

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, June 15, 2010**, at **5:10 p.m.** and **6:00 P.M.** with the following members present:

PAT M. AHUMADA, JR.)	MAYOR
		COMMISSIONERS
RICARDO LONGORIA, JR.)	District 1
CHARLIE ATKINSON)	District 2
MELISSA A. ZAMORA)	District 3
EDWARD C. CAMARILLO)	District 4
ANTHONY P. TROIANI)	At-Large “A”
ROSE M.Z. GOWEN, M.D.)	At-Large “B”
CHARLIE CABLER		CITY MANAGER
PETE GONZALEZ		DEPUTY CITY MANAGER & CHIEF FINANCIAL OFFICER
JEFF JOHNSTON		ASSISTANT CITY MANAGER & EMERGENCY MANAGEMENT DIRECTOR
MARK E. SOSSI		CITY ATTORNEY
ESTELA VON HATTEN		CITY SECRETARY
ABSENT: NONE		

A quorum being present, Mayor Pat M. Ahumada, 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 June 11, 2010.

WORKSHOP: 5:30 P.M.

a) Brownsville Community Improvement Corporation (BCIC) and Brownsville Sports Park Improvement Update.

Dr. Delina Barrera, Executive Director, of the Brownsville Community Improvement Corporation (BCIC) delivered a Powerpoint presentation on Phase II of the Brownsville Sports Park.

Upon being recognized, Mr. Craig Grove expressed concern that much funding is being provided for the Sports Park, located on the north part of the city, while little funding has been allocated to development of the downtown area.

b) Presentation by Texas Intercom Energy.

A representative from Texas Intercom Energy, Inc. (TIE, Inc.) briefly noted that TIE, Inc. was an electrical power company that was gas-fired/ combined cycle generation plant.

Mayor Ahumada noted that the Brownsville Public Utilities Board (BPUB) wanted this item tabled. Commissioner Charlie Atkinson responded that he had spoken with Mr. John Bruciak, BPUB CEO and General Manager and he was aware that this item would be on the agenda. Commissioner Atkinson further noted that TIE, Inc. was a company that could handle high surge power which would provide power to industrial businesses that the Greater Brownsville Incentives Corporation (GBIC) and the Brownsville Economic Development Corporation (BEDC) would like to draw to the City.

REGULAR MEETING: 6:00 P.M.

PLEDGE OF ALLEGIANCE:

UNITED STATES PLEDGE * TEXAS PLEDGE

The United States Pledge of Allegiance and the Texas Pledge were lead Mr. Dagoberto Barrera.

INVOCATION:

The invocation was delivered by Pastor Steve Doorman from First Baptist Church of Brownsville, Texas.

1. **MAYOR'S REPORT:** Mayor's Activity Report
Mayor Pat M. Ahumada, Jr., did not deliver a report.

2. **COMMISSIONER'S REPORT:**
Commissioner Charlie Atkinson **Brownsville Sports Park**
District 2 update

Commissioner Charlie Atkinson did not deliver a report.

~~*~*~*~*~*~*~*~*~*~*~*~*~*~*~*

Upon motion by Commissioner Melissa A. Zamora, seconded by Commissioner Rose M.Z. Gowen and carried unanimously, **Agenda Items 15, 16, 14, 12, and 13** were moved out of sequence for action.

~~*~*~*~*~*~*~*~*~*~*~*~*~*~*~*

15. **Consideration and ACTION to authorize an Interlocal Agreement between the City of Brownsville and County of Cameron with the agreement, consent, and participation of the Cameron County Tax Assessor-Collector.**

Judge Ben Neece, Municipal Court, delivered a PowerPoint presentation regarding the Cameron County Scofflaw Program that would assist the Municipal Court in securing payment of outstanding traffic violations with the assistance of the Cameron County Tax Assessor-Collector and the Texas Department of Transportation. He noted that interlocal agreements with each agency were needed in order to proceed.

Commissioner Edward C. Camarillo moved that an Interlocal Agreement, between the City of Brownsville and County of Cameron, with the agreement, consent, and participation of the Cameron County Tax Assessor Collector, be **authorized**. The motion was seconded by Commissioner Ricardo Longoria, Jr., and carried unanimously.

