

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

John F. Cowen, Jr., At-large Commissioner “A”  
Nurith Galonsky Pizana, District Commissioner 1  
Joel Munguia, District Commissioner 3

Rose M.Z. Gowen, M.D., At-large Commissioner “B”  
Jessica Tetreau, District Commissioner 2  
Ben R. Neece, District Commissioner 4

Juan “Trey” Mendez III, 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 **Regular Meeting** on **Tuesday, August 20, 2019, at 5:00 P.M.**, in the Commission Chambers, on the Second Floor of the Brownsville City Hall – Old Federal Building, located at 1001 East Elizabeth Street, Brownsville, Cameron County, Texas, 78520.

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**ROLL CALL:**

**INVOCATION:**

**PLEDGE OF ALLEGIANCE: UNITED STATES PLEDGE \* TEXAS PLEDGE**

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**EXECUTIVE SESSION:**

- A)** Discussion pursuant to Section §551.087, of the Texas Government Code, to deliberate the offer of financial or other incentive to a prospect in relation to a project in the Mitte Cultural District. (City Manager’s Office – 10 mins.)
- B)** Attorney consultation pursuant to Section §551.071(1), Texas Government Code to receive legal advice and counsel in connection with pending litigation styled and numbered Brownsville GMS, Ltd v. City of Brownsville et. al., Cause no. 2019-DCL-02693 (445th Judicial District Court in Cameron County, Texas) (City Attorney’s Office – 10 mins.)
- C)** Consultation with attorney to receive confidential legal advice pursuant to Section §551.071(2) of the Texas Government Code, on a matter related to the establishment of guidelines for GBIC bylaws that conform to Sections 501 and 504 of the Texas Local Government Code, in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter. (City Manager’s Office – 15 mins.)
- D)** Discussion pursuant to Section §551.072, of the Texas Government Code, to deliberate the purchase, exchange, lease, or value of real property in connection with the FM 511 Industrial Corridor. (City Manager’s Office – 15 mins.)
- E)** Attorney consultation pursuant to Section §551.071, of the Texas Government Code, to receive legal advice and counsel in connection with the City’s rights, duties, privileges, and obligations related to the collective bargaining labor agreement between the City and the duly recognized bargaining agent for the City’s law enforcement personnel, the Brownsville Police Officers’ Association. (City Manager’s Office – 10 mins.)

- F) Discussion pursuant to Section §551.087, of the Texas Government Code, to deliberate the offer of financial or other incentive to a prospect in connection with project “Hotel”. (City Manager’s Office – 10 mins.)

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**POSSIBLE ACTION ON ITEMS AS DISCUSSED IN EXECUTIVE SESSION:**

- B) Consideration and appropriate action, if any, to authorize the City Attorney and retained defense counsel to initiate additional appellate proceedings before the 13<sup>th</sup> Court of Appeals as to the City’s pending defensive jurisdictional pleas in the litigation styled and numbered Brownsville GMS, Ltd v. City of Brownsville et. al., Cause no. 2019-DCL-02693 (445th Judicial District Court in Cameron County, Texas). (City Attorney’s Office)
- E) Consideration and possible action, if any, in response to the last collective bargaining proposal by BPOA (Brownsville Police Officers Association) with respect to health care, base salary, contract term, and related items. (City Attorney’s Office)

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**WORK SESSION:**

- A) City's proposed Fiscal Year 2020 budget. (Finance Department)
- B) Overview by Texas Comptroller on Type A and B Economic Development Corporations. (City Manager’s Office)

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- 1. **PROCLAMATIONS:**
  - Omar “El Relámpago” Juárez*  
(Commissioners B. Neece/N. Galonsky Pizana)
  - Vermillion Restaurant*  
(Mayor J. Mendez III/Commissioner B. Neece)
- 2. **PRESENTATIONS:**
  - AARP Community Challenge*
- 3. **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 “r”***

- a) Approval of the Minutes of the Special Meeting of July 30, 2019.
- b) To acknowledge the following individuals to incur travel expense:

<u>Employee</u>	<u>Department</u>	<u>Destination</u>	<u>Date</u>
Bryant Walker	Airport	Arlington, VA	Oct. 06-11, 2019
Bryant Walker	Airport	Tampa, FL	Sept. 14-18, 2019
Shawn Schroeder	Airport	Denver, CO	May 08-14, 2020
Bryant Walker	Airport	Denver, CO	May 08-14, 2020
Christina Garza	City Secretary’s Office	McAllen, TX	Sept. 07-21, 2019
Jesus Posada	Fire	Pearland, TX	Aug. 26-27, 2019
Norma Zamora	Multimodal Transportation	Austin, TX	Aug. 28-30, 2019
Manuel Cortinas	Multimodal Transportation	Elk Grove Village, IL	Aug. 18-23, 2019

