

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, **May 06, 2008**, at **5:10 P.M., 5:20 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
PETE GONZALEZ, Finance Dir.		INTERIM ASSISTANT CITY MANAGER
JAMES R. GOZA		CITY ATTORNEY
JOHN CHOSY		ASSISTANT CITY ATTORNEY
ESTELA VON HATTEN		CITY SECRETARY

A quorum being present, Deputy Mayor Pro-Tem Ricardo Longoria, 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 2, 2008:

WORKSHOP:

a) Discussion regarding overlay districts.

Mr. Joe Gavito informed Commissioners of the requirements for new development within an O11 overlay district such as in the West Side of Brownsville.

Discussion was held regarding a restaurant in the district that had requested a conditional use permit to sell alcoholic beverages.

Mr. Ben Medina, Director of Planning and Community Development, noted that the business owners did not apply for Heritage review and that a conditional use permit can be revoked if complaints are received regarding the business operations.

Mr. John Chosy, Assistant City Attorney, noted that approved Ordinance Number 2005-235.66 provided no leeway for the City Commission to approve a conditional use permit.

Local district residents, Mr. John Kinch, Mrs. Candy Cascos, Mr. Larry Hollman, Mr. Bill Berg expressed their opposition to issuance of a conditional use permit to the business in question because it would conflict with the current non-alcoholic restrictions for the overlay district. They requested that City Commissioners uphold the restriction and for the record, Ms. Candy Cascos delivered a petition opposing the issuance of the conditional use permit, signed by area residents.

Commissioner Edward C. Camarillo also noted that, in order to allow a conditional use permit, the ordinance needed to be amended.

Mayor Pat M. Ahumada, Jr., arrived at 5:30 p.m.

EXECUTIVE SESSION:

Upon motion by Commissioner Carlos A. Cisneros, seconded by Commissioner Edward C. Camarillo and carried unanimously, the executive session was convened to discuss the following matters

- A) **Discussion pursuant to Section 551.071, of the Texas Government Code, regarding attorney-client privileged communications associated with anticipated litigation.**
- B) **Discussion pursuant to Section 551.071, of the Texas Government Code, regarding consultation with attorney on pending litigation.**

Upon conclusion of Executive Session, Mayor Pat M. Ahumada, Jr., convened the regular session. No action was taken during executive session.

REGULAR MEETING

PLEDGE OF ALLEGIANCE: UNITED STATES PLEDGE * TEXAS PLEDGE

The U.S. Pledge of Allegiance was led by Mayor Pat M. Ahumada, Jr. The Texas Pledge was led by Commissioner Ricardo Longoria, Jr.

INVOCATION:

The invocation was delivered by Bob Clark, Deacon with the Church of the Good Shepherd in Brownsville, Texas.

ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION:

- B) **Consideration and ACTION regarding the disposition of Elia Cornejo-Lopez claim.**

Upon motion by Commissioner Charlie Atkinson, seconded by Commissioner Anthony P. Troiani and carried unanimously, the item was **tabled**.

1. MAYOR'S REPORT

Mayor Pat M. Ahumada, Jr., noted that, at the invitation of Mexican officials, he had participated in various trail rides and noted that his alliance with Mexico would benefit both Brownsville and Matamoros, Tamps., Mexico.

2. COMMISSIONERS' REPORT

Commissioner Edward C. Camarillo noted that, due to the help of Joe Hinojosa, Assistant Health Director, Dr. Sherrie Wooding, and other non-profit groups working with the Animal Shelter Advisory Committee, animal euthanizations had decreased and pet adoptions had increased. He also thanked Ms. Gina Mota, Community Service Specialist, for her coordination of the neighborhood clean-up in the La Muralla neighborhood and Commissioner Carlos A. Cisneros and other participants, for their assistance in the clean up of Garden Park. He announced that an “*Imagine Brownsville!*” workshop would be held on May 14, 2008 at the Events Center at 6:00 p.m. and the public was invited.

Commissioner Carlos A. Cisneros thanked City staff and Brownsville Public Utilities Board staff for installation of solar powered lights, and thanked Mr. Santana Torres, Public Works Director, and Carlos Lastra, City Engineer, for the design and paving work at Mayorga Street. Commissioner Cisneros thanked Mr. Ben Medina, Planning and Community Development Director, for working with Mr. Rene Capistran to install drinking fountains in various areas of the Linear Park walking trail.

Commissioner Ricardo Longoria, Jr., informed the public that the bridge near Garza Elementary School was unsafe and had been temporarily closed by the Texas Department of Transportation.

