

**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, October 07, 2008**, at **5:45 P.M.** and **6:00 P.M.** with the following members present:

<b>RICARDO LONGORIA, JR.</b>	)	
<b>CHARLIE ATKINSON</b>	)	
<b>CARLOS A. CISNEROS</b>	)	
<b>ANTHONY P. TROIANI</b>	)	
<b>EDWARD C. CAMARILLO</b>	)	
<b>LEONEL T. GARZA</b>	)	<b>COMMISSIONERS</b>
<b>CHARLIE CABLER</b>		<b>CITY MANAGER</b>
<b>PETE GONZALEZ</b>		<b>DEPUTY CITY MANAGER/FINANCE DIRECTOR</b>
<b>LIZA M. VALDEZ</b>		<b>ADMINISTRATIVE SUPERVISOR</b>
<b>ABSENT:</b>		
<b>PAT M. AHUMADA, JR.</b>	)	<b>MAYOR</b>

A quorum being present, Deputy Mayor Pro-Tem Charlie Atkinson, asked Ms. Liza M. Valdez, Administrative Supervisor, to read the call to consider the following matters as posted and filed for the record in The Office of the City Secretary on October 03, 2008.

**EXECUTIVE SESSION: 5:36 P.M.**

Upon motion by Commissioner Carlos A. Cisneros seconded by Commissioner Edward C. Camarillo and carried unanimously, the Executive Session convened at 5:36 p.m. to discuss the following matters:

- A) Discussion pursuant to Section 551.071, of the Texas Government Code, regarding consultation with attorney.**
- B) Discussion pursuant to Section 551.087, of the Texas Government Code, regarding economic development.**

No action was taken in executive session.

Upon conclusion of the Executive Session, the regular session was convened by Mayor Pat M. Ahumada, Jr.

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**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 Edelmira Cavazos.

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

- B) Consideration and ACTION regarding a proposed Ground Lease and Stadium Agreement, providing for funding of capital improvements on City on 46 acres of City of Brownsville property located at West Alton Gloor Blvd., to include an all-purpose stadium and limited commercial development through a lease agreement with Alton Gloor Stadium Group L.L.C. and Brownsville Stadium Group L.L.C.**

Jim Goza, City Attorney, stated that the City's interests were protected by the provisions of the bonds to be issued for development of the baseball stadium.

Commissioner Charlie Atkinson moved that the Ground Lease and Stadium Agreement be **approved**, with revisions as stated, provided that the developer obtained financing within 8 months.

The motion was seconded by Commissioner Edward C. Camarillo and carried by the following vote:

Ayes: Commissioners Garza, Atkinson, Cisneros, Camarillo

Nays: Commissioners Troiani and Longoria.

Abstention: None

Upon motion by Commissioner Edward C. Camarillo, seconded by Commissioner Ricardo Longoria, Jr. and carried unanimously, Agenda **Item No. 24** was moved out of sequence for action.

**24. Consideration and ACTION to award a contract for the 2007 CIP Project Contract No. 2-A for Street Paving and Drainage Improvements for Cedar Ridge Drive, Turtle Creek Drive, Bluewing Circle and Sandy Drive.**

Commissioner Edward C. Camarillo moved that a contract, in the amount of **\$321,533.90**, be awarded to **R&R Paving LLC, of San Benito, Texas** for the 2007 (CIP) Capital Improvement Program Project Contract No. 2-A for Street Paving and Drainage Improvements for Cedar Ridge Drive, Turtle Creek Drive, Bluewing Circle and Sandy Drive.

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

Upon motion by Commissioner Carlos A. Cisneros, seconded by Commissioner Charlie Atkinson and carried unanimously, Agenda **Item No. 03** was presented for action.

**3. PROCLAMATIONS:**

*Dr. Gustavo Stern, MD. FACS  
(Commissioners Cisneros/Atkinson)*

Mayor Pat M. Ahumada, Jr., asked **Dr. Gustavo Stern, M.D., F. A. C. S.**, to step forward to accept a proclamation recognizing him for his participation in local, and county and state positions, including being a co-founder of the Brownsville Community Health Center, the Physicians Hospital Organization, Independent Physician Association, having served as Medical Director of the Valley Grande Manor Nursing Home and as board member of the Rio Grande Valley Indigent Health Care Corporation

The proclamation was read by Commissioner Charlie Atkinson.