Nancy Garcia	Multimodal Transportation	Elk Grove Village, IL	Aug. 18-23, 2019
Robert Tyler	Police	Huntsville, AL	Sept. 09-13, 2019
Constanza Miner	Planning	Cleveland, OH	Sept. 15-21, 2019
Constanza Miner	Planning	Denver, CO	Oct. 09-13, 2019
Juan Velez	Planning	Denver, CO	Oct. 09-13, 2019
Omar J. Ochoa	Planning	San Antonio, TX	Nov. 17-22, 2019

- c) Consideration and **ACTION** for authorization to award a bid contract for the roof replacement for Fire Station #9, in the amount of \$198,865.00, as budgeted. (Fire Department)
- d) Consideration and **ACTION** to approve the purchase of a chiller unit for the Police Department main station, in the amount of \$335,849.52 as budgeted. (Police Department)
- e) Consideration and **ACTION** to purchase the Advanced Traffic Management System (ATMS) Software, in the amount of \$225, 250.00, as budgeted. (Traffic Department)
- f) Consideration and **ACTION** authorizing the filing of the FY 2019 grant application with the Federal Transit Administration Section 5310 Program, Enhanced Mobility of Seniors and Individuals with Disabilities Program (authorized by 49 U.S.C. Chapter 53, title 23, United States Code) for self-certification to use for Capital Project to acquire rolling stock ADA complementary paratransit vehicle. (Multimodal Transportation Department)
- g) **APPROVAL** on **SECOND** and **FINAL READING** on **Ordinance Number 2019-1656**, approving a negotiated resolution between the City and Gas Service (“TGS” or “The Company”) regarding the Company’s April 30, 2019, Cost of Service Adjustment (“COSA”) filing declaring existing rates to be unreasonable adopting new tariffs that reflect rate adjustment consistent with the negotiated settlement and finding the rates to be set by the attached tariffs to be just and reasonable providing for the recovery of the City’s and TGS’ reasonable and necessary rate case expenses adopting a savings clause; determining that this ordinance was passed in accordance with the requirements of the Texas Open meetings Act; declaring an effective date; repealing any prior ordinances inconsistent with this ordinance and requiring delivery of this ordinance to the Company’s and the City’s Legal Counsel. (City Manager’s Office)
- h) **APPROVAL** on **SECOND** and **FINAL READING** on **Ordinance Number 2019-1657**, to authorize the City Manager to abandon and close portions of a 15' utility easement and 10' sanitary sewer easement located within Lot 40 Block 4 Roosevelt Estates Section V, Phase II. (Engineering Department)
- i) **APPROVAL** on **SECOND** and **FINAL READING** on **Ordinance Number 235-2019-026**, to rezone from Light Retail “G” (2CG) to General Retail “G” (4CG) for Lot 1, Block 1, Aaron’s Addition, located at 2635 Boca Chica Blvd. (District 2) (Planning & Redevelopment Services Department)
- j) **APPROVAL** on **SECOND** and **FINAL READING** on **Ordinance Number 235-2019-027-CO**, to rezone from Dwelling “A” (DA) to General Retail “G” (4CG-CO) for 0.42 acres out of Lot 13, Block 1, Rentfro Terrace Addition of Brownsville, located near Rentfro Boulevard, (District 2) with a Conditional Overlay. (Planning & Redevelopment Services Department)

