

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, September 02, 2008**, at **5:45 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)	
ANTHONY P. TROIANI)	
EDWARD C. CAMARILLO)	
LEONEL T. GARZA)	COMMISSIONERS
CHARLIE CABLER		CITY MANAGER
PETE GONZALEZ		DEPUTY CITY MANAGER/FINANCE DIRECTOR
LIZA M. VALDEZ		ADMINISTRATIVE SUPERVISOR

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 August 29, 2008.

WORKSHOP:

- a) **Discussion regarding status report for the Capital Improvement Advisory Committee (CIAC) activities since inception and first meeting of November 14, 2007.**

Mr. Ben Medina, Director of Planning and Community Development, introduced Ms LeeAnn Greer, Chairman of the Capital Improvement Advisory Committee, who delivered a Power Point presentation regarding the CIAC activities.

REGULAR MEETING:

PLEDGE OF ALLEGIANCE: UNITED STATES PLEDGE * TEXAS PLEDGE

The U.S. Pledge of Allegiance was lead by Deputy Mayor Pro-Tem Charlie Atkinson. The Texas Pledge was lead by Commissioner Ricardo Longoria, Jr.

INVOCATION:

The invocation was given by Commissioner Ricardo Longoria, Jr.

1. *MAYOR'S REPORT*

Mayor Pat M. Ahumada was not present to deliver a report.

2. *COMMISSIONERS' REPORTS*

Commissioner Anthony P. Troiani stated that City of El Paso, Texas, application for environmental injunction against the Department of Homeland Security had been denied.

Commissioner Leonel T. Garza noted that the commission was headed the right direction regarding the border fence issue.

Commissioner Edward C. Camarillo reported that the Brownsville Beautification Committee (BBC) funds would be allocated for several projects, including landscaping of the Veterans of Foreign Wars (VFW) new building.

Commissioner Carlos A. Cisneros noted that infrastructure was progressing at the Lowes' Home Improvements construction site.

Commissioner Ricardo Longoria, Jr. stated he had a phone conversation with County Commissioner Sofia Benavides and Mr. Ernesto Gamez who had informed him that taxes were not being raised at the county level and services would continue to be provided.

Commissioner Charlie Atkinson noted that there were only six days left for the Youth Tackle Football League registration and encouraged parents to register their children.

3. PRESENTATIONS:

Employee of the Month
(September 2008)

Mr. Charlie Cabler, City Manager, recognized *Fire Inspector Frank Seals*, with the City of Brownsville Fire Department, as "*Employee of the Month*" for the month of September, 2008.

Zoo Budget FY 2009

A Power Point presentation, regarding the Gladys Porter Zoo Budget Fiscal Year 2009, was delivered by Dr. Patrick M. Burchfield, Gladys Porter Zoo Director.

4. PUBLIC COMMENT PERIOD:

Mr. Alex Resendez noted that the City of Brownsville should continue to prepare for future hurricanes and expressed his concern regarding the proposed tax increase and the public not knowing how the funds were to be expended.

5. **CONSENT AGENDA ITEMS:**

All consent Agenda Items listed were considered to be routine by the City Commission and were approved by one motion. There was no separate discussion of these items.

Upon motion by Commissioner Anthony P. Troiani., seconded by Commissioner Edward C. Camarillo and carried unanimously, Consent Agenda Items “a” through “b” were **approved**.

ITEMS No. “a” through “b”

- a) Approval of the Minutes of the Regular Meeting of August 26, 2008.
- b) Authorization for the following individuals to incur travel expense:

<u>Employee</u>	<u>Department</u>	<u>Destination</u>	<u>Date</u>
Norma H. Zamora	BUS	San Diego, CA	Oct. 06-09, 2008
John F. Adams	Fire	New Braunfels, TX	Sept. 19-21, 2008
Omar Alegria	Fire	New Braunfels, TX	Sept. 19-21, 2008
Alejandro Castro	Fire	New Braunfels, TX	Sept. 19-21, 2008
Oscar Lara	Fire	New Braunfels, TX	Sept. 19-21, 2008
Jacqueline L Byrd	Health	Bastrop, TX	Sept. 10-13, 2008
Venustiano Martinez	Parks	Nacogdoches, TX	Sept. 18-23, 2008
Luis L. Uresti	Parks	Nacogdoches, TX	Sept. 18-23, 2008
Jesus Alvarez	Parks	Nacogdoches, TX	Sept. 18-23, 2008
Antonio Saavedra	Parks	Nacogdoches, TX	Sept. 18-23, 2008
Lucy Garza	Planning	San Antonio, TX	Sept. 14-17, 2008
Alfonso Vallejo	Planning	Portland, OR	Sept. 16-20, 2008
Juan Salinas	Police	Corpus Christi, TX	Oct. 05-10, 2008
Robert Nieto	Police	Corpus Christi, TX	Oct. 05-10, 2008

Ms. Norma H. Zamora, BUS Director, will attend the “*American Public Transportation Association (APTA’s) Expo 2008 and Annual Meeting*”, sponsored by the American Public Transportation Association, on October 06-09, 2008, in San Diego, California.