*Commissioner Edward C. Camarillo left the meeting.*

**1. MAYOR'S REPORT**

Mayor Pat M. Ahumada, Jr. expressed concerns regarding a \$0.03 cents tax that had not been approved for public safety. He also noted that he was not in agreement with issuing bonds at this time.

**2. COMMISSIONERS' REPORT**

Commissioner Carlos A. Cisneros presented Ms. Marisela Rosales, U.S. Census Bureau representative, who delivered a Power Point presentation regarding the timeline and procedures for the Census in 2010.

Commissioner Carlos A. Cisneros presented a representative of the Lower Rio Grande Valley Development Council, who delivered a report on their upcoming projects.

Commissioner Ricardo Longoria, Jr. stated reasons for changes on the budget and apologized to constituents for the mayor's alarmist remarks regarding the City budget. He also apologized to Mrs. George Farrish for his conduct at the previous meeting. He asked the citizens of Brownsville to be patient regarding street projects at school zones, during the school year, noting that if work was begun on those streets those streets would need to be closed.

Commissioner Charlie Atkinson stated that it was not the right time to raise taxes due to current national economic conditions. He also reported that the Sports Park was almost completed, along with a Skate Park and a BMX Trail. He noted that the Brownsville Community Improvement Corporation (BCIC) would present photos of the progress at the sports park at the next City Commission meeting.

Commissioner Leonel T. Garza congratulated the Commissioners who serve on the BCIC board, briefly commented on the City budget and noted that the correct percentage of the Public Safety budget was actually 65%. He thanked Mr. Mariano "Bean" Ayala and staff for their assistance with negotiations for the LPGA Future's Golf Tournament to be held at Rancho Viejo, TX.

Commissioner Anthony P. Troiani thanked the Public Works department for the efficient brush pick-up and noted that there may be a Grand Opening of the Sports Park in the near future. He noted that an advantage of the park would be having the Rio Grande Valley UIL tournaments and encouraged the community to support the project.

**3. PROCLAMATIONS:**

***City Department Directors***

*(Mayor Pat M. Ahumada, Jr.)*

Mayor Pat M. Ahumada, Jr., asked City Department Directors to step forward and accept a proclamation recognizing them for their work and support at the City's Emergency Operations, during Hurricane Dolly.

The proclamation was read by Liza Marie Valdez, Administrative Supervisor.

**4. PRESENTATIONS:**

***Employee of the Month***  
*(October 2008)*

Mr. Charlie Cabler, City Manager, recognized *Mr. Fernando Vasquez*, employee of the Airport Department, as “*Employee of the Month*” for the month of October 2008.

***Census Bureau Report***  
*(Commissioners Cisneros/Atkinson)*

***Lower Rio Grande Valley Development Council***  
*(Commissioners Cisneros/Atkinson)*

***Expenditures Update Regarding Weir Project***  
*(Commissioners Atkinson/Cisneros)*

Mr. John Bruciak, Brownsville Public Utilities Board/CEO delivered a brief status report regarding the expenditures associated with the Weir Project.

**5. CONSENT AGENDA ITEMS:**

Upon motion by Commissioner Carlos A. Cisneros., seconded by Commissioner Ricardo Longoria, Jr. and carried unanimously, Consent Agenda Items “a” through “d” were **approved**.