- k) **APPROVAL** on **SECOND** and **FINAL READING** on **Ordinance Number 235-2019-028-CO**, to rezone from Dwelling “A” (DA) to Dwelling “G” (DG) for Lot 19, Block 1, West Banker Place Addition, located at 305 Boca Chica Boulevard. (District 4) (Planning & Redevelopment Services Department)
- l) **APPROVAL** on **SECOND** and **FINAL READING** on **Ordinance Number 235-2019-029**, to rezone from Medium Retail “A” (3CA) to General Retail “A” (4CA), for Lot 36, Block 1, Silver Oaks Subdivision, located at 975 W. Ruben M. Torres Sr. Boulevard. (District 4) (Planning & Redevelopment Services Department)
- m) **APPROVAL** on **SECOND** and **FINAL READING** on **Ordinance Number 235-2019-030**, to rezone from Dwelling “A” (DA) to Dwelling “G” (DG) for Lot 35, Block 50, East Brownsville Addition, located at 3475 E. 27<sup>th</sup> Street. (District 1) (Planning & Redevelopment Services Department)
- n) **APPROVAL** on **SECOND** and **FINAL READING** on **Ordinance Number 235-2019-031-S**, to allow a duplex, a Dwelling “D” use, in Light Industrial “J” (7CJ) for Lot 12, Block 43-A, Stillman Addition, located at 221 W. St. Francis Street. (District 4) (Planning & Redevelopment Services Department)
- o) **APPROVAL** on **SECOND** and **FINAL READING** on **Ordinance Number 235-2019-032**, to rezone from General Retail “F” (4CF) to General Retail “H” (4CH) for Lot 1, Rear ½ of Lot 2, Block 158, Brownsville Original Townsite, located at 754 E. Van Buren Street. (District 4) (Planning & Redevelopment Services Department)
- p) **APPROVAL** on **SECOND** and **FINAL READING** on **Ordinance Number 235-2019-033-S**, to allow a restaurant, a Light Retail (2C) use, in Apartment “H” (AH) and Professional Office “H” (1CH) for Lots 1 and 2, Block 1, Alvarez Subdivision, located at 334 Morningside Road. (District 1) (Planning & Redevelopment Services Department)
- q) **APPROVAL** on **SECOND** and **FINAL READING** on **Ordinance Number 235-2019-034**, to rezone from General Retail “A” (4CA) and Dwelling “A” (DA) to General Retail “G” (4CG) for a 3.281 acre Tract out of Block “DD” and a portion of an unsubdivided tract in the Brownsville Land and Improvement Company Subdivision, located at 1904 Central Blvd. (District 3) (Planning & Redevelopment Services Department)
- r) **APPROVAL** on **SECOND** and **FINAL READNG** on **Ordinance Number 235-2019-601-CU**, an ordinance allowing a conditional use permit for a wet restaurant for Lots 1 and 2, Block 49, Original Townsite of the City of Brownsville, located at 354 East Elizabeth Street. (District 4) (Planning & Redevelopment Services Department)

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**PUBLIC HEARINGS:**

- 4. Public Hearing and **ACTION** on **FIRST READING** on **Ordinance Number 2019-1653-A**, amending Chapter 38, repealing and replacing in its entirety Article VI Section 38-156(a)(1). (City Attorney’s Office)
- 5. Public Hearing and **ACTION** on **FIRST READING** on **Ordinance Number 2019-1090-H**, amending the Code of Ordinances, repealing and replacing in its entirety Chapter 2 Article II Section 2-26 to comply with HB 2840. (City Secretary’s Office)

6. Public Hearing and **ACTION** on **FIRST READING** on **Ordinance Number 2019-235.91**, to amend the existing boundaries within the O31-Nonresidential Overlay District; and dealing with related matters. (District 2) (Planning and Redevelopment Services Department)
7. Public Hearing and **ACTION** on **FIRST READING** on **Ordinance Number 2019-235.92**, amending the Code of Ordinances, Chapter 348, Article VIII - Specific Use Permits by adding a new section, Section 348-1426 titled "Rehearing of Expired Applications," and dealing with related matters. (Planning and Redevelopment Services Department)
8. Public Hearing and **ACTION** on **FIRST READING** on **Ordinance Number 235-2017-079-S-MA**, to grant major amendment allowing apartments, an Apartment (A) use, in General Retail "G" (4CG) for Lot 3, Las Palmas Condominiums, located at 2835 East Price Road. (District 2) (Planning and Redevelopment Services Department)
9. Public Hearing and **ACTION** on **FIRST READING** on **Ordinance Number 235-2019-035**, to rezone from Dwelling "A" (DA) to Dwelling "G" (DG) for Lot 7, Block 17, Ebony Heights Subdivision, a subdivision located at 1464 Yale Avenue. (District 3) (Planning and Redevelopment Services Department)
10. Public Hearing and **ACTION** on **FIRST READING** on **Ordinance Number 235-2019-036-CO**, to rezone from Dwelling "A" (DA) to Apartment "H" (AH-CO) for Lot 1, Jenkins Subdivision, located at 1305 Barnard Road. (District 3) with a Conditional Overlay. (Planning and Redevelopment Services Department)
11. Public Hearing and **ACTION** on **FIRST READING** on **Ordinance Number 235-2019-037**, to rezone from Dwelling "H" (DH) to Dwelling "G" (DG) for Lot 11, Block 2, Villa Verde Subdivision, located at 414 Shary Avenue. (District 1) (Planning and Redevelopment Services Department)
12. Public Hearing and **ACTION** on **FIRST READING** on **Ordinance Number 235-2019-038-CO**, to rezone from Light Retail "F" (2CF) to Light Retail "H" (2CH-CO) for Lot 47, Block 3, Forest North Subdivision Section 7, located at 5511 Achievement Avenue, (District 3) with a Conditional Overlay. (Planning and Redevelopment Services Department)
13. Public Hearing and **ACTION** on **FIRST READING** on **Ordinance Number 235-2019-039**, to rezone from General Retail "F" (4CF) to General Retail "H" (4CH) for Lot 1, and the East one half (1/2) of Lot 2, Block 191, Original Townsite, located at 850 East Tyler Street. (District 4) (Planning and Redevelopment Services Department)

