

THE STATE OF TEXAS §
CITY OF BROWNSVILLE §
COUNTY OF CAMERON §

Anthony P. Troiani, At-large Commissioner “A”
Ricardo Longoria, Jr., District Commissioner 1
Carlos A. Cisneros, District Commissioner 3

Leonel T. Garza, At-large Commissioner “B”
Charlie Atkinson, District Commissioner 2
Edward C. Camarillo, District Commissioner 4

Pat M. Ahumada, Jr., Mayor

**NOTICE OF PUBLIC MEETING OF THE
CITY COMMISSION OF THE CITY OF BROWNSVILLE**

Pursuant to Chapter 551, Title 5 of the Texas Government Code, the Texas Open Meetings Act, notice is hereby given that the City Commission of the City of Brownsville, Texas, in accordance with Article V, Section 12, of the Charter of said City, will convene a **Workshop, Executive Session and Regular Meeting, on Tuesday, July 01, 2008 at 4:50 P.M., 5:05 P.M. and 6:00 P.M.** 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, 78520.

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WORKSHOP: 4:50 P.M.

- a) Discussion regarding the Weir project. (Commissioner Cisneros – 15 min.)

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EXECUTIVE SESSION: 5:05 P.M.

- A) Discussion pursuant to Section 551.072, of the Texas Government Code, regarding real property. (John E. Chosy – 30 min)
- B) Discussion pursuant to Section 551.071, of the Texas Government Code, regarding pending litigation styled Lamar v. City of Brownsville. (James Goza – 10 min)
- C) Attorney consultation pursuant to Section 551.071, of the Texas Government Code related to pending litigation styled and numbered “Fraternal Order of Brownsville Police Officers, Inc. d/b/a Brownsville Police Officers’ Association, Charter 290577-01 v. City of Brownsville, Texas, Cause No. 2007-06-2918-A (107th District Court-Cameron County, Texas)” (Ric Navarro – Legal Counsel – 15 min)

a) Approval of the Minutes of the Regular Meeting of June 17, 2008.

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

<u>Employee</u>	<u>Department</u>	<u>Destination</u>	<u>Date</u>
Liza M. Valdez	City Secretary	Tyler, TX	Aug. 06-08, 2008
Juan Andrade	City Secretary	Tyler, TX	Aug. 06-08, 2008
Yolanda Galarza	City Secretary	Tyler, TX	Aug. 06-08, 2008
Jorge G. Alanis	Engineering	Austin, TX	July 29-31, 2008
David Vera	Engineering	Austin, TX	July 29-31, 2008
Michael Torres	Engineering	Austin, TX	July 29-31, 2008
Javier Rodriguez	Engineering	Austin, TX	July 29-31, 2008
Carlos Lastra	Engineering	New Orleans, LA	Aug. 17-21, 2008
Doroteo Garcia Jr.	Engineering	New Orleans, LA	Aug. 17-21, 2008
Luis Alonso	Engineering	New Orleans, LA	Aug. 17-21, 2008
Pete Gonzalez	Finance	Austin, TX	July 10-11, 2008
Leonardo Perez	Fire	Austin, TX	July 09-10, 2008
Marisol Vidales	Library	Austin, TX	July 08-10, 2008
Manuel Lucio	Police	New Braunfels, TX	July 15-18, 2008
Robert Nieto	Police	New Braunfels, TX	July 15-18, 2008
Jeffrey Mitchell	Police	New Braunfels, TX	July 15-18, 2008
Sergio Perez	Police	New Braunfels, TX	July 15-18, 2008
Robert Esparza	Traffic	New Orleans, LA	Aug. 17-21, 2008

c) **APPROVAL** on **SECOND** and **FINAL READING** of **Ordinance Number 2008-898-C**, to amend Chapter 74- Parks and Recreation, of the Brownsville City Code of Ordinances to include the Brownsville Linear Park. (John E. Chosy – Assistant City Attorney)

d) **APPROVAL** on **SECOND** and **FINAL READING** of **Ordinance Number 2008-1494**, amending Chapter 54 Health and Sanitation, Article VI, by repealing the current section 54-175 and replacing it with new language that prohibits smoking in restaurants and all other commercial businesses open to the general public, except for those businesses operating primarily as bars whose gross receipt sales for alcohol exceed fifty-one percent (51%) of their total business revenue; setting fines not to exceed two thousand dollars, and dealing with related matters.(James R. Goza – City Attorney)

e) **APPROVAL** on **SECOND** and **FINAL READING** of **Ordinance Number 235-2008-040** to rezone from Apartment “H” (AH) to Light Commercial “G” (5CG) for Lot 1.5 acres out of Block 17 of Esperanza Place located near FM 802 and Old Port Isabel Road. (Ben Medina, Jr. – Planning)

