

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

MINUTES of a meeting of the City Commission of the City of Brownsville, Texas, held at the Commission Chambers, on the 2nd Floor of City Hall/Market Square, Brownsville Cameron County, Texas on Tuesday, July 16, 2002, at 6:00 p.m. with the following members present:

BLANCA S. VELA		MAYOR
JOSEPH A. ZAVALLETTA, MD)	
ERNIE L. HERNANDEZ, JR.)	
HENRY GONZALEZ)	
DAVID A. BETANCOURT)	
CARLOS A. CISNEROS)	
EDDIE TREVIÑO, JR.)	COMMISSIONERS
LANNY S. LAMBERT		CITY MANAGER
INELDA T. GARCIA		CITY SECRETARY

A quorum being present, the meeting was declared ready for the transaction of City business. Mayor Blanca S. Vela asked Ms. Inelda T. Garcia, City Secretary, to read the call and then convened into the Executive Session at 5:00 p.m.

Upon conclusion of Executive Session, Mayor Blanca S. Vela convened the Workshop Session at 5:15 p.m. to discuss the following item:

- a) Discussion concerning Ordinance Number 2002-1300.01, amending the City Code by establishing electoral district boundaries and by providing for staggered terms, equitable treatment of districts, and certain electoral procedures; and dealing with related matters, including \$2000 penalties.

A quorum being present, upon conclusion of the Workshop session, Mayor Blanca S. Vela convened the regular session of the meeting at 6:00 p.m. and led the Pledge

of Allegiance. She asked everyone to remain standing for the invocation given by Pastor Rogerio Sierra.

PROCLAMATIONS:

***Brownsville Fire Fighters' Crusade to
New York City, September 11, 2002
Memorial***

Mayor Blanca S. Vela presented a proclamation supporting Brownsville Fire Fighters and their "*Firefighters' Crusade*" to New York City on September 11, 2002, to Fire Fighters Dan Gutierrez and Dean Gutierrez who accepted it on Brownsville Fire Fighters' behalf.

PRESENTATIONS:

***Veterans International Bridge
Third Quarter Report***

Mr. Pete Sepulveda, Jr., Cameron County International Bridge System Director, presented the Veterans International Bridge Third Quarter Report.

PUBLIC COMMENT PERIOD:

Mr. Fernando Ruiz spoke regarding the Brownsville Public Utilities Board.

Ms. Gail Goodman, Manager of the Lower Rio Grande Valley Humane Society Animal Shelter, commented regarding Animal Shelter operations.

CONSENT AGENDA:

Commissioner Joseph A. Zavaletta, M.D. moved that the Consent Agenda Items be approved.

The motion was seconded by Commissioner Ernie L. Hernandez, Jr., and carried as follows:

Ayes: Mayor Vela and Commissioners Zavaletta, Hernandez, Gonzalez, Cisneros and Trevino;

Nays: None;

Abstained: Commissioner Betancourt on Item 3a. of the Consent Agenda.

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1. **MINUTES:** Regular Meeting of July 2, 2002, with corrections as noted on Item 12.
2. **TRAVEL:** Consideration and authorization of the following individual to incur travel expense:

<u>Employee</u>	<u>Department</u>	<u>Destination</u>	<u>Dates</u>
a) Eduardo Rubio	MIS	San Antonio	June 18 - 19, 2002

Mr. Eduardo Rubio will take a *"Microsoft Certified Systems Engineer Examination-Part 1"*, sponsored by Thomson Prometric on July 19, 2002, at Southern Methodist University in San Antonio, Texas.

3. SECOND AND FINAL READING:

- a) Consideration and action on SECOND AND FINAL READING of Ordinance Number 235-2002-032: to rezone from Dwelling "A" classification (DA) to Medium Retail "A" classification (3CA), Lot 2 of Capi Subdivision, located near Clubhouse Road and Boca Chica Blvd.
- b) Consideration and action on SECOND AND FINAL READING of Ordinance Number 235-2002-035: to rezone from Dwelling "Z" classification (DZ) to Dwelling "F" classification (DF), 285.99 acres out of Share 22 of Espiritu Santo Grant, located near Stagecoach Trail and Dennett Road.
- c) Consideration and action on SECOND AND FINAL READING of Ordinance Number 235-2002-040: to rezone from General Retail "G" classification (4CG) to Dwelling "G" classification (DG), Lot 4 and 20.76 acres out of Lot 3 of Block 312 of El Jardin Re-subdivision, located near FM 802 and FM 511.
- d) Consideration and action on SECOND AND FINAL READING of Ordinance Number 235-2002-041: to rezone from Dwelling "Z" classification (DZ) to Light Commercial "Z" classification (5CZ), part of Block 10 of R. A. Lieck Subdivision, located near Old Alice Road and Naranjo Road.
- e) Consideration and action on SECOND AND FINAL READING on Ordinance Number 235-2002-042: to rezone from Dwelling "Z" classification (DZ) to Medium Commercial "Z" classification (6CZ), Block