Commissioner Charlie Atkinson noted that ten (10) football coaches were needed for coaching summertime flag football teams.

Commissioner Leonel T. Garza noted his attendance at the “*Older Americans Luncheon*”, held on May 5, 2008, and thanked Brownsville Police Department officers and other City staff for their assistance at the event which had been very successful. He also asked everyone to please clean the curb and gutter in front of their residence in an effort to keep Brownsville clean.

Commissioner Anthony P. Troiani noted that he had attended the Congressional Hearings regarding the proposed border wall and stated that government officials may present the City with an alternative to the wall.

3. PROCLAMATIONS: ***Municipal Clerks Week***
(Commissioner Edward C. Camarillo)

Mayor Pat M. Ahumada, Jr., asked Ms. Estela Von Hatten, City Secretary/Local Registrar, and staff, to step forward to accept a proclamation designating May 4-10 as “*Municipal Clerks/City Secretaries Week*” in the City of Brownsville. Ms. Von Hatten, and the following staff, accepted the proclamation: *Liza M. Valdez, Administrative Supervisor, Juan D. Andrade Administrative Tech I, Nayade I. Garza, Vital Statistics Supervisor, Priscilla M. Atkinson, Administrative Tech I, and Viviana Montana, Administrative Tech I.*

The proclamation was read by Commissioner Edward C. Camarillo.

Mental Health Month
(Mayor Pat M. Ahumada, Jr.)

Mayor Pat M. Ahumada, Jr., asked Mr. Jaime Flores, Director, to step forward to accept a proclamation designating May, 2008, as “*Mental Health Month*” in the City of Brownsville.

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

Elder Abuse Prevention Month
(Mayor Pat M. Ahumada, Jr.)

Mayor Pat M. Ahumada, Jr., presented a proclamation designating May, 2008, as “*Elder Abuse Prevention Month*” in the City of Brownsville to Ms. Maria Roussett, Ms. Maria Moreno, members of the Cameron County Advisory Committee on Elder Abuse Prevention.

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

Set a Good Example City

(Mayor Pat M. Ahumada, Jr.)

Mayor Pat M. Ahumada, Jr., presented a proclamation proclaiming Brownsville as a “*Set A Good Example City*” to Ms. Gail Thomason and Dr. Juan Villarreal, sponsors of the Set a Good Example program in Brownsville.

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

Hillary Dawn Glover

(Mayor Pat M. Ahumada, Jr.)

Mayor Pat M. Ahumada, Jr., asked *Ms. Hillary Dawn Glover* to step forward to accept a proclamation recognizing Hillary Dawn Glover for her “*Set A Good Example Gold Award*”. Ms. Gail Thomason noted that Hillary, having overcome dyslexia, was a student mentor in Chemistry and Geometry.

Dr. Juan Villarreal presented Hillary a \$1,000.00 check for winning first place in the “*National Best of the Texas SAGE*” competition.

“Este Es Mi Mexico” Art Exhibition

(Mayor Pat M. Ahumada, Jr.)

Mayor Pat M. Ahumada, Jr., asked Mexican Consul, Victor Manuel Treviño Escudero to bring forward student artists, who participated in the Annual International Art Exposition, to accept a proclamation recognizing and congratulating them as winners of the “*Este Es Mi Mexico*” art exhibition. Students being recognized were: *Luis Fernando Cortinas Alvarez, Antonio Mendoza De Leon, Jose Emmanuel Lopez Garcia, Eric Dschalch Ceballos, Martin Rolando Resendez Chavez, Cristina Garza Garcia, and Emmanuel Cruz Gomez*. Ms. Cristina Garza Garcia thanked Commissioners for the proclamation.

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

Dr. Sandra Garcia
(Mayor Pat M. Ahumada, Jr.)

Mayor Pat M. Ahumada, Jr., presented a proclamation to *Dr. Sandra Garcia* recognizing her for her many contributions to the City of Brownsville, including creation of the Brownsville Pet Advocates With Solutions (PAWS) for the humane treatment of animals, and finding and applying for grant funds for the benefit the City of Brownsville.

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

Save Our History Day
(Commissioner Anthony P. Troiani)

Mayor Pat M. Ahumada, Jr., asked Ms. Noell Kendall, Teacher at H.R. Hudson Elementary School, to step forward to accept a proclamation designating May 17, 2008, as “*Save Our History Day*” in the City of Brownsville. Ms. Kendall’s students, dressed in period costumes, accompanied her.