16. **Consideration and ACTION on Resolution Number 2010-042 to authorize the City of Brownsville to enter into an Interlocal Agreement with the Texas Department of Transportation for Scofflaw Services Contract for marking the Texas Motor Vehicle Registration Records.**

Commissioner Edward C. Camarillo moved that Resolution Number 2010-042 be **approved**, to authorize the City of Brownsville to enter into an Interlocal Agreement with the Texas Department of Transportation for Scofflaw Services Contract for marking Texas Motor Vehicle Registration Records. The motion was seconded by Commissioner Anthony P. Troiani and carried unanimously.

14. Consideration and ACTION to adopt the plan of finance regarding the issuance of Certificates of Obligation.

Mr. Pete Gonzalez, Chief Financial Officer and Deputy City Manager, presented the City's proposed plan of finance regarding the proposed issuance of Certificates of Obligation.

Lengthy discussion ensued regarding various public improvements in the City that would be funded under Series 2010A CO's, as well as improvements at, near, or adjacent to, the Brownsville Sports Park under Series 2010B CO's.

Mayor Pat M. Ahumada, Jr., moved that **\$7.2 million** to finance street construction and right-of-way acquisitions, as well as construction of a gymnasium, be **deleted** from the plan of finance thus bringing the total amount of Certificates of Obligation, Series 2010A, to \$6.4 million. The motion was seconded by Commissioner Charlie Atkinson and carried unanimously.

12. Consideration and ACTION on Resolution Number 2010-043, to authorize publication of notice of intention to issue Certificates of Obligation to finance various public improvements in the City of Brownsville.

Mayor Pat M. Ahumada, Jr., moved that Resolution Number 2010-43, to authorized publication of notice of intention to issue Certificates of Obligation, be **approved with an amendment** to reflect that \$7.2 million would be deducted from Certificate of Obligation, Series 2010A, to finance various public improvements in the City of Brownsville . The motion was seconded by Commissioner Charlie Atkinson and carried unanimously.

13. Consideration and ACTION on Resolution Number 2010-044, to authorize publication of notice of intention to issue Certificates of Obligation to finance improvements at, near or adjacent to, the Brownsville Sports Park.

Commissioner Charlie Atkinson moved that Resolution Number 2010-044, to authorize publication of notice of intention to issue Certificates of Obligation, be **approved with an amendment** to reflect a proposed CO amount of \$3.3 million, to finance improvements at, near, or adjacent to, the Brownsville Sports Park. The motion was seconded by Commissioner Rose M.Z. Gowen and carried unanimously.

3. CONSENT AGENDA ITEMS:

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

Upon motion by Commissioner Ricardo Longoria, Jr., 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 June 01, 2010.

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

<u>Employee</u>	<u>Department</u>	<u>Destination</u>	<u>Date</u>
Rebecca A. Gonzalez	BUS	Louisville, KY	June 21-25, 2010
Mark E. Sossi	City Attorney	Houston, TX	June 22-24, 2010

Ms. Rebecca A. Gonzalez, ADA/DBE Coordinator, will attend the “*Disadvantage Business Enterprise Training*”, sponsored by the U.S. Department of Transportation, on June 21-25, 2010, in Louisville, Kentucky.

Mr. Mark E. Sossi, City Attorney, will travel to Houston, Texas, on June 22-24, 2010, to attend to pending litigation associated with City business.

PUBLIC HEARINGS:

4. Public Hearing and ACTION to adopt the October 1, 2010 to September 30, 2011 budget for the Community Development Block Grant Program, HOME Program and the Emergency Shelter Program.

Mr. Ben Medina, Planning and Community Development Director, introduced Mr. Jesus Quezada, Brownsville Citizens Advisory Committee (BCAC) Chairman, who presented the proposed budgets for the Community Development Block Grant (CDBG) Program, HOME Program, and the Emergency Shelter Program.

After lengthy discussion among the commissioners, and upon motion by Commissioner Edward C. Camarillo seconded by Commissioner Anthony P. Troiani the public hearing was **closed**.

