

**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, January 19, 2010**, at **5:45 P.M.** and **6:00 P.M.** with the following members present:

<b>PAT M. AHUMADA, JR.</b>		<b>MAYOR</b>
<b>RICARDO LONGORIA, JR.</b>	)	
<b>CHARLIE ATKINSON</b>	)	
<b>MELISSA A. ZAMORA</b>	)	
<b>EDWARD C. CAMARILLO</b>	)	
<b>ANTHONY P. TROIANI</b>	)	
<b>ROSE M.Z. GOWEN, M.D.</b>	)	<b>COMMISSIONERS</b>
<b>CHARLIE CABLER</b>		<b>CITY MANAGER</b>
<b>PETE GONZALEZ</b>		<b>DEPUTY CITY MANAGER &amp; CHIEF FINANCIAL OFFICER</b>
<b>JEFF JOHNSTON</b>		<b>EMERGENCY MANAGEMENT DIRECTOR &amp; ASSISTANT CITY MANAGER</b>
<b>MARK SOSSI</b>		<b>CITY ATTORNEY</b>
<b>ESTELA VON HATTEN</b>		<b>CITY SECRETARY</b>

A quorum being present, 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 January 15, 2010.

**EXECUTIVE SESSION: 5:45 P.M.**

Upon motion by Commissioner Edward C. Camarillo seconded by Commissioner Rose M.Z. Gowen and carried unanimously, the Executive Session convened at 5:45 p.m. to discuss the following item:

- A) **Discussion with Legal Counsel pursuant to Section 551.071, of the Texas Government Code, regarding pending litigation.**

Upon conclusion of Executive Session, Mayor Pat M. Ahumada, Jr., convened the Regular Session. No action was taken in Executive Session.

*Mayor Pat M. Ahumada, Jr. arrived. Commissioner Anthony P. Troiani arrived.*

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**REGULAR MEETING: 6:00 P.M.**

***PLEDGE OF ALLEGIANCE:***                      *UNITED STATES PLEDGE \* TEXAS PLEDGE*

The United States Pledge was lead by Mayor Pat M. Ahumada and the Texas Pledge was lead by Commissioner Ricardo Longoria, Jr.

***INVOCATION:***

The invocation was delivered by Pastor Victor Alvarez, from Iglésia Bautista Fundamental, of Brownsville, Texas.

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

- A) **Discuss and Action regarding items of pending litigation as discussed with Legal Counsel in Executive Session.**

Commissioner Ricardo Longoria, Jr., moved that Legal Counsel proceed with the pending litigation as discussed in Executive Session. The motion was seconded by Commissioner Edward C. Camarillo and carried as follows:

Ayes: Commissioners Troiani, Atkinson, Zamora, Gowen, Longoria, Jr., and Camarillo

Nayes: None

Abstain: Mayor Ahumada

**1. MAYOR'S REPORT:**

**MPO Report (Mayor Ahumada, Chair);  
Humanitarian Efforts for Haiti; Downtown  
Revitalization; Brownsville PAWS Report;  
Weir Project Status; Plastic Bag Report;  
Mayor's Activities  
Announcement of Mayor Pro-tem and Deputy  
Mayor Pro-tem.**

Mayor Ahumada reported the following:

MPO- as the Metropolitan Planning Organization chairman, Mayor Pat M. Ahumada, Jr., stated that \$65,774,789.67 was sponsored by Transportation Projects for on-going projects on F.M. 511, Port Access Roads, S.H. 48 Reconstruction, East Morrison Road and F.M. 3248.

Humanitarian Efforts for Haiti – stated that local residents could donate \$5.00 for Haiti relief through the Brownsville Public Utilities Board.

Downtown Revitalization – he stated that he was in contact with people from San Diego, and looking forward to working with them on the Weir Project and the proposed Riverwalk in downtown Brownsville.

Brownsville PAWS Report – Mayor Ahumada noted that there had been a good response to the recent cruelty to animals incident.

Weir Project Status – he stated that he had spoken to the International Boundary and Water Commission (IBWC) regarding the Bi-National Agreement.

Plastic Bag Report – met with Ms. Rose Timmer at a Sunrise Mall meeting with other valley cities interested in the same project.