Firefighters John F. Adams, Omar Alegria, Alejandro Castro and Oscar Lara will attend the “*Flood & Swiftwater Certification Course*”, sponsored by Rescue Training International, on September 19-21, 2008, in New Braunfels, Texas.

Ms. Jacqueline Lee Byrd, Animal Care Center Supervisor, will attend the “*Chemical Immobilization of Animals Seminar at the M.D. Anderson Cancer Center*”, sponsored by Safe Capture International, on September 10-13, 2008, in Bastrop, Texas.

Mr. Venustiano Martinez, Brownsville Sports Park Superintendent, Mr. Luis L. Uresti, Recreation & Events Coordinator, Mr. Jesus Alvarez, Recreation & Events Coordinator, and Mr. Antonio Saavedra, Youth Recreation Supervisor, will attend the “*2008 Texas Amateur Athletic Federation Annual Conference*”, sponsored by Texas Amateur Athletic Federation, on September 18-23, 2008, in Nacogdoches, Texas.

Ms. Lucy Garza, Housing Manager, will attend the “*Certified Home Program Specialist Training-Administering HOME*”, sponsored by the U.S. Department of Housing and Urban Development, on September 14-17, 2008, in San Antonio, Texas.

Mr. Alfonso Vallejo, Transportation Planner, will attend the “*Tools of the Trade 11th National Conference for Small and Medium Sized Communities*”, sponsored by the Texas Department of Transportation, on September 16-20, 2008, in Portland, Oregon.

Police Investigators Juan Salinas and Robert Nieto, will attend the “*2008 Texas Association of Vehicle Theft Investigators*”, sponsored by the Texas Association of Vehicle Theft Investigators, South Central Regional Chapter, on October 05-10, 2008, in Corpus Christi, Texas.

BOARDS AND COMMISSIONS:

6. Consideration and ACTION to appoint or re-appoint one (1) member to the Planning & Zoning Commission.

Commissioner Carlos A. Cisneros moved that **Mr. Miguel Salinas** be re-appointed to a three (3) year term to the Planning & Zoning Commission. The motion was seconded by Commissioner Edward C. Camarillo and carried unanimously.

7. Consideration and ACTION to appoint member(s) to the Cultural Affairs Committee.

Upon motion by Commissioner Edward C. Camarillo, seconded by Commissioner Carlos A. Cisneros and carried unanimously, the item was **tabled until the next meeting of the City Commission.**

PUBLIC HEARINGS:

8. SECOND Public Hearing to discuss the proposed 2008 ad valorem tax rate (Fiscal Year 2009) of \$.683114, which is 6.72% over the effective tax rate of \$.640129, or an increase of 5.01% over the current year's (Fiscal Year 2008) ad valorem tax rate of \$.650517 per \$100 valuation.

Mr. Pete Gonzalez, Deputy City Manager/Finance Director, delivered a PowerPoint presentation regarding the City's Fiscal Year 2009 Budget.

Mayor Pat M. Ahumada inquired as to where the additional taxes would be used, asked for simpler more easily understood information, and recommended that a Workshop be held on September 09, 2008.

Upon motion by Commissioner Anthony P. Troiani, seconded by Commissioner Edward C. Camarillo and carried unanimously, the public hearing was **closed** and staff was asked to schedule a Workshop on September 9, 2008, to discuss the City's FY 2009 budget and to include an agenda item regarding Cultural Affairs Committee appointments.

9. Public Hearing and ACTION on FIRST READING of Ordinance Number 2008-1133-Y of the City Commission of the City of Brownsville, Texas, amending Ordinance 86-1133, an ordinance pertaining to a franchise contract between the City of Brownsville and Governmental Managerial Services Inc. for collection and disposal of commercial and industrial solid waste, incorporating signed contract for all purposes and amending the rates for containerized collection of commercial and industrial solid waste and related matters as set forth in exhibit "A" establishing an increase of 7.05% as per section 13.02 (a), titled modification of rates, to reflect a consumer price index increase.

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

Commissioner Charlie Atkinson moved that Ordinance Number 2008-1133-Y be **adopted** on first reading to amend Ordinance 86-1133, pertaining to a franchise contract between the City of Brownsville and Governmental Managerial Services Inc. for collection and disposal of commercial and industrial solid waste, incorporating signed contract for all purposes and amending the rates for containerized collection of commercial and industrial solid waste and related matters as set forth in exhibit "A" establishing an increase of 7.05% as per section 13.02 (a), titled modification of rates, to reflect a consumer price index increase. The motion was seconded by Commissioner Edward C. Camarillo and carried unanimously.

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Mr. Ben Medina, Planning and Community Development Director, requested that agenda Items 10 and 11 be considered simultaneously as they dealt with the same property, noting that the Planning and Zoning Commission had approved the proposed rezoning for a specific use.