The proclamation was read by Commissioner Anthony P. Troiani.

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

Mr. Charlie Cabler, City Manager, recognized *Ms. Gail Downs*, Accountant with the City of Brownsville Finance Department, as “*Employee of the Month*” for the month of May, 2008.

5. PUBLIC COMMENT PERIOD:

Mr. Alex Resendez thanked Commissioners for repairing Laredo Road. Mr. Resendez also noted that Paredes Line Road was in need of street curb clean up and litter pickup.

Mr. Robert Uresti noted that the following matters needed to be addressed: mosquitoes, water rate which are too high, and Lindale/Shidler Drives which both were in need of repair.

Mr. Fernando Ruiz expressed his concern with “compadrismo”, and the hiring procedures of the City of Brownsville.

Mr. Francisco Sifuentes expressed his concern with firefighters stopping for lunch or breaks while driving City fire trucks, and the arrogance of City directors. He noted that an ambulance from Port Isabel had attended to his wife during an accident in Brownsville.

6. CONSENT AGENDA ITEMS:

All Consent Agenda Items, with the exception of Item (g) were considered to be routine by the City Commission and were approved by one motion. Consent Item (g) was set aside by Commissioner Edward G. Camarillo for further discussion prior to action.

ITEMS No. “a” through “g”

Upon motion by Commissioner Edward C. Camarillo, seconded by Commissioner Anthony P. Troiani and carried unanimously, Consent Agenda **Item g) was set aside** for further discussion prior to action.

In response to Commissioners requests for further information regarding the filing of a Criminal Justice Grant titled: “*Second Chance*” which had been approved as reflected in Agenda Item Number 15 of the minutes of April 15, 2008, City Manager, Charlie Cabler noted that the grant had yet to be approved but staff would go through the Request for Proposals process and submit proposals to the City Commission for their consideration.

Commissioner Edward C. Camarillo noted that the City needed to establish a grant writing policy in order to avoid incorrect filing of grants, including missing information and late filing.

Commissioner Charlie Atkinson expressed concern over possible conflict of interest regarding the “Second Chance” grant application.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Charlie Atkinson and carried unanimously, Consent Agenda **Items a) through f) were approved.**

a) Approval of the Minutes of the Regular Meeting of April 15, 2008.

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

Employee	Department	Destination	Date
Minerva Flores	BUS	Chicago, IL	May 11 – 16, 2008
Rebeca Castillo	BUS	Mesquite, TX	May 21 – 23, 2008
German Saiz	Bldg. Insp.	San Antonio, TX	June 08 – 13, 2008
Leonardo L. Perez	Fire	College Station, TX	May 05 – 06, 2008
Joe A. Hinojosa	Health	Galveston, TX	May 12 – 15, 2008
Raquel Benavidez	Legal	Houston, TX	May 29 – 31, 2008
Carlos L. Garcia	Police	Austin, TX	May 19 – 23, 2008
Robert Avitia	Police	Austin, TX	May 19 – 23, 2008
David Martinez	Police	San Antonio, TX	May 28 – 30, 2008
Ted Torres	Police	San Antonio, TX	May 28 – 30, 2008
Carlos L. Garcia	Police	Austin, TX	June 17 – 19, 2008
Juan Hernandez	Police	Austin, TX	June 17 – 19, 2008
Henry Etheridge	Police	San Antonio, TX	July 30 – 31, 2008
Rolando Vasquez	Police	San Antonio, TX	July 30 – 31, 2008
Daniel DeAnda	Police	San Antonio, TX	Sept. 29 – Oct. 03, 2008

Ms. Minerva Flores, BUS Operations Manager, will attend a “*Transit Safety and Security Course*”, sponsored by the Transportation Safety Institute, on May 11-16, 2008, in Chicago, Illinois.

Ms .Rebeca Castillo, BUS ADA/DBE Coordinator, will attend the “*Managing The Cost of ADA Paratransit*” Workshop, sponsored by the Texas Department of Transportation and the National Transit Institute, on May 21-23, 2008, in Mesquite, Texas.

Mr. German Saiz, Permitting Facilitator, will attend the “*Inspector Certification Exam Preparation Seminar*”, sponsored by The Construction Exam Center, on June 8-13, 2008, in San Antonio, Texas.

Fire Chief Leonardo Perez will attend a “*TIFMAS Exercise*”, sponsored by The Texas Forest Service, on May 5-6, 2008, in College Station, Texas.