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

THE PUBLIC COMMENT PERIOD IS DESIGNATED FOR HEARING CONCERNS REGARDING CITY OF BROWNSVILLE PUBLIC POLICY OR CITY OF BROWNSVILLE BUSINESS THAT IS NOT ON THE AGENDA.

**DO NOT REQUEST A PUBLIC COMMENT FORM  
IF YOU WISH TO COMMENT ON AN ITEM THAT IS ALREADY ON THE AGENDA  
"PUBLIC HEARING" ITEMS ARE OPEN FOR COMMENT (ON THAT PARTICULAR ITEM)  
UPON NOTICE FROM THE PRESIDING OFFICER**

- 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. (TIMED)

- NO **FORMAL ACTION** CAN BE TAKEN.
- FOR THE RECORD, THE SPEAKER **MUST IDENTIFY BY NAME** BEFORE SPEAKING.
- **Public Comment Forms are not reserved for anyone.**
- **"PUBLIC COMMENT FORMS"** Must be filled out and presented to THE CITY SECRETARY **BEFORE A SCHEDULED CITY COMMISSION MEETING** TO BE RECOGNIZED.
- **"PUBLIC COMMENT FORMS" ARE ONLY ACCEPTED UP TO AN HOUR BEFORE A SCHEDULED CITY COMMISSION MEETING.**
- **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.

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**ITEMS FOR INDIVIDUAL CONSIDERATION:**

15. Consideration and **ACTION** on **Resolution Number 2019-073**, to appoint members to the Ethics Commission. (City Manager’s Office)
16. Consideration and **ACTION** on **Resolution Number 2019-072**, to appoint members to the Greater Brownsville Incentives Corporation Board. (City Manager’s Office) [**Tabled 08-06-19**]
17. Consideration and **ACTION** to adopt **Resolution Number 2019-067**, finding that AEP Texas Inc.’s requested increase to its Electric transmission and distribution rates and charges within the City should be denied; finding that the City’s reasonable rate case expenses shall be reimbursed by the company; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring reimbursement of Cities’ Rate Case expenses; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the company and legal counsel. (City Manager’s Office)
18. Consideration and **ACTION** to adopt leasing options for fleet replacement and authorize master equity lease and maintenance agreements with Enterprise Fleet Management. (City Manager’s Office)
19. Consideration and **ACTION** to acknowledge the financial statements and cash investment report for the City of Brownsville for the third quarter ended on June 30, 2019. (Finance Department)
20. Consideration and **ACTION** to authorize the City Manager to sign an Agreement between Texas Southmost College (TSC) and City of Brownsville (COB)/B-Metro to provide transportation services for students, and the general public. (Multimodal Transportation Department)
21. Consideration and **ACTION** to award contract to Gignac, Inc. for Architectural Consulting Services in the amount of \$64,151.63 and Surveying / GeoTech. Services, in the amount of \$17,150, for the B-Metro Eastside Transfer Station project. (Multimodal Transportation Department)

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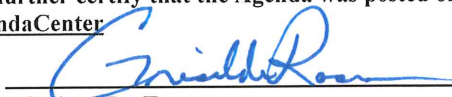
**ADJOURNMENT:**

**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: Juan "Trey" Mendez III  
Mayor of the City of Brownsville

I certify that a copy of the **August 20, 2019**, Agenda of items to be considered by the Brownsville City Commission was posted on the Bulletin Area at City Hall – Federal Building, on August 16, 2019. I further certify that the Agenda was posted on the City's website and can be downloaded by accessing: <http://www.cob.us/AgendaCenter>



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**Griselda Rosas**  
**City Secretary**