

**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, February 02, 2010**, 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)	
MELISSA A. ZAMORA)	
EDWARD C. CAMARILLO)	
ANTHONY P. TROIANI)	
ROSE M.Z. GOWEN, M.D.)	COMMISSIONERS
CHARLIE CABLER		CITY MANAGER
PETE GONZALEZ		DEPUTY CITY MANAGER & CHIEF FINANCIAL OFFICER
JEFF JOHNSTON		ASSISTANT CITY MANAGER & EMERGENCY MANAGEMENT DIRECTOR
MARK SOSSI		CITY ATTORNEY
ESTELA VON HATTEN		CITY SECRETARY

A quorum being present, Mayor Pro-Tem Edward C. Camarillo., 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 29, 2010.

EXECUTIVE SESSION: 5:45 P.M.

Upon motion by Commissioner Ricardo Longoria, Jr. seconded by Commissioner Anthony P. Troiani and carried unanimously, the Executive Session convened at 5:45 p.m. to discuss the following item:

A) Attorney consultation 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.

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 Juan Morales, from Iglésia En La Roca of Brownsville, Texas.

ACTION ON ITEM DISCUSSED IN EXECUTIVE SESSION:

A) Consideration and ACTION to take action on pending litigation as advised by Counsel in Executive Session.

Commissioner Ricardo Longoria, Jr., moved that Legal Counsel take action on pending litigation as discussed in Executive Session. The motion was seconded by Commissioner Anthony P. Troiani and carried unanimously.

1. MAYOR'S REPORT

Weir Project
Haiti Relief Efforts
PUB Meeting
Mr. Amigo
Freeze Report
Legislative Trip to Washington, DC

Texas Humane Legislative Network
Graffiti Report
Brownsville Housing Authority
Valley Regional Chess Tournament
Citizen Complaints

Mayor Ahumada, Jr. reported the following:

Weir Project: Mayor Ahumada stated that various groups had given presentations regarding the Weir Project, which he thought would be a viable project.

Haiti Relief Efforts: the Mayor stated that a taco sale had raised \$2,000.00 for the Haiti Relief Fund and also mentioned that citizens could donate \$5.00 thru their Brownsville Public Utility bill for Haiti Relief.

PUB Meeting: he noted that projects discussed at a recent meeting of the BPUB were in the best interest of the City of Brownsville

Mr. Amigo: he stated that he was not able to participate in the trip to Mexico and thanked Commissioner Anthony P. Troiani for attending on his and the City of Brownsville's behalf.

Freeze Report: he mentioned that PUB had responded very quickly to reports of freeze damage.

Legislative Trip to Washington, DC: the mayor stated that a trip was scheduled for March, which he planned to attend as representative of the region.

Texas Humane Legislative Network: he stated that the Texas Humane Legislative Network representatives would visit the City of Brownsville on February 15, 2010, to work on legislative matters regarding animal cruelty.

Graffiti Report: he mentioned that there had been several complaints from citizens regarding graffiti and that a copy of the legislation was forwarded to Mr. Charlie Cabler, City Manager.

Brownsville Housing Authority: he noted that the BHA Board was on track.

Valley Regional Chess Tournament: the mayor noted that a national Chess Tournament would take place in the near future and a proclamation would be issued to the participants at the next regular City Commission meeting.

Citizen Complaints: he stated that an Eagle Scout would construct an obstacle course at the Animal Park as one of the projects required of him.

2. COMMISSIONER'S REPORT:

Commissioner Charlie Atkinson

District 2
Brownsville Sports Park

Commissioner Charlie Atkinson stated that the Basketball Leagues have begun at the Brownsville Recreation Center, which had been renovated for use by the Brownsville Youth. He noted that St. Luke and St. Mary's Schools had allowed use of their facilities for the basketball leagues. Regarding District 2, at Cowen Terrace he thanked Public Works Department for fixing and cleaning out the debris at the adjacent alley. He expressed concern with the lack of parking at Central Avenue Park and noted that the playground equipment could be relocated to Cabler Park, which is located two blocks away, for the use of the youth.

Commissioner Anthony P. Troiani

Trip to Mexico

Commissioner Anthony P. Troiani thanked the Mr. Amigo Association for the opportunity to participate and noted that the people in Mexico showed much interest in the City of Brownsville.