- f) **APPROVAL** on **SECOND** and **FINAL READING** of **Ordinance Number 235-2008-041** to rezone from Dwelling “G” (DG) to General Retail “G” (4CG) for 46 acres out of Espiritu Santo Grant located at 2525 W. Alton Gloor Blvd. (Ben Medina, Jr. – Planning)
- g) **APPROVAL** on **SECOND** and **FINAL READING** of **Ordinance Number 235-2008-041-S** to allow a Medium Commercial Specific Use (Baseball Stadium 6C) in General Retail (4C) for 21 acres out of the 46 acres out of Espiritu Santo Grant located at 2525 W. Alton Gloor Blvd. (Ben Medina, Jr. – Planning)
- h) **APPROVAL** on **SECOND** and **FINAL READING** of **Ordinance Number 235-2008-603-CU** an ordinance allowing a conditional use permit for on-premise consumption and off-premise sales of alcohol (wet restaurants and wet stores) for 46 acres out of Espiritu Santo Grant located at 2525 W. Alton Gloor Blvd. (Ben Medina, Jr. – Planning)
- i) **APPROVAL** on **THIRD** and **FINAL READING** on **Ordinance Number 2008-1200.136** accepting a voluntary annexation petition from the Brownsville Independent School District. (Ben Medina, Jr. – Planning)

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PUBLIC HEARINGS:

- 6. Public Hearing regarding Border Fence issues. (Mayor Pat M. Ahumada, Jr.)
- 7. Public Hearing and **ACTION** to fund the following Housing Projects with Home Program Funds. (Ben Medina, Jr. – Planning)
- 8. Public Hearing and **ACTION** on **FIRST READING** of **Ordinance Number 2008-567-TT** to amend the Brownsville Code of Ordinances by clarifying the time period within which plat applications remain valid for approval purposes and delegating the responsibility for filing approved plat applications with Cameron County. (Ben Medina, Jr. – Planning)
- 9. Public Hearing and **ACTION** on **FIRST READING** of **Ordinance Number 235-2008-042** to rezone from Dwelling “Z (DZ) to Apartment “F” (AF), 14.59 acres out of Block 7 and 8 of J.S. Duncan Subdivision located, near Duncan Road and Alton Gloor. (Ben Medina, Jr. – Planning)

10. Public Hearing and **ACTION** on **FIRST READING** of **Ordinance Number 235-2008-043** to rezone from Dwelling “G” (DG), General Retail (4CH) and Heavy Industrial (9CJ) to General Retail (4CG), .44 acres of Lot 5, Block 7 of East Brownsville Addition, located at 2135 Southmost Road. (Ben Medina, Jr. – Planning)
11. Public Hearing and **ACTION** on **FIRST READING** of **Ordinance Number 235-2008-044** to rezone from Dwelling “Z” (DZ) to Light Commercial “G” (5CG), 2.0 acres of 2 acre tract of land in Lot 1, Block 110 of El Jardin Re-subdivision, located near Minnesota Avenue and Coffee Port. (Ben Medina, Jr. – Planning)
12. Public Hearing and **ACTION** on **FIRST READING** of **Ordinance Number 235-2008-044-S** to allow a Light Industrial Specific Use (Machine Shop 7C) in Light Commercial (5CG), for .29 acres of Lot 1, Block 110 of El Jardin Resubdivision, located near Minnesota Avenue and Coffee Port. (Ben Medina, Jr. – Planning)
13. Public Hearing and **ACTION** on **FIRST READING** of **Ordinance Number 235-2008-045** to rezone, from Dwelling “G” (DG) to Professional Office “G” (ICG), 0.2900 acres out of S. Block 130 of Los Ebanos Properties Subdivision, located at 154 North Street. (Ben Medina, Jr. – Planning)
14. Public Hearing and **ACTION** on **FIRST READING** of **Ordinance Number 2008-235.77** to amend the Brownsville Code of Ordinances by defining the time period within which zoning applications remain valid for approval and related purposes. (Ben Medina, Jr. – Planning)

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15. PUBLIC COMMENT PERIOD:

PLEASE NOTE THAT THE PUBLIC COMMENT PERIOD AND CONDUCT AT CITY COMMISSION MEETINGS IS GOVERNED BY CITY ORDINANCE NUMBER 2008-1090-E ADOPTED ON JUNE 3, 2008.