Mayor's Activities – he stated that he attends meetings as much as he can, attend to complaints which he forwards to the appropriate personnel.

Announcement of Mayor Pro-Tem and Deputy Mayor Pro-Tem – he announced the rotation that was adopted on September, 2009, in which he stated, is only in effect when the mayor is absent, incapacitated, or cannot perform his duties.

**2. COMMISSIONERS' REPORTS:**

*Commissioner Charlie Atkinson*

*District 2  
Brownsville Sports Park  
Brownsville Public Utilities Board*

Commissioner Charlie Atkinson, speaking as Chairperson of Brownsville Community Improvement Corporation (BCIC) and in response to the comments appearing on the newspaper, the BCIC funding was only to be used for quality of life projects and not other City projects, such as streets. He invited the public to visit the Sports Park where a beach volleyball area had been built and for which there would be a grand opening in the near future. He further noted that the Brownsville Public Utilities Board had raised their rates by 18% for waste and wastewater for this year. No report delivered on District 2.

*Commissioner Melissa Zamora*

*Toy Drives  
Old Port Isabel Road  
Trails*

Commissioner Melissa Zamora thanked Chief Carlos L. Garcia and staff for the opportunity to participate in the Christmas Toy Drive at the Brownsville Police Department, She noted that construction on widening the shoulders of Old Port Isabel Road would start on January 20, 2010, and she also delivered a Power Point presentation on the status of lighting of the Hike/Bike Trail.

**Commissioner Edward C. Camarillo**

**Cleanup  
Green Minute  
Westside Meeting**

Commissioner Edward C. Camarillo stated that a graffiti cleanup had been held this past week with the help of the city's Public Works Department and Municipal Court Judge Ben Neece's assistance with materials.

He announced that at the next City Commission meeting he would introduce the "Green Minute", for the purpose of motivating youth, families, and local leaders toward a cleaner environment.

Camarillo announced that he would host a Westside Meeting for District 4 on Monday, February 15, 2010, at 5:30 p.m. at the Westside Community Center. He also invited the public to a carnival that J.K. Family Clinic would host on Saturday, January 23, 2010, for the purpose of raising funds for victims of the recent earthquake in Haiti.

**Commissioner Rose Gowen**

**Health**

Commissioner Gowen announced that the City Health Department and the Brownsville Independent School District (BISD) had devised the "*Brownsville Biggest Loser Project*" which would be held for a 12-week period from February 12, 2010 through May 15, 2010, and that the Texas Department of Health had provided \$2,500 for cash prize awards to winners in different categories of the "*Brownsville's Biggest Loser Project*". She further noted that City Commissioners would be involved and that during the event there would be various free activities where the public could participate.

**3. PROCLAMATIONS:**

**Texas Senator Eddie Lucio, Jr. - Day**  
(Commissioner Charlie Atkinson)

Commissioner Charlie Atkinson asked **Senator Eddie Lucio, Jr.** to step forward and accept a proclamation designating January 20, 2010, as **Texas Senator Eddie Lucio, Jr. Day** in our city and further thanking him for his long years of hard work on behalf of our city.

The proclamation was read by Commissioner Charlie Atkinson.

**William "Billy" Garza**  
(Mayor Pat M. Ahumada, Jr.)

Mayor Pat M. Ahumada, Jr., asked **Mr. William "Billy" Garza** to step forward to accept a proclamation recognizing him for all his achievements and accomplishments in the world of sports.

The proclamation was read by Senator Eddie Lucio, Jr.

**4. CONSENT AGENDA ITEMS:**

All consent Agenda Items listed are considered to be routine by the City Commission and will be approved by one motion.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Melissa A. Zamora 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 January 05, 2010.
- b) Authorization for the following individuals to incur travel expense:

<u>Employee</u>	<u>Department</u>	<u>Destination</u>	<u>Date</u>
Sigfredo C. Cantu	BOEMHS	San Antonio, TX	Feb. 15-18, 2010
Leonardo Perez	Fire	Galveston, TX	Feb. 20-25, 2010
Arturo Rodriguez	Health	Laredo, TX	Jan. 27-28, 2010
Roberto Avitia	Police	Corpus Christi, TX	Feb. 10-11, 2010
Jeffrey Gunselman	Police	Corpus Christi, TX	Feb. 10-11, 2010
Carlos L. Garcia	Police	San Antonio, TX	Feb. 14-19, 2010

Mr. Sigfredo C. Cantu, Emergency Management Administrator, will attend the “2010 Texas Homeland Security Conference”, sponsored by the Texas Division of Emergency Management on February 15-18, 2010, in San Antonio, Texas.