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11 of R. A. Lieck Subdivision, located near Old Alice Road and Naranjo Road.

- f) Consideration and action on SECOND AND FINAL READING of Ordinance Number 235-2002-044-S: to allow an Apartment specific use (apartments and pond pump and monitoring station) in a Dwelling use district, for Lot 1 of Villa de la Resaca Subdivision, located near Paredes Line Road and Coffee Port Road.

PUBLIC HEARING:

7. Public hearing on FIRST READING of Ordinance Number 2002-1300.01, amending the City Code by establishing electoral district boundaries and by providing for staggered terms, equitable treatment of districts, and certain electoral procedures; and dealing with related matters, including \$2,000 penalties.

Mr. Rolando L. Rios, Legal Counsel, provided a brief overview of various plans reviewed by the Electoral District Subcommittee of the Brownsville Citizens Advisory Committee (BCAC). He stated that the Committee recommended the Plan 123 version.

Upon motion by Commissioner Henry Gonzalez, seconded by Commissioner David A. Betancourt and carried unanimously, the public hearing was closed.

Action on FIRST READING OF Ordinance Number 2002-1300.01, amending the City Code by establishing electoral district boundaries and by providing for staggered terms, equitable treatment of districts, and certain electoral procedures; and dealing with related matters, including \$2,000 penalties.

Commissioner Eddie Trevino, Jr., moved that Ordinance Number 2002-1300.01, Plan No. 123, be approved on first reading.

The motion was seconded by Commissioner Henry Gonzalez and carried unanimously.

DISCUSSION ITEMS:

20. Discussion regarding the Animal Shelter Operations.

Mr. Josh Ramirez, Health Department Director, presented a cost-cutting plan, which allows for the City to operate the facility at \$50,000.00 less than the amount requested for the forthcoming year by the Lower Valley Humane Society (LVHS) that has been operating the facility.

Ms. Gail Goodman, President of Lower Valley Humane Society, and current operator of the facility, protested the City's proposed plan, stating that the City could not match the quality of service provided by LVHS.

BOARD AND COMMISSION APPOINTMENTS:

4. Action designating a Mayor Pro Tempore.

Mayor Blanca S. Vela stated that a Mayor Pro Tempore was designated every year. She suggested also designating a Deputy Mayor Pro Tempore so that he would be available in the event that the Mayor Pro Tempore was unavailable.

Mayor Vela stated that the designation of a Deputy Mayor Pro Tempore would be presented as an agenda item at the next regular meeting of the Commission.

Upon motion by Mayor Blanca S. Vela, seconded by Commissioner Henry Gonzalez and carried unanimously, Commissioner Eddie Trevino, Jr. was designated Mayor Pro Tempore.

5. Action to appoint a person to fill a vacant position on the Airport Advisory Board.

Mr. Larry A. Brown, Acting Aviation Director, informed the Commission that Mr. Frank Field, whose term expired on January 31, 2003, had resigned from the Board and the Airport Advisory Board was recommending that Mr. Manuel Alcocer serve for the remainder of the term.

Upon motion by Commissioner Henry Gonzalez, seconded by Commissioner Ernie L. Hernandez, Jr., and carried unanimously, Mr. Manuel Alcocer was appointed to serve for a term ending January 31, 2003.

6. Action to appoint or reappoint a person to the vacancy of the Brownsville Public Utilities Board, of the term that expires July 21, 2002.

Mayor Blanca S. Vela stated that Mr. Oscar E. Garcia's term on the Brownsville Public Utilities Board (BPUB) would expire on July 21, 2002, and that he had expressed a desire to continue to serve on the Board.

Upon motion by Commissioner Ernie L. Hernandez, Jr., seconded by Mayor Blanca S. Vela and carried unanimously, Mr. Oscar E. Garcia was re-appointed to the Brownsville Public Utilities Board.