Commissioner Edward C. Camarillo

**Green Minute
LRGVDC
Westside Meeting**

Commissioner Edward C. Camarillo stated that he had attended the Lower Rio Grande Valley Development Council meeting and that the Council awarded the City of Brownsville a grant which would be used for indigent healthcare at the Brownsville Community Health Center. He also mentioned that a meeting would be held at the Brownsville Westside Community Center on February 15, 2010 at 5:30 p.m. with City department directors for discussion of issues pertinent to Brownsville residents and encouraged the citizens of Brownsville to attend the meeting. He added that a TxDOT representative would present the TxDOT report. Commissioner Camarillo also noted that April 22, 2010, was designated as “*Earth Day*” and that the Environmental Committee would encourage every local resident and retail business in the City of Brownsville to refrain from using or distributing plastic bags just for that day.

3. PROCLAMATIONS:

***Simon Rivera High School Cluster
Career & Technical Education Month***
(Mayor Pat M. Ahumada, Jr.)

Mayor Pat M. Ahumada, Jr., asked **Simon Rivera High School** students to step forward and accept a proclamation in recognizing February as *Career & Technical Education Month*.

The proclamation was read by Commissioner Rose M.Z. Gowen.

Southmost Elementary School
(Commissioner Melissa A. Zamora)

Commissioner Melissa A. Zamora asked **Southmost Elementary School** to step forward and accept a proclamation congratulating the school as a “*2009 Blue Ribbon School*” and further recognizing the administration, faculty, and student body for an outstanding and award winning effort.

The proclamation was read by Commissioner Melissa A. Zamora.

4. PRESENTATIONS:

Employee of the Month
(February 2010)

Mr. Charlie Cabler, City Manager, recognized **Mr. Chris Haggstrom**, Public Health Coordinator, as “*Employee of the Month*” for the month of February 2010.

5. 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 Anthony P. Troiani and carried unanimously, Consent Agenda Items “a” through “h” were **approved**.

ITEMS No. “a” through “h”

- a) Approval of the Minutes of the Regular Meeting of January 15, 2010.
- b) Authorization for the following individuals to incur travel expense:

<u>Employee</u>	<u>Department</u>	<u>Destination</u>	<u>Date</u>
Jeff Johnston	BOEMHS	San Antonio, TX	Feb.15-18, 2010
Minerva G. Flores	BUS	Myrtle Beach, SC	Feb. 04-08, 2010
Leonardo Perez	Fire	San Antonio, TX	Feb. 14-17, 2010
Ben Medina, Jr.	Planning	New Orleans, LA	Apr. 10-13, 2010

Mr. Jeff Johnston, Assistant City Manager/EMC, will attend the “2010 Texas Homeland Security Conference”, sponsored by the Texas Division of Emergency Management, on February 14-19, 2010, in San Antonio, Texas.

Ms. Minerva G. Flores, Operations Manager, will attend the “Paratransit Management & Operations Course”, sponsored by the National Transit Institute, on February 04-08, 2010, in Myrtle Beach, South Carolina.

Fire Chief Leonardo Perez, will attend the “2010 Texas Homeland Security Conference”, sponsored by the Texas Division of Emergency Management, on February 14-17, 2010, in San Antonio, Texas.

Mr. Ben Medina, Planning and Community Development Director, will attend the “2010 National Planning Conference”, sponsored by the American Planning Association on April 10-13, 2010, in New Orleans, Louisiana.

- c) **APPROVAL on SECOND and FINAL 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.**

- d) **APPROVAL on SECOND and FINAL 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.**
 - e) **APPROVAL on SECOND and FINAL 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.**
 - f) **APPROVAL on SECOND and FINAL 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 1952 S. Price Road.**
 - g) **APPROVAL on SECOND and FINAL 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 Coffeeport Road.**
 - h) **APPROVAL on SECOND and FINAL 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.**
-

BOARDS AND COMMISSIONS:

- 6. **Consideration and ACTION to appoint one (1) alternate member to the Board of Adjustments and Appeals.**

Commissioner Melissa A. Zamora moved that *Mr. Rafael Chacón* be appointed to the Board of Adjustments as an **alternate**. The motion was seconded by Commissioner Charlie Atkinson and carried unanimously.

- 7. **Consideration and ACTION to appoint or re-appoint one (1) member to the Parks Advisory Board Committee.**

Commissioner Edward C. Camarillo moved that *Ms. Meri G. Heggie* be appointed to the Parks Advisory Board Committee. The motion was seconded by Commissioner Melissa A. Zamora and carried unanimously.