Fire Chief Leonardo Perez, will attend the “Southwest Fire Rescue Conference”, sponsored by the Texas Fire Chiefs Association on February 20-25, 2010, in Galveston, Texas.

Mr. Arturo Rodriguez, Public Health Director, will attend the “Binational Health Councils Strategic Planning”, sponsored by the Texas Department of State Health Services, on January 27-28, 2010, in Laredo, Texas.

Police Commander Roberto Avitia and Police Payroll Technician Mr. Jeffrey Gunselman, will attend the “Wage-Hour and Family and Medical Leave Act Seminar for Texas Public Agencies”, sponsored by Deerfield Seminars, on February 10-11, 2010, in Corpus Christi, Texas.

Police Chief Carlos L. Garcia, will attend the “2010 Texas Homeland Security Conference”, sponsored by the Texas Department of Public Safety, on February 14-19, 2010, in San Antonio, Texas.

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**BOARDS AND COMMISSIONS:**

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

Commissioner Melissa A. Zamora moved that *Mr. David Handley* be reappointed to the Airport Advisory Board. The motion was seconded by Commissioner Ricardo Longoria, Jr., and carried unanimously.

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

Commissioner Melissa A. Zamora moved that *Mr. Fernando Champion* be reappointed to the Brownsville Public Library Advisory Board. The motion was seconded by Commissioner Ricardo Longoria, Jr., and carried unanimously.

Commissioner Charlie Atkinson moved that *Ms. Rosemary Lehman* and *Ms. Rosie G. Gorena* be reappointed to the Brownsville Public Library Advisory Board. The motion was seconded by Commissioner Anthony P. Troiani and carried unanimously.

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**PUBLIC HEARINGS:**

**7. Public Hearing and ACTION on FIRST READING of Ordinance Number 2010-1100.48 to amend Ordinance Number 1100 by readopting the Heritage Plan; and dealing with related matters including \$2000.00 penalties.**

Mr. Joe Gavito, Heritage Officer, delivered a Power Point presentation depicting five (5) local homes, being restored, that would receive historical designation.

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

Commissioner Ricardo Longoria, Jr., moved that Ordinance Number 2010-1100.48, be **adopted** on the first reading to amend Ordinance Number 1100 by readopting the Heritage Plan; and dealing with related matters including \$2000.00 penalties. The motion was seconded by Commissioner Edward C. Camarillo and carried as follows:

Ayes: Mayor Ahumada, Commissioners Atkinson, Zamora, Gowen, Longoria, and Camarillo;

Nays: None

Abstain: Commissioner Troiani.

**8. Public Hearing and ACTION on FIRST READING of Ordinance Number 235-2009-042-S to allow a Professional Office Specific Use (Daycare Center) in Dwelling “G”, in Section II for Lots 1 & 2 of Block 17 of Valle De Oro Subdivision, located at 4733 Morningside Road.**

Mr. Ben Medina, Jr., Planning and Community Development Director, stated that the Planning and Zoning Commission recommended approval.

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

Commissioner Ricardo Longoria, Jr., moved that Ordinance Number 235-2009-042-S be **adopted** on the first reading, to allow a Professional Office Specific Use (Daycare Center) in Dwelling “G”, in section II for Lots 1 & 2 of block 17 of Valle De Oro Subdivision, located at 4733 Morningside Road. The motion was seconded by Commissioner Charlie Atkinson and carried unanimously.

**9. Public Hearing and ACTION on FIRST READING of Ordinance Number 235-2009-043 to rezone from Dwelling “Z” (DZ) to General Retail “G” (4CG) .52 acres out of Lot 1 of J.T. Canales Subdivision No. 1, located at 10040 US Military Highway 281.**

Mr. Ben Medina, Jr., Planning and Community Development Director, stated that the Planning and Zoning Commission recommended approval.