ACTION ITEMS:

8. Adoption of a Resolution authorizing the Brownsville Urban System to file a Grant application with the Federal Transit Administration, under the 49 U.S.C. §5310 Program for Fiscal Year 2003, for a Grant for Special Needs of Elderly Individuals and Individuals with Disabilities.

Ms. Norma Zamora, BUS Director, informed the Commission that the application specifically requested funding for a service contract to obtain two (2) para-transit drivers and the repair of 68 fold-up seats on fixed route buses. She further stated that, since there was no local fund match required, there would be no cost to the City.

Upon motion by Commissioner Henry Gonzalez, seconded by Commissioner David A. Betancourt and carried unanimously, a resolution was adopted authorizing the Brownsville Urban System to file a grant application with the Federal Transit Administration, under the 49 U.S.C. §5310 Program for Fiscal Year 2003, for a Grant for Special Needs of Elderly Individuals and Individuals with Disabilities.

9. Authorization for the City Manager to execute a Memorandum of Understanding between the City of Brownsville and the University of Texas at Brownsville/Texas Southmost College for a donation of an EMS Ambulance.

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Fire Chief Lenny Perez informed the Commission that the vehicle that would be donated was a 1991 Ford F350 ambulance unit (No. 536-261) that would be used for training students in the Emergency Medical Technology Program. Additionally, he stated that the University would provide training to City staff at no cost to the City.

Upon motion by Commissioner Ernie L. Hernandez, Jr., seconded by Commissioner Henry Gonzalez and carried unanimously, the City Manager was authorized to execute a Memorandum of Understanding between the City of Brownsville and the University of Texas at Brownsville/Texas Southmost College for a donation of an EMS Ambulance.

10. Pre-lease commitment between the City of Brownsville and the Brownsville Fine Arts Museum for a parcel of property to build a new Fine Arts Museum.

Mr. Larry A. Brown, Acting Aviation Director, stated that the Brownsville Fine Arts League had expressed an interest in constructing a new fine arts museum, to include possibly the Neale House and the gazebo that were presently located in the Fort Brown area. He added that within the City's proposed Linear Park site there was a parcel of land that had not been pledged as land for the project with TxDOT. The parcel could, therefore, be made available to the Brownsville Fine Arts Museum upon City Commission approval.

Ms. Carol De Moss, Museum Director provided a brief description of the different children's programs, which were offered at the museum.

Upon motion by Commissioner Ernie L. Hernandez, Jr., seconded by Commissioner Carlos A. Cisneros and carried unanimously, a pre-lease commitment, at a nominal fee of one dollar (\$1.00) per year, between the City of Brownsville and the Brownsville Fine Arts Museum for a parcel of property to build a new Fine Arts Museum was approved.

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11. Action regarding the naming of the Public Safety Museum.

Mr. Andres Vega, a member of the Silver Badges Club of Brownsville presented a request for approval of a name for the Public Safety Museum.

Mr. Vega reviewed three (3) proposed name choices and the reason for each and stated that choice number three (3), that being "*Brownsville Public Safety Memorial Museum*", also included a request for a bronze plaque with the names of all deceased members who served in any of the three services (Police, Fire, EMS) with the "service time" and "date of death" next to each name.

Upon motion by Commissioner Henry Gonzalez, seconded by Commissioner David A. Betancourt and carried unanimously, the Commission approved choice number 3, thus, the museum was named the "*Brownsville Public Safety Memorial Museum*".

Commissioner Joseph A. Zavaletta, M.D. left the meeting at this time.

PURCHASES/BIDS/CONTRACTS:

12. Acceptance of the lowest acceptable bid for the purchase and installation of an irrigation system at Oliveira Park.

Mr. Ben Medina reviewed bids received for the purchase and installation of an irrigation system at Oliveira Park, and the recommendation of the low bid.

Commissioner Eddie Trevino, Jr., moved that the bid of Valley Wide Sprinkler Systems & Supply of Harlingen, Texas, in the amount of \$84,900.00, be approved for the purchase and installation of an irrigation systems at Oliveira Park.

The motion was seconded by Commissioner Carlos A. Cisneros and carried unanimously.

13. Awarding of a contract for Landscape and Irrigation Improvements at Palm Boulevard Island as requested by the Beautification Committee.

Ms. Lisa Marie Gomez, Brownsville Beautification Committee President, informed the Commission that the contract was for Phase 1 of Palm Boulevard Beautification.

