

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

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

Rose M.Z. Gowen, M.D., At-large Commissioner “B”  
Charlie Atkinson, District Commissioner 2  
Edward C. Camarillo, District Commissioner 4

Pat M. Ahumada, Jr., Mayor

**NOTICE OF A 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, an Executive Session, and a Regular Meeting, on Tuesday, December 15, 2009 at 5:15 P.M., 5:45 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.

\*\*\*\*\*

**WORKSHOP: 5:15 P.M.**

- a) Discussion regarding Small Wind Energy Systems Ordinance. (Ben Medina, Jr. – Planning – 15 min.)
- b) Discussion regarding the status of the Brownsville Multimodal Terminal (BMT) Project. (Norma H. Zamora – BUS – 15 min.)

\*\*\*\*\*

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

- A) Attorney consultation pursuant to Section 551.071, of the Texas Government Code, regarding pending litigation. (Mark Sossi – City Attorney – 15 min.)

\*\*\*\*\*

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

**PLEDGE OF ALLEGIANCE:**

**UNITED STATES PLEDGE \* TEXAS PLEDGE**

**INVOCATION:**

\*\*\*\*\*

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

A) Consideration and **ACTION** on pending litigation as advised by counsel in Executive Session.(Mark Sossi – City Attorney)

**1. MAYOR’S REPORT:**

January 17, 2010 Health Fair  
PAWS Rescue Effort  
Hermes Music Christmas Give-away  
Weekly Activities Report

**2. PROCLAMATIONS:**

**Tito Mata**  
(Mayor Pat M. Ahumada, Jr.)

**J.K. Family Clinic**  
(Mayor Pat M. Ahumada, Jr.)

**Rotary Charitable Foundation**  
(Mayor Pat M. Ahumada, Jr.)

**3. PRESENTATIONS**

**Stimulus funding grants and applications**  
(Ben Medina, Jr. – Planning)

**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. There will be no separate discussion of these items unless a City Commissioner so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.

**ITEMS No. “a” through “e”**

- a) Approval of the Minutes of the Special Meeting of November 24, 2009.
- b) Approval of the Minutes of the Regular Meeting of December 01, 2009.
- c) Authorization for the following individuals to incur travel expense:

<u>Employee</u>	<u>Department</u>	<u>Destination</u>	<u>Date</u>
Pete Gonzalez	Finance	Austin, TX	Jan. 31-Feb. 02, 2010
Hawk Scott	Parks	Wheeling, WV	Jan. 31-Feb. 05, 2010
Adrian Gamez	Parks	College Station, TX	Jan. 04-09, 2010
Carlos L. Garcia	Police	Austin, TX	Jan. 11-14, 2010
Ramiro Rodriguez	Police	Austin, TX	Jan. 10-14, 2010
James Paschall	Police	Austin, TX	Jan. 10-14, 2010
Ramiro Rodriguez	Police	Austin, TX	Jan. 05-08, 2010
William Ingram	Police	Austin, TX	Jan. 05-08, 2010

**d) APPROVAL on SECOND and FINAL READING of Ordinance Number 235-2009-603-CU**, an ordinance to allow a conditional use permit to sale on-premises alcohol (bar) for Lots 2 & 3 of The Professional Plaza Subdivision located at 568 Springmart Blvd., (Ben Medina, Jr. – Planning)

**e) APPROVAL on SECOND and FINAL READING of Ordinance Number 2009-1429-C** to modify the boundaries of a 031 Overlay District, Ordinance 2004-1429, on an area near Coffeepport Road and Central Avenue, area near Central Avenue and Ruben Torres Blvd. and area near Emilia Lane and Old Alice Road. (Ben Medina, Jr. – Planning)

\*\*\*\*\*

***BOARDS AND COMMISSIONS:***

5. Consideration and **ACTION** to appoint or re-appoint two (2) members to the Brownsville Beautification Committee (BBC). (Commissioners E.C.Camarillo/R. Gowen)
6. Consideration and **ACTION** to appoint or re-appoint four (4) members to the Brownsville Community Improvement Corporation (BCIC). (Dr. Delina Barrera - BCIC)
7. Consideration and **ACTION** to appoint or re-appoint three (3) alternates, and appoint one (1) new alternate, to the Board of Adjustments. (Evaristo Gamez – Building)
8. Announcement of Mayoral appointment to the Brownsville Housing Authority Board. (Mayor Pat M. Ahumada)