Commissioner Edward C. Camarillo moved that the October 1, 2010 to September 30, 2011 budget for the Community Development Block Grant Program, HOME Program and the Emergency Shelter Program be **adopted**. The motion was seconded by Commissioner Ricardo Longoria, Jr., and carried unanimously.

5. Public Hearing and ACTION on FIRST READING of Ordinance Number 2010-235.60, to amend the City of Brownsville Code of Ordinances Chapter 348-Zoning, Article VI-Overlay Districts, by amending Section 348-962 intent to include the “ENT” Overlay and adding Section 348-1095-Downtown Brownsville Entertainment Overlay District (ENT).

Mr. Ben Medina, Jr., Planning and Community Development Director, noted that the Planning and Zoning Commission recommended approval of the proposed ordinance.

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

Commissioner Anthony P. Troiani moved that Ordinance Number 2010-235.60, be **adopted** at first reading, to amend the City of Brownsville Code of Ordinances, Chapter 348-Zoning, Article VI-Overlay Districts, by amending Section 348-962-Intent, to include the “ENT” Overlay and adding Section 348-1095-Downtown Brownsville Entertainment Overlay District (ENT). The motion was seconded by Commissioner Edward C. Camarillo and carried unanimously.

6. Public Hearing and ACTION on FIRST READING on Ordinance Number 235-2010-010, to rezone from Apartment “G” (AG) to Professional Office “G” (1CG) for Lot 12, Block 81 of Brownsville Original Townsite located, at 553 E. Washington Street.

Mr. Ben Medina, Jr., Planning and Community Development Director, noted that the Planning and Zoning Commission recommended approval of the proposed ordinance.

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

Commissioner Melissa A. Zamora moved that Ordinance Number 235-2010-010, be **adopted** at first reading, to rezone from Apartment “G” (AG) to Professional Office “G” (1CG) for Lot 12, Block 81 of Brownsville Original Townsite, located at 553 E. Washington Street. The motion was seconded by Commissioner Edward C. Camarillo and carried unanimously.

7. Public Hearing and ACTION on FIRST READING on Ordinance Number 235-2010-011, to rezone from Dwelling “A” (DA) to Professional Office “G” (1CG) for Lot 9 Block “B” of El Jardin Terrace Subdivision, located at 3888 Boca Chica Boulevard.

Mr. Ben Medina, Jr., Planning and Community Development Director, noted that the Planning and Zoning Commission recommended approval of the proposed ordinance.

Acacia Lake Improvement Association (ALIA) representatives presented photos of the area and petitions opposing the proposed rezoning of the property. Ms. Lois Lewis; Mr. Sergio Pena, and Mr. Lorenzo Lozano expressed opposition to the proposed rezoning.. Mr. Abraham Galonsky noted that there are already many established businesses along the Boca Chica Blvd section in question and he was not opposed to the rezoning. Mr. Art Rodriguez, area resident expressed concern that the area was highly impacted by heavy traffic due to commercialization and suggested that the development be done in an orderly manner possibly such through specific use permits.

Mr. Lorenzo Lozano expressed concern with increased traffic, the number of vehicles that would be parked in the parking lot and the possible damage to the Resaca located at the rear of the property, once a professional office building was constructed on the lot. In response to the Commission, Mr. Lozano, although opposed to the rezoning, agreed that a 20-foot set back from the Resaca should be incorporated into the proposed rezoning ordinance.

Upon motion by Commissioner Charlie Atkinson, seconded by Commissioner Edward C. Camarillo, and carried unanimously, the public hearing was **closed**.

Commissioner Charlie Atkinson moved that Ordinance Number 235-2010-011, be **adopted** at first reading, to rezone from Dwelling “A” (DA) to Professional Office “G” (1CG) for Lot 9 Block “B” of El Jardin Terrace Subdivision, located at 3888 Boca Chica Boulevard, with a 20-foot setback from the Resaca located at the rear of the property. The motion was seconded by Commissioner Ricardo Longoria, Jr., and carried as follows:

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

Nay: Commissioner Zamora

8. PUBLIC COMMENT PERIOD: PLEASE NOTE:

Mr. Craig Grove had left the meeting.