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

Commissioner Ricardo Longoria, Jr., moved that Ordinance Number 235-2009-043, be **adopted** on the first reading, to rezone from Dwelling “Z”, (DZ) to General Retail “G” (4CG) .52 acres out of Lot 1 of J.T. Canales Subdivision No. 1, located at 10040 U.S. Military Highway 281. The motion was seconded by Commissioner Edward C. Camarillo and carried unanimously.

**10. Public Hearing and ACTION on FIRST READING of Ordinance Number 235-2009-045 to rezone from Medium Industrial “J” (8CJ) to Light Industrial “J” (7CJ) for .90 acres out of Block 55 of Tract II for Los Ebanos Properties, located at 1925 S. Price Road.**

Mr. Ben Medina, Jr., Planning and Community Development Director, stated that the Planning and Zoning Commission recommended approval.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Anthony P. Troiani and carried unanimously, the public hearing was **closed**.

Commissioner Anthony P. Troiani moved that Ordinance Number 235-2009-045 be **adopted** on the first reading, to rezone from Medium Industrial “J” (8CJ) to Light Industrial “J” (7CJ) for .90 acres out of Block 55 of Tract II for Los Ebanos Properties, located at 1925 S. Price Road. The motion was seconded by Commissioner Charlie Atkinson and carried unanimously.

**11. Public Hearing and ACTION on FIRST READING of Ordinance Number 235-2009-046 to rezone from Dwelling “G” (DG) to Apartment “G” (AG) 2.5 acres out of Block 27 for El Jardin Subdivision, located at 3347 Coffeepport Road.**

Mr. Ben Medina, Jr., Planning and Community Development Director, stated that the Planning and Zoning Commission recommended approval.

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

Commissioner Charlie Atkinson moved that Ordinance Number 235-2009-046 be **adopted** on the first reading, to rezone from Dwelling “G” (DG) to Apartment “G” (AG) 2.5 acres out of Block 27 for El Jardin Subdivision, located at 3347 Coffeepport Road.

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

**12. Public Hearing and ACTION on FIRST READING of Ordinance Number 235-2009-604-CU to allow a conditional use permit to sell on-premise alcohol (Bar) for Lot 4 of Block 1 of Omni Pavilion Subdivision, located at 1900 N. Expressway 77/83 Suite A.**

Mr. Ben Medina, Jr., Planning and Community Development Director, stated that the Planning and Zoning Commission recommended approval.

In response to Mr. Roberto Euresti, Mr. Medina noted that the other two bars that had been located at the site were no longer in business.

In response to Commissioner Melissa Zamora, Mr. Evaristo Gamez, Building Official, noted that although the building in question had no sprinkling system in place, if the proposed business was approved, the owner would be required to install the sprinklers in order to be in compliance.

Mr. Erick L. Lucio, Attorney, representing Mr. Stephen A. Bejarano, business owner, stated that Mr. Bejarano had another business within the city and that he would abide by city codes and regulations.

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 235-2009-604-CU, be **adopted** on the first reading, to allow a conditional use permit to sell on-premise alcohol (Bar) for Lot 4 of Block 1 of Omni Pavilion Subdivision, located at 1900 N. Expressway 77/83 Suite A. The motion was seconded by Commissioner Edward C. Camarillo and carried unanimously.

**13. Public Hearing and ACTION to authorize the issuance of a new taxi cab permit to Mr. Isaac Diamante for a 2003 Ford Taurus that will operate for American Taxi.**

Police Chief Carlos L. Garcia noted that Mr. Isaac Diamante's taxi cab permit application met all ordinance requirements.

Upon motion by Commissioner Edward C. Camarillo seconded by Commissioner Anthony P. Troiani and carried unanimously, the public hearing was **closed**.

Commissioner Edward C. Camarillo moved that the issuance of a new taxi cab permit to Mr. Isaac Diamante, for a 2003 Ford Taurus that would operate for American Taxi, be **authorized**. The motion was seconded by Commissioner Anthony P. Troiani and carried unanimously.