Commissioner David A. Betancourt moved that the bid of Texas Landscapes of San Juan, Texas, in the amount of \$17,999.00, be approved for landscape and irrigations improvements at two (2) Palm Boulevard Islands, as requested by the Brownsville Beautification Committee.

The motion was seconded by Commissioner Carlos A. Cisneros and carried unanimously.

14. Action to award a contract for consulting services for Exhibit and Design Plans for the Public Safety Museum to OxBow Consulting.

Police Chief Carlos Garcia informed the Commission that contract negotiation with Oxbow Consulting, of Seguin, Texas, had been authorized by the City Commission on May 28, 2002, resulting in a final contract for approval.

Commissioner Henry Gonzalez moved that the contract for consulting services, in the amount of \$19,470.00, be awarded to Oxbow Consulting of Seguin, Texas, for exhibit and design plans for the Public Safety Museum.

The motion was seconded by Commissioner Carlos A. Cisneros and carried unanimously.

15. Authorization for the City Manager to execute a contract with URS Corporation to perform an Environmental Assessment for the Runway Extension of the Brownsville/South Padre Island International Airport, pending the availability of federal funds to fund 90% of the cost.

Mr. Larry A. Brown, Acting Aviation Director, informed the Commission that the runway extension was a long-term project to be undertaken for the primary runway.

Commissioner Eddie Trevino, Jr., moved that the City Manager be authorized to execute a contract, in the amount of \$749,273.00, including two (2) options, with URS Corporation to perform an Environmental Assessment for the Runway

Mayor Blanca S. Vela moved that this item be tabled as Commissioner Joseph A. Zavaletta, M.D., had left the meeting.

The motion was seconded by Commissioner Ernie L. Hernandez, Jr. and carried unanimously.

19. Discussion regarding the Employee Incentive Program for Cost Savings Measures.

Mr. Lanny Lambert, City Manager, informed the Commission that the Employee Action Committee had met to discuss the possibility of implementing an Employee Incentive Program for cost saving ideas that could be successfully conducted by the City. He reviewed a list of suggestions offered by the Committee.

21. Discussion regarding the Fiscal Year 2003 Budget.

Mr. Lanny Lambert, City Manager, reviewed budgetary concerns for various departments.

Mr. David Lee, Director of the Brownsville Visitors and Convention Bureau (BCVB), presented a brief overview of the BVCB budget and the cost savings measures undertaken.

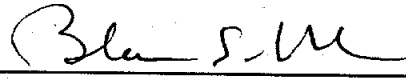
Commissioner Henry Gonzalez wanted more information as to what conventions had been attracted to use the Event Center.

Commissioner Eddie Trevino, Jr., suggested that a workshop be held for further discussion.

ADJOURNMENT

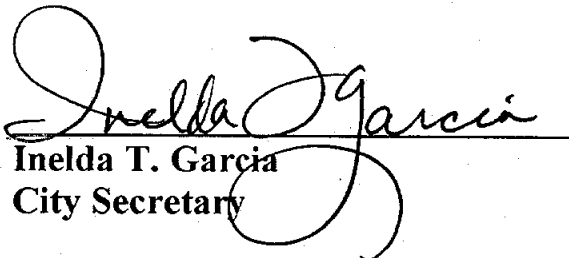
There being no further business to come before the City Commission, the meeting adjourned at 7:46 p.m.

Approved this 23rd day of July, 2002.



Blanca S. Vela
Mayor of the City of Brownsville

Attest:



Inelda T. Garcia
City Secretary

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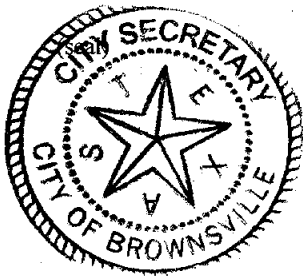
CERTIFICATE OF CITY SECRETARY

I, Estela Von Hatten, duly appointed, Interim City Secretary of the City of Brownsville, Texas, do hereby certify that the above and foregoing is a full, true, and correct copy of the **Minutes of the regular City Commission of the City of Brownsville meeting held on July 16, 2002**, duly called in accordance with Article V, Section 12 of the Charter of said City, the duly constitutes officers and members of the City Commission being present as follows:

Blanca S. Vela	Mayor
Joseph A. Zavaletta, MD	Commissioner
Ernie L. Hernandez, Jr.	Commissioner
Henry Gonzalez	Commissioner
David A. Betancourt	Commissioner
Carlos A. Cisneros	Commissioner
Eddie Trevino, Jr.	Commissioner

and all of said persons were present at the Meeting, thus constituting a quorum.