***ITEMS No. “a” through “d”***

- a) Approval of the Minutes of the Special Meeting of September 15, 2008.
- b) Approval of the Minutes of the Regular Meeting of September 16, 2008.
- c) Authorization for the following individuals to incur travel expense:

<u>Employee</u>	<u>Department</u>	<u>Destination</u>	<u>Date</u>
Larry A. Brown	Aviation	Fort Worth, TX	Oct. 21-23, 2008
Norma H. Zamora	BUS	Austin, TX	Oct. 17, 2008
Andrew Munoz	BUS	Dallas, TX	Oct. 22-23, 2008
Liza M. Valdez	City Secretary	Austin, TX	Nov 23-25, 2008
Griselda Rosas	City Secretary	Austin, TX	Nov 23-25, 2008
Yolanda Galarza	City Secretary	Austin, TX	Nov 23-25, 2008

J. Eduardo Santillan	Engineering	Houston, TX	Oct. 12-15, 2008
Leonardo Perez	Fire	Austin, TX	Oct. 05-07, 2008
David Hinojosa	Fire	Salt Lake City, UT	Oct. 05-10, 2008
Willie Gonzales	Health	Laredo, TX	Oct. 12-17, 2008
Beulah Mendez	Health	Laredo, TX	Oct. 12-17, 2008
Victor Perez	Health	Laredo, TX	Oct. 12-17, 2008
Phillip Chio	Health	Laredo, TX	Oct. 12-17, 2008
Larry Hernandez	Health	Laredo, TX	Oct. 12-17, 2008
Jamie Standeford	Parks	Abilene, TX	Oct. 28-31, 2008
Adrián Gamez	Parks	San Antonio, TX	Oct. 12-14, 2008
Pablo López	Parks	San Antonio, TX	Oct. 12-14, 2008
Ernesto Dorantes	Parks	San Antonio, TX	Oct. 12-14, 2008
Blanca Cuevas	Planning	San Antonio, TX	Oct. 26-27, 2008
Lucy Garza	Planning	San Antonio, TX	Oct. 26-27, 2008
Graciela Aldaco	Planning	San Antonio, TX	Oct. 26-27, 2008
Cristóbal Abrego	Pólíce	Austin, TX	Oct. 26-31, 2008
Alejandro Alviar	Pólíce	Austin, TX	Oct. 26-31, 2008
Troy Arnold	Police	Irving, TX	Oct. 19-24, 2008
David De León	Police	Irving, TX	Oct. 19-24, 2008
Joe Villarreal	Police	Irving, TX	Oct. 19-24, 2008

Mr. Larry A. Brown, Airport Director, will attend the “*Federal Aviation Administration Fall Mini Conference (FAA)*”, sponsored by the Federal Aviation Administration, on October 21-23, 2008, in Fort Worth, Texas.

Ms. Norma Zamora, BUS Director, will attend the “*Texas Transit Association (TTA) Board of Directors Meeting*”, sponsored by the Texas Transit Association, on October 17, 2008, in Austin, Texas.

Mr. Andrew Muñoz, BUS Assistant Director, will attend “*The National Council for Public-Private Partnerships Workshop*”, sponsored by the Federal Transit Administration and The National Council for Public-Private Partnerships, on October 22-23, 2008, in Dallas, Texas.

Mr. Eduardo Santillan, Right-of-Way Acquisition Specialist, will attend the “*Eminent Domain Law Basics for Right of Way Professionals Course*”, sponsored by the International Right of Way Association, on October 12-15, 2008, in Houston, Texas.

Fire Chief Leonardo Perez, will attend the “*Texas Commission on Fire Protection Commission Meeting*”, sponsored by the Texas Commission on Fire Protection, on October 05-07, 2008, in Austin, Texas.

Assistant Fire Chief David Hinojosa, will attend the “*2008 Spillman Technologies Annual Users Conference*”, sponsored by Spillman Technologies, Inc., on October 05-10, 2008, in Salt Lake City, Utah.

Ms. Beulah Mendez, Legal Secretary, Mr. Willie Gonzales, Ordinance Enforcement Officer II, Mr. Victor Perez, Ordinance Enforcement Officer I, and Mr. Phillip Chio, Ordinance Enforcement Officer I, Mr. Larry Hernandez, Health Inspector I, will attend the “*Basic Code Enforcement Course*”, sponsored by the Texas Engineering Extension Service, on October 12-17, 2008, in Laredo, Texas.

Ms. Jamie Standeford, Community Center Coordinator, will attend the “*Texas Civic Center Association’s 11<sup>th</sup> Annual Conference*”, sponsored by the Texas Civic Center Association, on October 28-31, 2008, in Abilene, Texas.