- 10. Public Hearing and ACTION on FIRST READING of Ordinance Number 235-2007-034 to rezone from Apartment "H" to General Retail "G" (4CG) for 1.33 acres out of Block 16 of Esperanza Place Addition located near Southmost Road and Dockberry Road.**
- 11. Public Hearing and ACTION on FIRST READING of Ordinance Number 235-2007-034-S to allow a Light Commercial Specific Use (Used Car Lot, 5CG) in a General Retail for 0.33 acres out of Block 16 of Esperanza Place Addition located near Southmost Road and Dockberry Road.**

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

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Edward C. Camarillo and carried unanimously, the public hearing was **closed**.

Commissioner Ricardo Longoria, Jr., moved that Ordinance Numbers 235-2007-034 and 235-2007-034-S be **adopted** at first reading as presented. The motion was seconded by Commissioner Edward C. Camarillo and carried unanimously.

**12. Public Hearing and ACTION on FIRST READING of Ordinance Number 235-2008-003-S to allow an Apartment Specific Use (Apartments) in a Dwelling for the North 5.00 acres out of 10 acres of Block 2 of JC Bennett Subdivision located near FM 511 and Abelardo Drive.**

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 Ricardo Longoria, Jr., seconded by Commissioner Edward C. Camarillo and carried unanimously, the public hearing was **closed**.

Commissioner Ricardo Longoria, Jr. moved that Ordinance Number 235-2008-003-S be **adopted** on first reading as presented. The motion was seconded by Commissioner Edward C. Camarillo and carried unanimously.

**13. Public Hearing and ACTION on FIRST READING of Ordinance Number 235-2008-052 to rezone from Dwelling “G” (DG), Medium Industrial “J” (8CJ) and General Retail “H” (4CH) to General Retail “G” (4CG) located at 2115 Southmost 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 Ricardo Longoria, Jr., seconded by Commissioner Edward C. Camarillo and carried unanimously, the public hearing was **closed**.

Commissioner Ricardo Longoria, Jr. moved that Ordinance Number 235-2008-052 be **adopted** on first reading as presented. The motion was seconded by Commissioner Edward C. Camarillo and **carried** unanimously.

- 14. Public Hearing and ACTION on FIRST READING on Ordinance Number 235-2008-053 to rezone from General Retail “A” (4CA) to General Retail “G” (4CG) for 1.03 acres of Share 22 of Espiritu Santo Grant located at 745 Media Luna.**

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

Commissioner Carlos A. Cisneros moved that Ordinance 235-2008-053 be **adopted** on first reading as presented. The motion was seconded by Commissioner Leonel T. Garza and **carried** unanimously.

- 15. Public Hearing and ACTION on FIRST READING on Ordinance Number 235-2008-056-S to allow a Medium Retail Specific Use (Salon and Spa, 3C) in Professional Office (1CG) for West ½ of the west ½ of Lot 1, Block “U” of Brownsville Land Improvement Company Subdivision located at 409 Boca Chica Blvd.**

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

Commissioner Ricardo Longoria, Jr. moved that Ordinance 235-2008-056-S be **adopted** at first reading as presented. The motion was seconded by Commissioner Carlos A. Cisneros and **carried** unanimously.

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

- 16. Consideration and ACTION to award a contract for the purchase and delivery of Police Patrol Vehicles for the Brownsville Police Department.**

Commissioner Charlie Atkinson moved that a contract, in the amount of **\$105,408.00**, be awarded to **Tipton Ford of Brownsville, Texas**, for the purchase and

delivery of four (4) New Model Police Patrol Vehicles for the Brownsville Police Department as follows:

| <b>Qty</b> | <b>Description</b>                                 | <b>Unit Price</b> | <b>Total Price</b> |
|------------|----------------------------------------------------|-------------------|--------------------|
| (4)        | 2009 Model Police Patrol Vehicle Packages (4-door) | \$26,352.00 ea.   | \$105,408.00       |

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

**17. Consideration and ACTION to award a term contract for purchase and delivery of Mosquito Control Products for use by the Public Health Department and other City Departments.**

Commissioner Ricardo Longoria, Jr. moved that a term contract be **awarded** to the following bidders for the purchase and delivery of mosquito control products for use by the Public Health Department and other City departments, follows:

| <b>Vendor</b>                                                          | <b>Product</b>           | <b>Unit Price</b> | <b>Total Price.</b>      |
|------------------------------------------------------------------------|--------------------------|-------------------|--------------------------|
| ADAPCO, Inc.<br>Sanford, Florida                                       | 4.0 + 4.0 ULV            | \$26.79 gal.      | \$803.70 / 30 gal. drum  |
| Public Health<br>Equipment & Supply<br>Co., Inc.<br>San Antonio, Texas | Biomist<br>1.5 + 7.5 ULV | \$41.78 gal.      | \$2,297.90/ 55 gal. drum |

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

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**ADJOURNMENT:**

There being no further business to come before the City Commission, the meeting adjourned at 7:23 p.m.

Approved this 16<sup>th</sup> day of September, 2008.

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

Attest:  
Estela Von Hatten  
Estela Von Hatten  
City Secretary