Mr. Joe A Hinojosa, Assistant Health Director, will meet with the U.S. Army Corp. of Engineers regarding the grant for the “*Resaca Restoration Project*”, on May 12-15, 2008, in Galveston, Texas.

Ms. Raquel Benavides, Legal Secretary, will attend a “*Powerful Communication Skills for Women Seminar*”, sponsored by National Seminars Training Group, on May 29 – 31, 2008, in Houston, Texas.

Police Chief Carlos L. Garcia and Commander Robert Avitia will attend the “*Global Border Security Conference and Expo*”, sponsored by Global Border Security, on May 19-23, 2008, in Austin, Texas.

Police Investigators David Martinez and Ted Torres will attend a “*Criminal Investigation of Electronic Storage Devices Training*”, on May 28-30, 2008, in San Antonio, Texas.

Police Chief Carlos L. Garcia and Commander Juan Hernandez will attend the “*ABTPA Board Meeting and Grant Review*”, sponsored by the Texas Auto Burglary & Theft Prevention Authority, on June 17-19, 2008, in Austin, Texas.

Police Lt. Henry Etheridge and Investigator Rolando Vasquez will attend the “*2008 Technical Assistance Program Seminar*”, sponsored by the EEOC Training Institute, on July 30-31, 2008, in San Antonio, Texas.

Police Firearm Instructor Daniel DeAnda will attend a “*Range Master Certification Course*”, sponsored by the Sig Sauer Academy, on September 29-October 3, 2008, in San Antonio, Texas.

c) APPROVAL on SECOND and FINAL READING of Ordinance Number 235-2008-024 to rezone from Apartment “F” (AF) to Professional Office “G” (1CG) of Lots 7 & 8, Block 78 of Brownsville Original Townsite Subdivision located at 207 E. Washington Street.

- d) APPROVAL on SECOND and FINAL READING of Ordinance Number 235-2008-025 to rezone from Dwelling “G” (DG) to General Retail “G” (4CG) for Lots 9, 10, and 11 of Block 1 of Dunlap Subdivision located at 6468 Padre Island Highway.**
- e) APPROVAL on SECOND and FINAL READING of Ordinance Number 235-2008-026 to rezone from Dwelling “Z” (DZ) to Medium Retail “G” (3CG) for Lot 11 of Block 30 of Cameron Park Subdivision located at 4402 Paredes Line Road.**
- f) APPROVAL on SECOND and FINAL READING of Ordinance Number 235-2008-027 to rezone from Dwelling “G” (DG) to Light Industrial “G” (7CG) for 2.50 acres of Block 120 of El Jardin Subdivision located near Central Avenue and Mar Street.**

Consent Agenda Item g):

- g) APPROVAL on SECOND and FINAL READING of Ordinance Number 235-2008-601-CU to allow a conditional use permit to sell on-premise alcohol (wet restaurant), for Lot 1 & E ½ of Block 140-A out of Stillman Extension and Addition to the City of Brownsville “El Dorado BBQ” located at 705 W. Elizabeth Street.**

Commissioner Edward C. Camarillo expressed his concern with issuing a permit to sell on-premise alcoholic beverages in the restricted overlay district governed by Ordinance Number 2005-235.66. He noted that every business in that district should abide by the same rules.

Mr. Jim Goza, City Attorney, noted that a “conditional use” permit provided for the business to be allowed to sell on-premise alcohol and for the City to require certain conditions regarding health, safety and other concerns of the neighborhood’s residents.

Mr. Ben Medina, Director of Planning and Community Development, noted that the City could impose restrictions regarding the hours of operation and sale of alcoholic beverages.

Commissioner Anthony P. Troiani expressed his opposition to the issuance of the conditional use permit noting that the business should abide by the same process as other area businesses/restaurants.

Commissioner Ricardo Longoria, Jr., moved that Ordinance Number 235-2008-601-CU be **adopted** on second and final reading, to allow a conditional use permit to sell on-premise alcohol (wet restaurant), for Lot 1 and East ½ of Block 140-A out of Stillman Extension and Addition to the City of Brownsville, for “**El Dorado BBQ**” located at 705 W. Elizabeth Street.

The motion was seconded by Commissioner Charlie Atkinson and carried as follows:

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

Nays: Commissioners Troiani and Camarillo.

Abstentions: None.

BOARDS AND COMMISSIONS:

7. Consideration and ACTION to appoint or re-appoint eight (8) members to the Brownsville Border Film Commission.

Commissioner Anthony P. Troiani moved that the 8 members currently on the board be re-appointed. The motion was seconded by Commissioner Edward C. Camarillo. No vote was taken.