- THE “PUBLIC COMMENT FORM” IS DESIGNATED FOR SPEAKERS TO BE RECOGNIZED AND ADDRESS THE COMMISSION ON A SUBJECT THAT IS **NOT A PUBLIC HEARING**.
- **ADDRESS THE COMMISSION AS A WHOLE – DO NOT DIRECT YOUR COMMENTS TO ANY INDIVIDUAL MEMBER OF THE COMMISSION.**
- **THE PUBLIC COMMENT PERIOD IS A TOTAL OF 15 MINUTES.**
- THERE IS A **THREE (3)-MINUTE TIME LIMIT** PER SPEAKER.
- **NO FORMAL ACTION CAN BE TAKEN.**

- FOR THE RECORD, THE SPEAKER **MUST IDENTIFY BY NAME** BEFORE SPEAKING.
 - “PUBLIC COMMENT FORMS” ARE LOCATED ON THE SECOND FLOOR AT THE ENTRANCE OF THE COMMISSION CHAMBERS (on the day of the meeting).
 - “PUBLIC COMMENT FORMS” MUST BE FILLED OUT AND PRESENTED TO THE CITY SECRETARY STAFF **NO LATER THAN 6:00 P.M.** TO BE CONSIDERED OR RECOGNIZED.
 - “PUBLIC COMMENT FORMS” ARE NOT ACCEPTED AFTER 6:00 P.M.
 - **POWERPOINT PRESENTATIONS ARE NOT CONDUCTED DURING THE PUBLIC COMMENT PERIOD.** [For further information, contact The Office of the City Secretary at 548-6001]
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PRESENTATIONS:

PERSONS/GROUPS SCHEDULED TO CONDUCT A PRESENTATION OR DISTRIBUTING HANDOUTS ASSOCIATED WITH A PRESENTATION TO THE COMMISSION MUST PROVIDE A COPY OF SAME TO THE CITY SECRETARY FOR THE RECORD.

ACTION ITEMS:

16. Consideration and **ACTION** on amendment modification of deed restrictions for the Brownsville Art League property. (John E. Chosy – Assistant City Attorney)
17. Consideration and **ACTION** to adopt budget amendment **Resolution Number 2008-061**, to amend the General Fund by \$8,058, for the hiring of three temporary (20 hours per week) recreational attendants for the youth services athletic division. (Pete Gonzalez – Finance Department)
18. Consideration and **ACTION** to request funding, in the amount of \$30,000, for the 4th of July Celebration. (Skip Keller – Parks)
19. Consideration and **ACTION** on **Resolution Number 2008-062** requesting that a moratorium be placed upon property valuation increases by the Cameron County Appraisal District and that all further increases be deferred. (Mayor Pat M. Ahumada, Jr.)
20. Consideration and **ACTION** on **Resolution Number 2008-063**, regarding possible joint venture with R&G Capital, LLC for construction of a soccer stadium. (Commissioner Charlie Atkinson)

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PURCHASES/BIDS/CONTRACTS:

- 21. Consideration and **ACTION** to award a contract for Airport Owners and Operators General and Comprehensive Liability Insurance for the Brownsville/South Padre Island International Airport. (Roberto C. Luna – Purchasing)
- 22. Consideration and **ACTION** to award a contract for the purchase of one Storm-Sewer Vacuum Truck for the Public Works Department Streets and Drainage Division. (Roberto C. Luna – Purchasing)
- 23. Consideration and **ACTION** to award a contract for the purchase of one Skid-Steer Wheeled Loader for the Public Works Department Streets Division. (Roberto C. Luna – Purchasing)
- 24. Consideration and **ACTION** to accept and approve an Inter-local Cooperation Agreement between the City of Brownsville and the City of Harlingen for the 2008 Byrne Justice Assistance Grant (JAG) Program Award in the amount of \$43,979.00. (Carlos L. Garcia – Police)
- 25. Consideration and **ACTION** to award a contract for purchase of signage for the Brownsville Sports Park to not exceed \$20,000.00. (Roberto C. Luna – Purchasing)

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ADJOURNMENT:

NOTE: The City Commission of the City of Brownsville reserves the right to discuss any items in Executive Session whenever authorized under the Texas Open Meetings Act, Chapter 551, Title 5 of the Texas Government Code.

NOTE: The City of Brownsville does not discriminate on the basis of disability in the admission of, access to, treatment of, or employment in its programs, activities, or public meetings. Any individual with a disability in need of an accommodation is encouraged to contact the ADA Coordinator at 956/548-6037 (voice or Relay TX) by Monday, no later than 5:00 P.M., to make proper arrangements.

By: Pat M. Ahumada, Jr.
Mayor of the City of Brownsville

I certify that a copy of the July 01, 2008, Agenda of items to be considered by the Brownsville City Commission was posted on the Bulletin Area at City Hall – Federal Building, on June 27, 2008. I further certify that the Agenda was posted on the City’s website and can be downloaded by accessing: www.cob.us/agendas.asp.



Estela Von Hatten, City Secretary