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**14. PUBLIC COMMENT PERIOD:**

Mr. Roberto Euresti expressed his concern regarding the renovations of the Sam's Pool, as well of the selling of animals at the local flea market. He also noted that was happy with the work that was done on Military Highway.

Mr. Alex Resendiz expressed concern over the \$47 million in stimulus funds that was granted to the Brownsville Public Utilities Board and asked about where the impact fee monies were being spent.

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***ACTION ITEMS:***

**15. Consideration and ACTION to acknowledge the Deputy City Manager/ Chief Financial Officer's financial statements and cash investment report for the City of Brownsville for the first quarter ending December 31, 2009.**

Mr. Pete Gonzalez, Deputy City Manager/Chief Financial Officer delivered his report via a Power Point presentation.

Commissioner Charlie Atkinson moved that Deputy City Manager/Chief Financial Officer's financial statements and cash investment report for the City of Brownsville for the first quarter ending December 31, 2009 be **acknowledged**. The motion was seconded by Commissioner Edward C. Camarillo and carried unanimously.

- 16. Consideration and ACTION to provide an exception to the moratorium on payday lending, car title loan, and check cashing businesses outlined in Resolution 2009-073 to those areas within the City of Brownsville zoned General Retail (4C) or higher.**

Commissioner Charlie Atkinson moved that an exception to the moratorium on payday lending, car title loan, and check cashing businesses outlined in Resolution 2009-073 to those areas within the City of Brownsville zoned General Retail (4C) or higher be provided and approved. The motion was seconded by Commissioner Ricardo Longoria, Jr., and carried as follow:

Ayes: Commissioners Troiani, Atkinson, Gowen, Longoria, Jr., and Camarillo

Nays: Mayor Ahumada, Jr., and Commissioner Zamora

- 17. Consideration and ACTION to authorize the Brownsville Fire Department to donate old and obsolete equipment to the Matamoros Fire Department.**

Commissioner Edward C. Camarillo moved that the Brownsville Fire Department be **authorized** to donate 20 sets of obsolete fire gear to the Matamoros Fire Department. The motion was seconded by Commissioner Ricardo Longoria, Jr., and carried unanimously.

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

- 18. Consideration and ACTION to award a contract for construction of park restrooms at the North Brownsville Kickball Complex.**

Commissioner Ricardo Longoria, Jr., moved that a contract for construction of park restrooms at the North Brownsville Kickball Complex, be awarded to **Herrera & Hunt, Inc.** of **Los Fresnos, Texas**, the approved contractor under Choice Facility Partners (CFP) of the Harris County Department of Education (HCDE), for the design and construction of a park restroom facility in the amount of **\$90,977.00**.

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

**19. Consideration and ACTION to authorize Amendment Number four (4) to the Brownsville Urban System "BUS" site storm sewer utility package for the Brownsville Multimodal Terminal (BMT) Project.**

Commissioner Ricardo Longoria, Jr. moved that Amendment Number four (4) to the Brownsville Urban System "BUS" site storm sewer utility package for the Brownsville Multimodal Terminal (BMT) Project be authorized and awarded to **SpawGlass Contractors, Inc. of Harlingen, Texas**, in the amount of **\$1,998,113.00**.

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

**20. Consideration and ACTION to award a contract for renovation of Sams Pool located at the Dean Porter Park.**

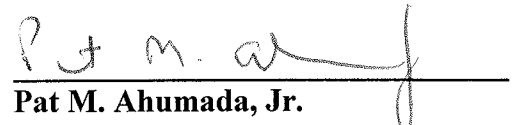
Commissioner Ricardo Longoria, Jr., moved that a contract for renovation of Sams Pool, located at the Dean Porter Park, be awarded to **Aquatic Commercial Solutions, Inc., of San Antonio, Texas**, for a total bid amount of **\$118,000.00**. The motion was seconded by Commissioner Edward C. Camarillo and carried unanimously.

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**ADJOURNMENT:**

There being no further business to come before the City Commission, the meeting adjourned at 7:45 p.m.

Approved this 2<sup>nd</sup> day of February 2010.

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

Attest:

  
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**Estela Von Hatten**  
City Secretary