Commissioner Charlie Atkinson moved that **Mr. David Betancourt** be appointed to replace Joseph Zavaletta, Jr. The motion was seconded by Commissioner Leonel T. Garza and carried unanimously.

Commissioner Anthony P. Troiani moved that the **remaining slate** of members be re-appointed to the Brownsville Border Film Commission. The motion was seconded by Commissioner Camarillo and carried unanimously.

Upon motion by Commissioner Charlie Atkinson, seconded by Commissioner Carlos A. Cisneros and carried unanimously, Agenda **Item No. 22 was moved out of sequence for action.** Mayor Pat M. Ahumada, Jr., had stepped out and did not vote.

22. Consideration and ACTION on Resolution Number 2008-051 setting forth amended by-laws for the Brownsville Border Film Commission (BBFC), and superseding all other resolutions associated with previous BBFC by-laws.

Upon motion by Commissioner Anthony P. Troiani, seconded by Commissioner Edward C. Camarillo and carried unanimously, Resolution Number 2008-051 was **adopted**, setting forth amended by-laws for the Brownsville Border Film Commission (BBFC), and superseding all other resolutions associated with previous BBFC by-laws.

8. Consideration and ACTION to appoint members to the Charter Review Committee.

Mayor Pat M. Ahumada, Jr., moved that **Mr. Hilario Diaz and Mr. Ed Moore** be appointed to the Charter Review Committee. The motion was seconded by Commissioner Leonel T. Garza and carried unanimously.

9. Consideration and ACTION to appoint or re-appoint four (4) members to the Animal Shelter Advisory Committee.

Upon motion by Commissioner Edward C. Camarillo, seconded by Commissioner Anthony P. Troiani and carried unanimously, **Mr. William De La O** was appointed to the Animal Shelter Advisory Committee.

Appointments to three other positions on the Committee would be made at the next regular meeting of the City Commission.

10. Mayoral Appointments to the Brownsville Housing Authority (BHA). (TABLED)

Mayor Pat M. Ahumada, Jr., noted that he wished to table the item until the next regular meeting of the City Commission.

Upon motion by Commissioner Anthony P. Troiani, seconded by Commissioner Leonel T. Garza and carried unanimously, the item was **tabled**.

PUBLIC HEARINGS:

- 11. Public Hearing and ACTION on FIRST READING of Ordinance Number 2008-856-NN to amend the Code of Ordinances by amending Chapter 82, Section 82-37 of the code, to specify a fee for disposal of certain solid waste materials and dealing with related matters.**

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 2008-856-NN be **adopted** on first reading to amend the Code of Ordinances by amending Chapter 82-37 of the Code, to specify a fee for disposal of certain solid waste materials and dealing with related matters.

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

- 12. Public Hearing and ACTION on FIRST READING of Ordinance Number 2008-1485 to amend Chapter 18 Building Regulations of the City of Brownsville Code of Ordinances.**

Upon motion by Commissioner Charlie Atkinson, seconded by Commissioner Anthony P. Troiani and carried unanimously, the public hearing was **closed**.

Commissioner Leonel T. Garza moved that Ordinance Number 2008-1485 be **adopted** on first reading, to amend Chapter 18, Building Regulations, of the City of Brownsville Code of Ordinances.

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

- 13. Public Hearing and ACTION on FIRST READING of Ordinance Number 2008-1492 authorizing the issuance of “City of Brownsville, Texas Utilities System Revenue Refunding Bonds, Series 2008”; providing for the payment of the principal of and interest on the bonds by a lien on and pledge of the net revenues of the system; providing the terms and conditions of such bonds and resolving other matters incident and relating to the issuance, payment, security, sale, and delivery of such bonds, including the approval and distribution of an official statement; stipulating the terms and conditions for the issuance of additional revenue bonds on a parity**

therewith; authorizing the execution of a paying agent/registrars agreement, a purchase contract, and an escrow deposit letter; complying with the requirements of the depository trust company; enacting other provisions incident and related to the subject and purpose of this ordinance; and providing for an effective date.

Mr. Larry Jordan, Bond Counsel with Estrada-Hinojosa, Inc., reviewed the bonds proposed for issuance, noting that the bonds would be re-financed at a lower fixed rate, as opposed to the current floating rate.

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

Commissioner Charlie Atkinson moved that the item be tabled. The motion died for lack of a second.