PUBLIC HEARINGS:

8. Public Hearing and ACTION on FIRST READING of Ordinance Number 2010-1519, to amend Chapter 98 of the Brownsville City Code by introducing Section 98-13, Parking on Commercial Premises.

Mr. John Chosy, Assistant City Attorney reviewed the proposed ordinance and asked Police Chief Garcia to comment. Chief Garcia noted that the department had received numerous complaints regarding after-hours parking at the Burlington Coats Store, Paseo de la Reforma, and Strawberry Square Shopping Center parking lots, and the subsequent reckless driving and misconduct by juveniles who park in the areas and that the problem needed to be addressed.

Mr. Roberto Uresti spoke in favor of the ordinance.

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

Commissioner Edward C. Camarillo moved that Ordinance Number 2010-1519, be **adopted** on the first reading to amend Chapter 98 of the Brownsville City Code by introducing Section 98-13, Parking on Commercial Premises. The motion was seconded by Commissioner Ricardo Longoria, Jr., and carried as follow:

Ayes: Commissioners Troiani, Atkinson, Zamora, Gowen, Longoria, and Camarillo;

Nays: Mayor Ahumada;

Abstain: None

9. Public Hearing and ACTION on FIRST READING on Ordinance Number 2010-1520 to amend Chapter 22 of the City of Brownsville Business Code by introducing Article XI, to require registration with the City for payday advance and lending, car title lending, and check cashing businesses.

Mr. Mark Sossi, City Attorney, stated that the proposed ordinance called for required registration of businesses, applied to all businesses, and that no business would be grandfathered under the ordinance.

Upon motion by Commissioner Edward C. Camarillo seconded by Commissioner Rose M.Z. Gowen and carried unanimously, the public hearing was **closed**.

Commissioner Edward C. Camarillo moved that Ordinance Number 2010-1520 be **adopted** on first reading to amend Chapter 22 of the City of Brownsville Code by introducing Article XI, to require registration with the City for payday advance and lending, car title lending and check cashing business. The motion was seconded by Commissioner Melissa A. Zamora and carried unanimously.

Commissioner Charlie Atkinson had stepped out and did not vote.

10. Public Hearing and ACTION on FIRST READING of Ordinance Number 2010-1521, to amend Chapter 348 of the City of Brownsville Zoning Code by amending several sections to provide regulations for payday advance and lending, car title lending, and check cashing business.

Mr. Rafael Chacón, Commercial Developer, expressed opposition to the proposed ordinance, noting that it could prevent him from renting his properties, many of which have been businesses of the type mentioned in the ordinance.

Upon motion by Commissioner Anthony P. Troiani seconded by Commissioner Rose M.Z. Gowen and carried unanimously, the public hearing was **closed**.

Commissioner Anthony P. Troiani moved that Ordinance Number 2010-1521, be **adopted** on first reading to amend Chapter 348 of the City of Brownsville Zoning Code by amending several sections to provide regulations for payday advance and lending, car title lending, and check cashing businesses. The motion was seconded by Commissioner Charlie Atkinson and carried unanimously.

11. PUBLIC COMMENT PERIOD:

Mr. Roberto Uresti stated that the Calle Amatista bridge needed lighting and also requested that the City spread mosquito repellent in Brownsville. He also mentioned that the Old Military Highway was in need of repairs. Regarding a public comment he

had made at the last meeting of the city commission, he clarified that he meant that regulations should be in place that prohibit households from having more than one (1) pet and enforcement was needed to prevent the illegal sale of dogs and cats in various areas of Brownsville.

Ms. Leticia Garzoria stated she was not in favor of the PUB rate increase, suggesting that officials take a second look at the matter and that the Mayor should abstain from voting on matter.

Pastor Brad Burkes encouraged local residents to file their income tax form this year and suggested that financial assistance to the Haiti Relief Fund could also be done through their churches.

Ms. Lou Gracia, local business owner, commented regarding the proposed rejection of bids for a contract to purchase trophies and awards for the City of Brownsville departments. She noted that she had been told that her bid was not in compliance and she suggested that the agenda item be tabled.

Mr. Alex Resendez pointed out that Dana Street was very dangerous, noting that various fatal car accidents had occurred at the location. He asked the City Commission to install a traffic light at the intersection.