IN WITNESS WHEREOF, I have signed my name officially and affixed the seal of the City on this the 08TH day of August, 2005.



Estela Von Hatten

Estela Von Hatten
Interim City Secretary/Local Registrar
Brownsville, Texas



City of Brownsville
1001 E. Elizabeth Street
P.O. Box 911
Brownsville, Texas 78520-0911
956-548-6000

PRE-LEASE COMMITMENT

Comes now, the City of Brownsville ("City") and the Brownsville Museum of Fine Art ("Museum") and herein enters into a Pre-Lease Commitment, said motion being made, seconded and approved at the duly called City Commission meeting held on July 16, 2002.

Moreover, the City hereby agrees to lease certain unimproved real property located within the City and situated, generally, at the intersection of Ringgold Street and 7th Street, known as "The Linear Park" area, for the design and construction of a fine arts museum, said area to include the placement of the Neale House and Fort Brown Bandstand presently located at 230 Neale Drive, considered as the Brownsville Museum of Fine Art Complex. The Complex will become a part of the City's development of the Mitte Cultural District;

Moreover, the Pre-Lease Commitment obligates the Museum to pay a nominal fee of one dollar (\$1.00) per year to the City of Brownsville;

Moreover, post construction, the City and the Museum will negotiate a Lease Agreement to include a primary term of not less than twenty (20) years from the date of inception, as well as a nominal fee of one dollar (\$1.00) per year to be paid by the Museum. Additional terms, including a renewal option, will be negotiated at that time.

City of Brownsville,
a Municipal Corporation

Charlie Cabler, City Manager

Date: 8/19/2005

Brownsville Museum of Fine Art

Mary E. Carey, President

Date: 8/19/2005

Attest:

Estela Von Hatten
Interim City Secretary



(seal)

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Letter to:
Burrill's Museum of the City.
232 Maple St.
Burrill's, N. 7550

TRACT II:

Being a **0.535** acre tract of land, more or less, consisting of all of Lot **1**, a portion of Lot **2**, a portion of a **20** feet alley, all of Lot **12**, and a portion of Lot **11**, all in Block **241**, in what is known as the Original Townsite of the City of Brownsville, Cameron County, Texas as recorded in Volume **5**, Page **13** of the **Map Records** of Cameron County, Texas said **0.535** acre tract being more particularly located and described as follows;

BEGINNING at a punch mark set in a concrete gutter for the intersection of the Southwesterly right-of-way line of Seventh Street (40 feet right of way), and the Southeasterly right-of-way line of Ringgold Street (60 feet right of way), for the Easternmost corner of Block 241, and the Easternmost corner of this tract;

THENCE, along the Northwesterly right-of-way line of said Seventh Street with the existing concrete curb, South 46 degrees 09 minutes West, a distance of 260.0 feet to a punch mark set in a concrete curb for the Northwesterly right of way line of Taylor Street abandoning by said ordinance dated September 2, 1927, for the Southernmost corner of Block 241 and the Southernmost corner of this tract;

THENCE, along the Northeasterly right of way line of Taylor Street and the Southwesterly boundary of Block 241, North 43 degrees 51 minutes West, a distance of 88.69 feet to a one-half inch diameter iron rod with a plastic cap stamped "M&R, Inc." set for the Westernmost corner of this tract and 8.5 feet perpendicular from the centerline of the Southern Pacific Railroad (spur);

THENCE, parallel with and 8.5 feet Southeasterly of said spur centerline, North 45 degrees 45 minutes 44 seconds East, a distance of 260.01 feet to a one-half inch diameter iron rod with a plastic cap stamped "M&R, Inc." set along the Southeasterly right of way line of said Ringgold Street, for the Northernmost corner of this tract;

THENCE, along the Southeasterly right of way line of said Ringgold Street, South 43 degrees 51 minutes East, a distance of 90.45 feet to the PLACE OF BEGINNING;

CONTAINING 0.535 acre of land, more or less.

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FILED AND RECORDED
OFFICIAL PUBLIC RECORDS
On: Oct 11, 2005 at 04:58P

Document Number: 00058531

By
Yazmin Hernandez
Joe G Rivera, County Clerk
Cameron County