Upon motion by Commissioner Anthony P. Troiani, seconded by Commissioner Leonel T. Garza and carrying by the following vote, Ordinance Number 2008-1485 was **adopted** on first reading as presented:

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

Nays: None;

Abstained: Commissioner Atkinson.

14. Public Hearing and ACTION on FIRST READING of Ordinance Number 235-2008-009-S to allow Medium Retail “G” (3CG) in a Professional Office “G” (1CG) for Block 2, 3, and 4 of Resaca de Ville Subdivision located at 1254 Paredes Line Road.

Mr. Ben Medina, Director of Planning and Community Development, noted that the Planning and Zoning Commission recommended approval of the proposed ordinance.

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 235-2008-009-S be **adopted** at first reading as presented.

The motion was seconded by Commissioner Anthony P. Troiani and carried unanimously. Commissioner Leonel T. Garza had stepped out and did not vote.

15. Public Hearing and ACTION on FIRST READING of Ordinance Number 235-2008-028 to rezone from Dwelling “G” (DG) to Professional Office “G” (1CG) of Block 47 of El Jardin Subdivision located at 591 North Central Avenue.

Mr. Ben Medina, Director of Planning and Community Development, noted that the Planning and Zoning Commission recommended approval of the proposed ordinance.

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

Commissioner Carlos A. Cisneros moved that Ordinance Number 235-2008-028 be **adopted** on first reading as presented.

The motion was seconded by Commissioner Anthony P. Troiani and carried unanimously. Commissioner Leonel T. Garza had stepped out and did not vote.

16. Public Hearing and ACTION on FIRST READING of Ordinance Number 235-2008-029-S to allow a Light Commercial Specific Use (Used Car Lot 5C) in General Retail “G” (4CG) for Lot 3, Block 6 of East Brownsville Addition located at 1758 Southmost Road.

Mr. Ben Medina, Director of Planning and Community Development, noted that the Planning and Zoning Commission recommended approval of the proposed ordinance.

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

Commissioner Carlos A. Cisneros moved that Ordinance Number 235-2008-029-S be **adopted** on first reading as presented.

The motion was seconded by Commissioner Ricardo Longoria, Jr., and carried unanimously. Commissioner Leonel T. Garza had stepped out and did not vote.

17. Public Hearing and ACTION on FIRST READING of Ordinance Number 235-2008-030-S to allow a Heavy Industrial Specific Use (Recycling Center 9C) in a Light Industrial (7C) for Lots 9, 10 and 11 of Fourteen Street Commercial Plaza Subdivision located at 3145 E. 14th Street.

Mr. Ben Medina, Director of Planning and Community Development, noted that the Planning and Zoning Commission recommended approval of the proposed ordinance.

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 Number 235-2008-030-S be **adopted** on first reading as presented.

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

18. Public Hearing and ACTION on FIRST READING of Ordinance Number 235-2008-031-S to allow Dwelling “G” Specific Use (House Addition) in a Dwelling “A” for Lot 8, Block 1 of Brownsville Country Club Section IV located at 1375 San Marcelo Blvd.

Mr. Ben Medina, Director of Planning and Community Development, noted that the Planning and Zoning Commission recommended approval of the proposed ordinance.

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 235-2008-031-S be **adopted** on first reading as presented.

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

ACTION ITEMS:

19. Consideration and ACTION on Resolution Number 2008-054 in support of the construction of the second span of the Veterans International Bridge at Los Tomates.

Mr. Pete Sepulveda, Cameron County Administrator, reported on the proposed expansion of the Veterans Bridge at Los Tomates, which would be dedicated to commercial vehicle traffic. He noted an anticipated completion date of June 2010.

Upon motion by Commissioner Carlos A. Cisneros, seconded by Commissioner Anthony P. Troiani and carried unanimously, Resolution Number 2008-054 was **adopted**, in support of the construction the second span of the Veterans International Bridge at Los Tomates.

20. Consideration and ACTION to acknowledge the City's Comprehensive Annual Financial Report (CAFR) and Single Audit Report for the fiscal year ended September 30, 2007.

Mr. Pete Gonzalez, Finance Director, reported that City's audit had been finalized in March, 2008.

Mr. Carlos Barrera, CPA with Long Chilton, Inc., reported a clean opinion for the City's comprehensive annual financial report and single audit report. He further noted that the City had received GFOAT certification once more.

Commissioner Charlie Atkinson moved that the City's Comprehensive Annual Financial Report (CAFR) and the Single Audit Report for fiscal year ending September 30, 2007, be **acknowledged**. The motion was seconded by Commissioner Edward C. Camarillo and carried unanimously.