\*\*\*\*\*

**PUBLIC HEARINGS:**

9. Public Hearing and **ACTION** on **Resolution Number 2009-072** to authorize the filing of a grant application and execution of grant agreements with the Texas Department of Transportation, for Fiscal Year 2010 Annual Request for Proposals, for small urban and non-urbanized public transportation projects. (Norma Zamora – BUS)
10. Public Hearing and **ACTION** on **Resolution Number 2009-073** to impose a Moratorium on permitting or zoning action relating to New Payday Lending, Car Title Loan, or Check Cashing Businesses for a period not to exceed six months. (Mark Sossi – City Attorney)
11. Public Hearing and **ACTION** on **FIRST READING** of **Ordinance Number 2009-911-E** to amend Chapter 46 Article II Litter, by adding new Sections 46-47 thru 46-52, prohibiting the use of Plastic Bags in the City of Brownsville, Creating an Environmental Advisory Committee, and ordaining other provisions relating to the subject matter. (Arturo Rodriguez – Health)
12. Public Hearing and **ACTION** on **FIRST READING** on **Ordinance Number 235-2009-041** to rezone from Light Retail “F” (2CF) to Medium Retail “G” (3CG) for 5.00 acres out of Block 146 of El Jardin Subdivision located at 3631 Old Port Isabel Road. (Ben Medina, Jr. – Planning)
13. Public Hearing and **ACTION** on **FIRST READING** on **Ordinance Number 235-2009-041-S** to allow a Light Retail Use (Mini Warehouse) in a General Retail Use for 5.00 acres out of El Jardin Subdivision located at 3631 Old Port Isabel Road. (Ben Medina, Jr. – Planning)
14. Public Hearing and **ACTION** on the Housing and Urban Development (HUD) Consolidated Annual Performance and Evaluation Report (CAPER). (Ben Medina, Jr. – Planning)

\* \* \* \* \*

15. **PUBLIC COMMENT PERIOD:**      **PLEASE NOTE:**

**PLEASE NOTE THAT THE PUBLIC COMMENT PERIOD AND CONDUCT AT CITY COMMISSION MEETINGS IS GOVERNED BY CITY ORDINANCE NUMBER 2009-1090-F ADOPTED ON MARCH 3, 2009.**

- 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]

---

**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 an Inter-Local Agreement with Olmito Water Supply Corporation to collect garbage fees, City Maintenance Fees, and Federal Unfunded Environmental Compliance Fees from customers it serves that are not served by the Brownsville Public Utilities Board (BPUB). (Pete Gonzalez – Deputy City Manager/CFO)
17. Consideration and **ACTION** on **Resolution Number 2009-070** to authorize the submittal of a funding application to the Brownsville Community Improvement Corporation (BCIC) for quality of life projects for Fiscal Year 2010. (Chris Patterson – Parks)
18. Consideration and **ACTION** on **Resolution Number 2009-071** to amend the General Fund and Airport Fund to provide funding for Imagine Brownsville and Airport Operations. (Pete Gonzalez – Finance)
19. Consideration and **ACTION** regarding Housing Guidelines for the implementation of Hurricane Dolly assistance grants. (Ben Medina, Jr. – Planning)
20. Consideration and **ACTION** to authorize the acceptance and expenditure of the Texas Department of Transportation Selective Traffic Enforcement Program (STEP) Impaired Driving Mobilization Grant, awarded to the Brownsville Police Department in the amount of \$19,754.90, for Fiscal Year 2010. (Carlos L. Garcia – Police)

- 21. Consideration and **ACTION** to authorize staff to submit a grant proposal to the Texas Commission on Environmental Quality (TCEQ), for 319 Non-point Source Pollution Prevention funding, as part of a regional application to include construction of Low Impact Development (LTD) park amenities at the Phillips Banco Wildlife Refuge on Old Military Highway. (Santana Torres – Public Works)

\*\*\*\*\*

**PURCHASES/BIDS/CONTRACTS:**

- 22. Consideration and **ACTION** to award a contract for renovation of Sams Pool located at the Dean Porter Park. (Roberto C. Luna – Purchasing)
- 23. Consideration and **ACTION** to award a contract for preservation Architectural Services for Design Guidelines for the Historic Downtown District, Los Ebanos, West Brownsville and Buena Vida neighborhoods. (Roberto C. Luna – Purchasing)
- 24. Consideration and **ACTION** to award a contract for street paving and drainage improvements for West Elizabeth Street. (Roberto C. Luna – Purchasing)
- 25. Consideration and **ACTION** to award a contract for the purchase, delivery, installation of, and technical support for, software and hardware for Spillman Ticket-writers. (Roberto C. Luna – Purchasing)
- 26. Consideration and **ACTION** to award a contract for the purchase, delivery, and installation of eighteen (18) Mobile Data Computers for Police Patrol Vehicles for the Brownsville Police Department. (Roberto C. Luna – Purchasing)

\*\*\*\*\*

**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 December 15, 2009, Agenda of items to be considered by the Brownsville City Commission was posted on the Bulletin Area at City Hall – Federal Building, on December 11, 2009. I further certify that the Agenda was posted on the City’s website and can be downloaded by accessing: [www.cob.us/agendas.asp](http://www.cob.us/agendas.asp).

  
\_\_\_\_\_  
Estela Von Hatten, City Secretary