Mr. Adrian Gamez, Pool Operations Supervisor, Mr. Pablo Lopez, Pool Technician, and Mr. Ernesto A. Dorantes, Pool Technician, will attend the “*Champions School of Real Estate Certification Pool & Spa Continuing Education Courses*”, sponsored by Champions School of Real Estate, on October 12-14, 2008, in San Antonio, Texas.

Ms. Lucy Garza, Housing Manager, Ms. Blanca Cuevas, Loan Servicing Specialist, and Ms. Graciela Aldaco, Homeless Coordinator, will attend the “*Home Homebuyer Underwriting and Foreclosure Intervention Workshop*”, sponsored by The National Association of Housing and Redevelopment Officials, on October 26-27, 2008, in San Antonio, Texas.

Patrolman Cristobal Abrego, and Alejandro Alviar, will attend the “*Field Training Officer Certification Program Administrator Course*”, sponsored by Richard Whitehead & Associates LLC, on October 26-31, 2008, in Austin, Texas.

Sergeant Troy Arnold, Investigators David Deleon and Joe Villarreal, III, will attend the “*Defense Technology Instructor Certification Program*”, sponsored by the Training Academy of Defense Technology, on October 19-24, 2008, in Irving, Texas.

- d) APPROVAL on SECOND and FINAL READING of Protested Ordinance Number 235-2008-048 to rezone from Medium Industrial “J” (8CJ) to Apartment “J” (AJ), 8.679 acres out of the Reserve “A” of the Sweetbriar Subdivision, located near Coffee Port Road and Central Avenue.**
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***BOARDS AND COMMISSIONS:***

- 6. Consideration and ACTION to appoint or re-appoint one (1) member to the Airport Advisory Board.**

Commissioner Leonel T. Garza moved that **Mr. Alex E. Anzaldua** be appointed to the Airport Advisory Board to complete the unexpired term of Mr. Bill Donahue. The motion was seconded by Commissioner Carlos A. Cisneros and carried unanimously.

- 7. Consideration and ACTION to appoint or re-appoint one (1) member and one (1) alternate to the Amigos Del Valle, Inc. Board of Directors.**

Commissioner Carlos A. Cisneros moved that **Commissioner Edward C. Camarillo** be re-appointed to the Amigos Del Valle, Inc. Board of Directors. Mr. Ben Medina, Director of Planning and Community Development was designated as the alternate member. The motion was seconded by Commissioner Anthony P. Troiani and carried unanimously.

- 8. Consideration and ACTION on Resolution No. 2008-087 to appoint one (1) additional member to the Cultural Affairs Committee.**

Commissioner Anthony P. Troiani moved that **Ms. Connie Hensley** be appointed to the Cultural Affairs Committee as the representative of the Hotel/Motel Association of Brownsville. The motion was seconded by Commissioner Leonel T. Garza and carried unanimously.

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***PUBLIC HEARINGS:***

At the request of Mr. Ben Medina, Director of Planning and Community Development, Agenda Items 09 and 10 were read consecutively.

9. **Public Hearing and ACTION on FIRST READING on Ordinance Number 235-2008-055 to rezone from Dwelling “Z: (DZ) to Light Retail “G” (2CG) for lot 1 thru 4 of Naranjo Vista Addition located near Anacua Street and Expressway 77/83.**
10. **Public Hearing and ACTION on FIRST READING on Ordinance Number 235-2008-055-S to allow a General Retail Specific Use (Tortilleria Factory 4C) in Light Retail (2CG) for Lot 1 thru 4 of Naranjo Vista Addition located near Anacua Street and Expressway 77/83.**

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

Upon motion by Commissioner Carlos A. Cisneros, seconded by Commissioner Charlie Atkinson and carried unanimously, the public hearing was **closed**.

Commissioner Carlos A. Cisneros moved that Ordinance Numbers 235-2008-055 and 235-2008-055-S be **adopted** on first reading. The motion was seconded by Commissioner Charlie Atkinson and carried unanimously.