21. Consideration and ACTION to acknowledge the chief financial officer's financial statements and cash investment report for the City of Brownsville for the second quarter ending March 31, 2008.

Mr. Pete Gonzalez, Finance Director, reviewed the financial statements and cash investment report.

Commissioner Ricardo Longoria, Jr., moved that the Chief Financial Officer's financial statements and cash investment report for the City of Brownsville for the second quarter ending March 31, 2008, be **acknowledged**.

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

Mayor Pat M. Ahumada, Jr., stepped out

Deputy Mayor Charlie Atkinson presided.

23. Consideration and ACTION regarding the proposed closing of Central Avenue Park and the relocation of park equipment.

Mr. Ben Medina, Director of Planning and Community Development, noted that the park would be closed due to safety concerns because the park was located on the highly traveled Boca Chica Blvd, and the property would eventually be sold.

Commissioner Ricardo Longoria, Jr., moved that staff be **authorized** to close Central Avenue Park and relocate the park equipment.

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

24. Consideration and ACTION to authorize Chief Carlos L. Garcia to apply for the Texas Automobile Burglary & Theft Prevention Authority (ABTPA) Grant for Fiscal Year 2009.

Chief of Police Carlos L. Garcia noted that City Commission authorization was needed in order to submit a grant application from the ABTPA.

Prior to final action on Agenda Item 24, Mayor Ahumada returned to the dais and demanded that Deputy Mayor Atkinson yield the floor, to which Deputy Mayor Atkinson responded that he wanted to finalize pending action on the item which was in question while Mayor Ahumada had stepped out.

Commissioner Anthony P. Troiani moved that Chief Carlos L. Garcia be **authorized** to apply for the Texas Automobile Burglary & Theft Prevention Authority (ABTPA) grant for fiscal year 2009. The motion was seconded by Commissioner Carlos A. Cisneros and carried unanimously.

25. Consideration and ACTION to authorize the acceptance and execution of the Texas Department of Transportation Selective Traffic Enforcement Program (STEP), Click it or Ticket (CIOT) Grant awarded to the Brownsville Police Department in the amount of \$15,000.00.

Commissioner Leonel T. Garza moved that staff be **authorized** to accept and execute the Texas Department of Transportation Selective Traffic Enforcement Program (STEP), Click It or Ticket (CIOT) grant awarded to the Brownsville Police Department in the amount of **\$14,669.45**. The motion was seconded by Commissioner Edward C. Camarillo and carried unanimously.

Deputy Mayor Atkinson asked that the minutes reflect that Mayor Ahumada told him to “shut up” as well as made some threatening remarks, away from the microphone, to Deputy Mayor Atkinson. He then moved that the Mayor be relieved of his place at the meeting but there was no second.

Commissioner Longoria moved that Deputy Mayor Atkinson be permitted to have the floor. The motion was seconded by Commissioner Cisneros and carried unanimously.

Deputy Mayor Atkinson explained that when Mayor Ahumada left the dais for a phone call, he had presided as the Deputy Mayor and that, upon returning to the dais, the Mayor had rudely interrupted him telling him to “*shut up*” and making remarks such as “*come on, come on, what are you going to do?*”

In response to Deputy Mayor Atkinson’s question regarding what course of action he could take in view of the Mayor’s threatening tone, Mr. James Goza, City Attorney, noted that he could take civil action but did not recommend escalating the matter.

Other Commissioners expressed their opinion regarding mayor’s behavior at the meeting and acknowledged that Deputy Mayor Atkinson had acted appropriately during the Mayor’s absence from the dais. They further asked the Mayor to apologize. Mayor Ahumada stated he would not apologize.

Commissioner Longoria, instructed Mr. James Goza, City Attorney, to have a more clear answer, in the future, when interpreting Roberts Rules of Order.

Mayor Ahumada noted that he wanted the minutes to reflect that he not threatened anyone and that Deputy Mayor Atkinson had been and was out of order.

PURCHASES/BIDS/CONTRACTS:

26. Consideration and ACTION authorizing a Supplemental Agreement Number 2 with HNTB regarding Enhanced Markings at Brownsville/South Padre Island International Airport.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Anthony P. Troiani and carried unanimously, Supplemental Agreement Number 2 with HNTB was **authorized** for enhanced taxiway markings at Brownsville/South Padre Island International Airport.

27. Consideration and ACTION authorizing a contract with Ambiotec on the parking study for 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 **\$32,500** with Ambiotec was **authorized** for a parking study for the Brownsville/South Padre Island International Airport.