ACTION ITEMS:

12. Presentation and ACKNOWLEDGEMENT of the Brownsville Convention & Visitors Bureau Quarterly Report

Mr. Mariano “Bean” Ayala, Executive Director of the Brownsville Convention and Visitors Bureau, delivered a Quarterly Report of Brownsville Convention & Visitors Bureau activities.

Commissioner Melissa A. Zamora moved that the Brownsville Convention & Visitors Bureau Quarterly Report be **acknowledged**. The motion was seconded by Commissioner Anthony P. Troiani and carried unanimously

13. **Consideration and ACTION regarding the use of City streets at the end of Palm Boulevard at the intersection of Mexico Boulevard, in the former Amigoland area, for the 73rd Annual *Charro Days* 20th Century Rides Carnival from February 22 through March 09, 2010, for carnival equipment parking.**

Commissioner Anthony P. Troiani moved that the use of City streets at the end of Palm Boulevard at the intersection of Mexico Boulevard, in the former Amigoland area, be **authorized** for the 73rd Annual *Charro Days* 20th Century Rides Carnival, from February 22 through March 09, 2010, for carnival equipment parking. The motion was seconded by Commissioner Edward C. Camarillo and carried unanimously.

14. **Consideration and ACTION to authorize a sixty (60)-day review on the design and work progress of the Brownsville Multimodal Terminal (BMT) for the Brownsville Urban System.**

Upon motion by Commissioner Anthony P. Troiani, seconded by Commissioner Ricardo Longoria, Jr., and carried unanimously, this item was **tabled**.

15. **Consideration and ACTION on the acknowledgement and receipt of Grant Funds from the Texas State Library and Archives Commission in the amount of \$51,246.00 for the provision of items for the Library System.**

Commissioner Ricardo Longoria, Jr., moved that the receipt of Grant Funds from the Texas State Library and Archives Commission, in the amount of \$51,246.00, for the provision of items for the Library System, be **acknowledged**. The motion was seconded by Commissioner Anthony P. Troiani and carried unanimously.

16. **Consideration and ACTION to authorize the Brownsville Police Department to accept the Edward Byrne Memorial Justice Assistance Grant Number SU-09-A10-22248-01 from the Office of the Governor, Criminal Justice Division for Fiscal Year 2010 in the amount of \$66,179.88.**

Commissioner Edward C. Camarillo moved that the Brownsville Police Department be **authorized** to accept the Edward Byrne Memorial Justice Assistance Grant Number SU-09-A1022248-01 from the Office of the Governor, Criminal Justice Division for Fiscal Year 2010 in the amount of \$66,179.88. The motion was seconded by Commissioner Anthony P. Troiani and carried unanimously.

- 17. Consideration and ACTION to authorize Mr. Charlie Cabler, City Manager, to apply for the Texas Automobile Burglary and Theft Prevention Authority Supplemental Grant for Fiscal Year 2010.**

Chief Carlos L. Garcia stated that the grant was in the amount of \$67,271.00 and that no match was required.

Commissioner Anthony P. Troiani moved that Mr. Charlie Cabler, City Manager be **authorized** to apply for the Texas Automobile Burglary and Theft Prevention Authority Supplemental Grant for Fiscal Year 2010. The motion was seconded by Commissioner Edward C. Camarillo and carried unanimously.

PURCHASES/BIDS/CONTRACTS:

- 18. Consideration and ACTION to authorize Amendment Number five (5) to the Brownsville Urban System “BUS” site storm sewer utility package for the Brownsville Multimodal Terminal (BMT) Project.**

Commissioner Charlie Atkinson moved that Amendment Number five (5) 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**, for a total amount of **\$2,244,148.00**. The motion was seconded by Commissioner Ricardo Longoria, Jr., and carried unanimously.


- 19. Consideration and ACTION to reject bids received for a term contract for purchase and delivery of Trophies and Awards for City Departments for the City of Brownsville.**

Upon motion by Commissioner Charlie Atkinson, seconded by Commissioner Anthony P. Troiani and carried unanimously, proposals received for a term contract for purchase and delivery of Trophies and Awards for City Departments for the City of Brownsville, were **rejected**.

ADJOURNMENT:


There being no further business to come before the City Commission, the meeting adjourned at 9:12 p.m.

Approved this 16th day of February 2010.



Pat M. Ahumada, Jr.
Mayor

Attest:



Estela Von Hatten
City Secretary