11. **Public Hearing and ACTION on FIRST READING of Ordinance Number 2008-919-H an ordinance amending Chapter 10, Wreckers, of the Code of Ordinances, Section 110-128, to increase the rates for collision haul and removal of debris on non-consensual tows.**

Mr. Robert Esparza, Director of Traffic Department, reviewed the proposed ordinance.

Mr. Reynaldo Garza, III, representing 9 of 12 tow truck companies spoke in favor of the increase due to fuel and insurance costs.

Mr. Ramiro Sanchez and Mr. Richard Rios spoke in favor of the rate increase.

Mr. Francisco Sifuentes expressed his opposition to the proposed rate increase.

Upon motion by Commissioner Charlie Atkinson, seconded by Commissioner Ricardo Longoria, Jr. and carried unanimously, the public hearings were **closed**.

Commissioner Charlie Atkinson moved that Ordinance Number 2008-919-H be **adopted** on first reading with the recommendation that the collision haul fee be revised from \$75.00 to \$115.00, with \$20.00 of that fee to be directed to the General Fund, and that the waste debris removal fee be revised from \$18.00 to \$25.00. The motion was seconded by Commissioner Anthony P. Troiani and carried unanimously.

At the request of Commissioner Charlie Atkinson, Agenda Items 12 and 13 were read consecutively.

12. **Public Hearing and ACTION on FIRST READING on Ordinance Number 2008-1499 amending Chapter 348 Zoning, Article VIII, Section 348-1419, Fees, of the Code of Ordinances by adding certain fees and dealing with related matters.**
13. **Public Hearing and ACTION on FIRST READING on Ordinance Number 2008-235.78 amending the Code of Ordinances, Chapter 316, Article II, Mobile Home Parks, by adding Section 316-69(a), Special Use Permit, amending Section 316-145, Additional Land Uses, and dealing with related matters.**

Commissioner Charlie Atkinson stated that Ordinance Number 2008-235.78 required that a special use permit needed to be issued by the Planning and Zoning Department before being placed in a mobile home park/development and mobile homes could not be placed in a residential development .

Upon motion by Commissioner Charlie Atkinson, seconded by Commissioner Carlos A. Cisneros and carried unanimously, the public hearings were **closed**.

Commissioner Charlie Atkinson moved that Ordinance Numbers 2008-1499 and 2008-235.78 be **adopted** on first reading. The motion was seconded by Commissioner Carlos A. Cisneros and carried unanimously.

**14. PUBLIC COMMENT PERIOD:**

Mr. Fernando Ruiz and Mr. Francisco Sifuentes, who had signed on for public comment, had left the meeting.

**ACTION ITEMS:**

**15. Consideration and ACTION authorizing Resolution Number 2008-083, to accept FAA Grant Number 3-48-0031-035-2008 in the amount of \$2,086,433.**

Commissioner Carlos A. Cisneros moved that Resolution Number 2008-083 be **adopted** to authorize the acceptance of FAA Grant Number 3-48-0031-035-2008 in the amount of **\$2,086,433**.

The motion was seconded by Commission Anthony P. Troiani and carried unanimously. Commissioner Charlie Atkinson did not vote.

**16. Consideration and ACTION authorizing Resolution Number 2008-084, to accept FAA Grant Number 3-48-0031-034-2008 in the amount of \$632,500.**

Commissioner Carlos A. Cisneros moved that Resolution Number 2008-084 be **adopted** to authorize the acceptance of FAA Grant Number 3-48-031-034-2008 in the amount of **\$632,500**.

The motion was seconded by Commission Anthony P. Troiani and carried unanimously. Commissioner Charlie Atkinson did not vote.

**17. Consideration and ACTION authorizing an Agreement with Brownsville Economic Development Council (BEDC) and the Greater Brownsville Incentives Corporation (GBIC) regarding funding for the required analysis to reposition the Nexrad Radar Facility at Brownsville South Padre Island International Airport.**

Mr. Larry Brown, Aviation Director, reviewed the proposed agreement noting that the Nexrad Radar at the Brownsville/South Padre Island International Airport would be repositioned.