Mr. Ernesto Elizondo, Jr., had left the meeting.

Mr. Roberto Uresti expressed concern with future costs in the maintenance of the gymnasium that was proposed for financing under the proposed Certificates of Obligation presented this evening.

Mr. Dagoberto Barrera opposed to any additional issuance of debt without the voters approval.

Ms. Leticia Garzoria expressed concern with the City’s budget and with the proposed issuance of debt.

ACTION ITEMS:

9. Consideration and ACTION on a Land Lease with the Civil Air Patrol for five (5) acres of land on the east side of the Brownsville/South Padre Island International Airport.

Mr. Larry Brown, Aviation Director, stated that, should the land lease request be approved, the Civil Air Patrol would construct new headquarters at the location. He introduced Major Sean Crandall who noted that the Civil Air Patrol had been at the Brownsville airport since 1941.

Commissioner Edward C. Camarillo moved that a Land Lease with the Civil Air Patrol for five (5) acres of land on the east side of the Brownsville/South Padre Island International Airport, be **approved**. The motion was seconded by Commissioner Ricardo Longoria, Jr., and carried unanimously.

- 10. Consideration and ACTION on a Lease with Worldwide Consolidated Logistics for a portion of the Brownsville Air Cargo Facility to operate an air freight forwarding business.**

Commissioner Melissa A. Zamora moved that a Lease with Worldwide Consolidated Logistics for a portion of the Brownsville Air Cargo Facility, to operate an air freight forwarding business, be **approved**. The motion was seconded by Commissioner Rose M.Z. Gowen and carried unanimously.

- 11. Consideration and ACTION on Resolution Number 2010-041, to authorize the filing of a grant application and execution of grant agreements with the Federal Transit Administration for the Brownsville Urban System operations and Maintenance Facility Rehabilitation Project.**

Commissioner Ricardo Longoria, Jr., moved that Resolution Number 2010-041 be **approved**, to authorize the filing of a grant application and execution of grant agreements with the Federal Transit Administration for the Brownsville Urban System operations and Maintenance Facility. The motion was seconded by Commissioner Anthony P. Troiani and carried unanimously.

PURCHASES/BIDS/CONTRACTS:

- 17. Consideration and ACTION to authorize the design and construction of traffic signal to be located at intersection of US 281 at Carmen Boulevard.**

Commissioner Edward C. Camarillo moved that the design and construction of traffic signal to be located at intersection of US 281 at Carmen Boulevard be **authorized**. The motion was seconded by Commissioner Charlie Atkinson and carried unanimously.

- 18. Consideration and ACTION to award a contract for the construction of improvements at the Brownsville Sports Park.**

Commissioner Charlie Atkinson moved that a contract for the construction of improvements at the Brownsville Sports Park, be awarded to **Herrera & Hunt, Inc. of Los Fresnos, Texas**, approved under Choice Facility Partners (CFP), of the Harris County Department of Education (HCDE); agency with whom the City of Brownsville has entered into an Interlocal Agreement to design, construction and improvements in the amount of **\$2,077,700.00**. The motion was seconded by Commissioner Ricardo Longoria, Jr., and carried unanimously.

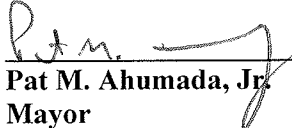
- 19. Consideration and ACTION to award a contract for the purchase, delivery and installation of bleachers for Phase II of the Brownsville Sports Park.**

Commissioner Charlie Atkinson moved that a contract for the purchase, delivery, and installation of bleachers for Phase II of the Brownsville Sports Park, be awarded to **Sturdisteel Company of Waco, Texas** in the amount of **\$916,000.00**. The motion was seconded by Commissioner Ricardo Longoria, Jr., and carried unanimously.

ADJOURNMENT:


There being no further business to come before the City Commission, the meeting adjourned at 8:30 p.m...

Approved this 6th day of July 2010.



Pat M. Ahumada, Jr.
Mayor

Attest:



Estela Von Hatten
City Secretary