28. Consideration and ACTION authorizing a contract with Ambiotec for the construction of a new airport maintenance building and parks maintenance building.

Commissioner Charlie Atkinson moved that a contract with Ambiotec, in the amount of **\$62,500**, be **authorized** for the construction of a new airport maintenance building and parks maintenance building. The motion was seconded by Commissioner Ricardo Longoria, Jr., and carried unanimously.

29. Consideration and ACTION authorizing Amendment Number 31 to the contract with HNTB for the project entitled “Relocation of the Texas Department of Agriculture Facility”.

Commissioner Charlie Atkinson moved that Amendment Number 31 to the contract with HNTB be **authorized** for the project entitled: “Relocation of the Texas Department of Agriculture Facility”. The motion was seconded by Commissioner Ricardo Longoria, Jr., and carried unanimously.

30. Consideration and ACTION to award a contract for purchase, delivery and installation of playground equipment at the Brownsville Sports Park.

In response to Commissioner Charlie Atkinson's concern regarding the bidding process, Mr. Roberto Luna, Purchasing and Contracting Director, noted that pricing had been obtained through *BuyBoard*, (a part of The Local Government Purchasing Cooperative, an administrative agency created in accordance with Section 791.001 of the Texas Government Code) that obtained bids and assisted governmental entities obtain the best possible pricing.

In response to Commissioner Charlie Atkinson, Dr. Delina Barrera, Executive Director of the Brownsville Community Improvement Corporation (BCIC), noted that two (2) companies had submitted bids (through BuyBoard) but only Miracle Recreation Equipment Company submitted a complete bid.

Upon motion by Commissioner Anthony Troiani, seconded by Commissioner Edward C. Camarillo and carried unanimously, a contract in the amount of **\$286,839.00**, was awarded to **Miracle Recreation Equipment Company of San Antonio, Texas**, for the purchase, delivery and installation of playground equipment at the Brownsville Sports Park.

31. Consideration and ACTION to award a contract for purchase, delivery and installation of furniture for the Brownsville Sports Park.

Commissioner Anthony P. Troiani moved that a contract in the amount of **\$13,284.21** be awarded to **Southern Metal Industries, Inc. of Ringgold, Georgia** for the purchase, delivery and installation of furniture for the Brownsville Sports Park. The motion was seconded by Commissioner Edward C. Camarillo and carried unanimously.

32. Consideration and ACTION to award a contract for the purchase and delivery of three (3) Animobiles for the Brownsville Health Department – Animal Care Facility.

Upon motion by Commissioner Edward C. Camarillo, seconded by Commissioner Anthony P. Troiani and carried unanimously, a contract was awarded to **Tipton Ford Motor Company of Brownsville, Texas** for the purchase and delivery of

three (3) Animobiles for the Brownsville Health Department – Animal Care Facility as follows:

Qty	Description	Unit Price	Extended Price
(3)	2008 model, 1-ton, V-9 Pick-up truck w/modular animal Transport body	\$34,908.00	\$104,724.00

33. Consideration and ACTION to award a contract for the purchase and delivery of two (2) 2008 year model street sweepers for the Public Works Department – Greens Division.

Commissioner Ricardo Longoria, Jr., moved that a contract in the amount of **\$345,249.00** be awarded to **Schwarze Industries, Inc., of Huntsville, Alabama**, for the purchase and delivery of two (2) 2008-year model street sweepers for the Public Works Department – Greens Division. The motion was seconded by Commissioner Leonel T. Garza and carried unanimously.

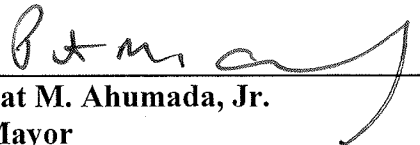
34. Consideration and ACTION to award a contract for the purchase of two (2) 2008 year model heavy equipment trailers for Public Works Department – Streets Division.

Upon motion by Ricardo Longoria, Jr., seconded by Commissioner Anthony P. Troiani and carried unanimously, a contract in the amount of **\$52,135.56**, was awarded to **Freightliner of Austin, Texas**, for the purchase of two (2) 2008-year model heavy equipment trailers for the Public Works Department – Streets Division.

ADJOURNMENT:

There being no further business to come before the City Commission, the meeting adjourned at 9:37 p.m.

Approved this 20th day of May, 2008.



Pat M. Ahumada, Jr.
Mayor

Attest:



Estela Von Hatten
City Secretary

