pat M. Ahumada, agreed and suggested that Commissioner Atkinson meet with Ms. Meggie Heggie, and the Parks Director and report to the commission. He took the opportunity to remind people to be aware of traffic and careful when using the bicycle lanes.

Mr. Richard Hope, representing Hope Properties, noted that he was available to respond to any questions regarding the project.

In response to Commissioner Anthony P. Troiani, Mr. Richard Hope stated that the existing bike trail would be maintained in its current form, and that the United Baseball League would bring positive forms of entertainment to the City. He further noted that the stadium had a capacity of 3500 hard-back seats with room for the expansion of the bleachers and that one of the requirements of the City of Brownsville was that turf field be installed and designed for conversion for use as a baseball or soccer field, which he estimated would take approximately four (4) hours.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Carlos A. Cisneros, and carried unanimously, the public hearing was **closed**.

Commissioner Ricardo Longoria, Jr., moved that Ordinance Numbers 235-2008-041, 235-2008-041-S, and 235-2008-603-CU be **adopted** at first reading as presented. The motion was seconded by Commissioner Carlos A. Cisneros and carried unanimously.

11. PUBLIC COMMENT PERIOD:

Mr. Ernesto De Leon, congratulated the Mayor and City Commissioners on the non-smoking ordinance, and also suggested that the City buy smaller buses in order to effect savings on fuel, maintenance, and tires.

Mr. Fernando Ruiz had left.

Mr. Robert Uresti had left.

Mr. Edward Moore, board member of the Historic Brownsville Museum and Ms. Marisela Cortez, Director of the Historic Brownsville Museum, invited the public to the Brownsville Classic Car Show at Washington Park, on the 29th of June, between the hours of 2:00 and 6:00 p.m.

ACTION ITEMS:

- 12. Consideration and ACTION requesting authorization for a mid-year budget amendment to increase the fuel budget line item by \$350,000.00. (TABLED 6-17-2008)**

Upon motion by Commissioner Edward C. Camarillo, seconded by Commissioner Leonel T. Garza and carried unanimously, this item was **TABLED**.

13. Consideration and ACTION to authorize the City Attorney to formulate an ordinance outlining policy measures regarding cell phone usage while driving. (TABLED 6-17-2008)

Mayor Pat M. Ahumada, Jr., noted that he had placed this item on the agenda but perhaps further study and information was needed before proceeding.

Upon motion by Commissioner Charlie Atkinson, seconded by Commissioner Edward C. Camarillo and carried unanimously, the item was **TABLED** until further study on the issue had been done.

14. Consideration and ACTION to authorize the City Attorney to formulate a resolution requesting a moratorium on increased assessed property valuation by Cameron Appraisal District.

Mayor Pat M. Ahumada, Jr., noted that he had placed this item on the agenda.

Commissioner Charlie Atkinson moved that the City Attorney be authorized to formulate a resolution requesting a moratorium on increased assessed property valuation by the Cameron Appraisal District.

The motion was seconded by Commissioner Leonel T. Garza and **carried** by the following vote:

Ayes: Commissioners Garza, Atkinson, Cisneros, and Camarillo;

Nays: Commissioners Troiani and Longoria

Abstention: None.

15. Consideration and ACTION on Resolution Number 2008-059, in support of the League of United Latin American Citizens (LULAC) Council No. 2's resolution to provide passenger rail service to South Texas.

Upon motion by Commissioner Charlie Atkinson, seconded by Commissioner Anthony P. Troiani and carried unanimously, Resolution Number 2008-059 was **approved**, in support of the League of United Latin American Citizens (LULAC) Council No. 2's resolution to provide passenger rail service to South Texas.

PURCHASES/BIDS/CONTRACTS:

16. Consideration and ACTION authorizing execution of a Lease with AOG Logistics for 15,363 sq. ft. of the Brownsville Air Cargo Building.

Mr. Larry A. Brown, Aviation Director, noted that AOG Logistics was an aircraft parts company and the proposed two (2) year lease would provide \$68,274.60 in yearly revenue to the City of Brownsville.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Edward C. Camarillo and carried unanimously, staff was **authorized** to execute a lease with **AOG Logistics** for a 2-year lease of 15,363 square feet of the Brownsville Air Cargo Building.

17. Consideration and ACTION to award a contract for the purchase of One (1) 2008 Year Model D6K Dozer for the Public Works Department.

Upon motion by Commissioner Charlie Atkinson, seconded by Commissioner Ricardo Longoria, Jr., and carried unanimously, a contract in the amount of **\$246,424.72**, was awarded to **Holt Caterpillar of Weslaco, Texas**, for the purchase of one (1) 2008 year model D6K dozer for the Public Works Department.

18. Consideration and ACTION to authorize an amendment to the Contract with the Texas Department of Criminal Justice, Texas Correctional Industries “TCI” to add fencing around the All Conditions Field at the Brownsville Sports Park.

Commissioner Anthony P. Troiani moved that an amendment to the contract with **Texas Department of Criminal Justice, Texas Correctional Industries (TCI)**, in the amount of **\$48,119.06**, be authorized to add fencing around the All-Conditions Field at the Brownsville Sports Park.

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

19. Consideration and ACTION to award a contract for Airport Cargo Building roof repairs at the Brownsville South Padre Island International Airport.

Upon motion by Commissioner Charlie Atkinson, seconded by Commissioner Ricardo Longoria, Jr., and carried unanimously, a contract, in the amount of **\$88,584.00**, was awarded to **Adelco Enterprises of McAllen, Texas**, for the airport cargo building's roof repairs at the Brownsville South Padre Island International Airport.

20. Consideration and ACTION to award a contract for the purchase delivery and installation of Modular (work stations) and Tracking Filing System for the Police Department Records Section.

Mr. Robert Luna, Purchasing and Contracting Manager, reviewed Option A and Option B for the award of the contract.

Commissioner Charlie Atkinson moved that a **Option "A"** be approved, awarding a contract, in the amount of **\$66,152.92**, to **Jones & Cook Stationers of Brownsville, Texas**, for the purchase, delivery, and installation of a modular (workstations) and tracking filing system for the Brownsville Police Department's records section.

The motion was seconded by Commissioner Carlos A. Cisneros and carried by the following vote:

Ayes: Commissioners Troiani, Garza, Atkinson, Longoria, and Cisneros;

Nays: None;

Abstention: Commissioner Camarillo.

21. Consideration and ACTION to award a contract for Concession Services Agreement for the City of Brownsville Facilities. (TABLED: 6-17-2008)

Mr. Robert Luna, Purchasing and Contracting Manager, reviewed the contract but informed Commissioners that he recommended further study before any action took place.

Commissioner Anthony Troiani moved that the item be **TABLED** until further information was obtained. The motion was seconded by Commissioner Charlie Atkinson and carried unanimously.

ADJOURNMENT:

There being no further business to come before the City Commission, the meeting adjourned at 8:29 p. m.

Approved this 1st day of JULY, 2008.



Attest:

Estela Von Hatten

Estela Von Hatten
City Secretary

Pat M. Ahumada, Jr.
Pat M. Ahumada, Jr.
Mayor