Upon motion by Commissioner Carlos A. Cisneros, seconded by Commissioner Anthony P. Troiani and carried unanimously, an Agreement with Brownsville

Economic Development Council (BEDC) and the Greater Brownsville Incentives Corporation (GBIC), regarding funding for the required analysis to reposition the Nexrad Radar Facility at Brownsville South Padre Island International Airport, was **approved as presented.**

- 18. Consideration and ACTION to authorize the acceptance and expenditure of the Texas Department of Transportation Selective Traffic Enforcement Program (STEP) Comprehensive Grant, awarded to the Brownsville Police Department, in the amount of \$96,276.90, for Fiscal Year 2009.**

Upon motion by Commissioner Ricardo Longoria, Jr. seconded by Commissioner Anthony P. Troiani and carried unanimously, the acceptance and expenditure of the Texas Department of Transportation Selective Traffic Enforcement Program (STEP) Comprehensive Grant, awarded to the Brownsville Police Department, in the amount of **\$96,276.90**, for Fiscal Year 2009 was **approved.**

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

- 19. Consideration and ACTION authorizing a Lease with Border Manufacturing Contractors, LLC, for Airport Building No. 27 (formerly the VF – Haggar Building).**

Upon motion by Commissioner Anthony P. Troiani, seconded by Commissioner Ricardo Longoria, Jr. and carried unanimously, a lease with Border Manufacturing Contractors, LLC, for Airport Building No. 27 (formerly the VF – Haggar Building), was **approved.**

Commissioner Carlos A. Cisneros had stepped out and did not vote.

- 20. Consideration and ACTION authorizing the City of Brownsville to enter into a contract with Cameron County Emergency Service District No. 1 to furnish fire fighting services to the unincorporated area of Cameron County designated by Zone Number 1 on the official Fire Protection Service Zone Map of the CCESD No. 1.**

Upon motion by Commissioner Ricardo Longoria, Jr. seconded by Commissioner Anthony P. Troiani and carried unanimously, a contract in the amount of **\$388,019.45**, was awarded to **Cameron County Emergency Service District No. 1**, for fire fighting services to the unincorporated area of Cameron County designated by Zone Number 1 on the official fire protection service zone map of the CCESD for fiscal year 2007-2008.

**21. Consideration and ACTION to award a contract for Airport Cargo Building Roof Repair at the Brownsville South Padre Island International Airport.**

Upon motion by Commissioner Charlie Atkinson, seconded by Commissioner Leonel T. Garza and carried unanimously, a contract in the amount of **\$96,000.00** was awarded to **Joe Ibarra Construction** for Airport Cargo Building Roof Repair at the Brownsville South Padre Island International Airport.

Commissioner Carlos A. Cisneros had stepped out and did not vote.

**22. Consideration and ACTION to authorize the purchase and delivery of one (1) 2008 Year Model Backhoe for the Public Works Department Streets Division.**

Upon motion by Commissioner Charlie Atkinson, seconded by Commissioner Anthony P. Troiani and carried unanimously, a contract in the amount of **\$86,069.45** was awarded to **Doggett Heavy Machinery Services, LTD.** for the purchase and delivery of one (1) 2008 Year Model Backhoe for the Public Works Department Streets Division.

**23. Consideration and ACTION to authorize the purchase and delivery of One (1) 2008 Year Model Double-Drum Vibratory Smooth Roller for the Public Works Department Streets Division.**

Upon motion by Commissioner Charlie Atkinson, seconded by Commissioner Anthony P. Troiani and carried unanimously, a contract in the amount of **\$128,753** was awarded to **Anderson Equipment Company** for the purchase and delivery of

one (1) 2008 Year Model Double Drum Vibratory Smooth Roller for the Public Works Department Streets Division.

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**ADJOURNMENT:**

There being no further business to come before the City Commission, the meeting adjourned at 8:58 p.m.

Approved this 21<sup>st</sup> day of October, 2008.

  
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Pat M. Ahumada, Jr.  
Mayor

**Attest:**

  
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Estela Von Hatten  
City Secretary

