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 – Cld Federal Building, located at 1001 East Elizabeth Street, Brownsville, Cameron County, Texas, on Tuesday, February 04, 2020, at 5:00 P.M. with the following members present:

JUAN “TREY” MENDEZ III
JOHN F. COWEN, JR.
NURITH GALONSKY PIZANA
JOEL MUNGUA
BEN NEECE
NOEL BERNAL
HELEN RAMIREZ
ELIZABETH WALKER
BRYANT WALKER
RENE DE COSS
GRISELDA ROSAS
ABSENT

Mayor
COMMISSIONERS
At Large “A”
District 1
District 3
District 4
CITY MANAGER
DEPUTY CITY MANAGER
ASSISTANT CITY MANAGER
ASSISTANT CITY MANAGER
CITY ATTORNEY
INTERIM CITY SECRETARY
ROSE GOWEN – At-Large “B”
JESSICA TETREAU – District 2

CALL TO ORDER
a) Roll Call
A quorum being present, Ms. Griselda Rosas, Interim City Secretary, read the call to order to consider the matters as posted and filed for the record in The Office of the City Secretary on January 31, 2020.

b) Invocation
Pastor Brad Burkes from Embassy of the Spirit Church led the invocation.

c) Pledge of Allegiance
United States Pledge and Texas Pledge
Mayor Juan “Trey” Mendez, III, led the Pledge of Allegiance and the Texas Pledge.

d) Proclamations
Business Professionals of America
(Commissioners N. Galonsky Pizana/Commissioner J. Mungua)
The proclamation was read and presented by Commissioner Nurith Galonsky Pizana.
PUBLIC COMMENT PERIOD

Mr. Steve Perez, thanked the Commission for making East Loop a reality.

WORK SESSIONS

A) Grants Annual Presentation

Ms. Mariza Zolezzi, Assistant to the City Manager, Efren Trujillo, Office of Strategic Initiatives Assistant Director, Athena Bournakis, Grant Manager, Nayeli Trejo, Grant Analyst, and Olga Moya, Grant Writer, briefly informed the Commission of the annual basis highlights, work plan information, and accomplishments from the previous year. The Grants Division presented the Grants Work Plan for Fiscal Year October 1st, 2018-September 30, 2019, Grants Submitted by Category, Grants Awarded by Category, Grant Highlights and upcoming grants. The goal of the Grants Division is to communicate the resources secured and share upcoming opportunities that align with the Commission Pillars and annual Work Plans of all City Departments.

CONSENT AGENDA ITEMS

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

Upon motion by Commissioner Nurith Galonsky Pizana seconded by Commissioner John F. Cowen and carried unanimously, Consent Agenda Items were approved.

a) Approval of the Minutes of the Regular Meeting of January 07, 2020.

b) To acknowledge the following travel expenses:

<table>
<thead>
<tr>
<th>Employee</th>
<th>Department</th>
<th>Destination</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Francisco Partida</td>
<td>Airport</td>
<td>Reno, NE</td>
<td>Feb. 17-22, 2020</td>
</tr>
<tr>
<td>Francisco Partida</td>
<td>Airport</td>
<td>Dallas, TX</td>
<td>Feb. 26, 2020</td>
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<tr>
<td>Shawn Schroeder</td>
<td>Airport</td>
<td>Dallas, TX</td>
<td>Feb. 26, 2020</td>
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<tr>
<td>Shawn Schroeder</td>
<td>Airport</td>
<td>Houston, TX</td>
<td>Apr. 19-22, 2020</td>
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<tr>
<td>Odee Leal</td>
<td>Fire</td>
<td>San Marcos, TX</td>
<td>Feb. 23-26, 2020</td>
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<tr>
<td>Arturo Rodriguez</td>
<td>Health</td>
<td>Austin, TX</td>
<td>Feb. 19-21, 2020</td>
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<tr>
<td>Ysaias Presas</td>
<td>Health</td>
<td>Austin, TX</td>
<td>Feb. 19-21, 2020</td>
</tr>
<tr>
<td>Francisco Reyes</td>
<td>Health</td>
<td>New Orleans, LA</td>
<td>Apr. 13-17, 2020</td>
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<tr>
<td>Norma Cabrera</td>
<td>Health</td>
<td>New Orleans, LA</td>
<td>Apr. 13-17, 2020</td>
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<tr>
<td>Erik Gallardo</td>
<td>Municipal Court</td>
<td>Houston, TX</td>
<td>Feb. 10-12, 2020</td>
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<tr>
<td>Elsa Rodriguez</td>
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<td>Houston, TX</td>
<td>Feb. 10-12, 2020</td>
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<td>Joanna Rivera</td>
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<td>Maria L. Villanueva</td>
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<td>Feb. 10-12, 2020</td>
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<td>Erika Morin</td>
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<td>Ashley Aguilar</td>
<td>Municipal Court</td>
<td>Houston, TX</td>
<td>Feb. 10-12, 2020</td>
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<tr>
<td>Constanza Miner</td>
<td>Planning</td>
<td>Minneapolis, MN</td>
<td>Feb. 09-14, 2020</td>
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c) Consideration and ACTION to approve Resolution Number 2020-010 supporting the submittal of the grant application for FY 2020-2021 Solid Waste Grant Program to the Lower Rio Grande Valley Development Council’s (LRGVDC).

d) APPROVAL on SECOND and FINAL READING on Ordinance Number 235-2019-040, to rezone from Light Retail “G” (2CG)/Dwelling “G” (DG) to Apartment “H” (AH) for 0.2496 Acre of land out of the South 20.122 Acres of Block 19, El Jardin Subdivision, in Tract 33, Share 19, Espiritu Santo Grant, and a 0.017 Acre of land out of Lot 1, Block 1, amending Plat of Canyon Valley Subdivision Re-plat, located at 2732 Old Port Isabel Road. (District 2)

e) APPROVAL on SECOND and FINAL READING on Ordinance Number 235-2019-067, to rezone from General Retail “F” (4CF) to General Retail “G” (4CG) for Lot 2, Block 242, Brownsville Original Townsite, located at 744 East Ringgold Street. (District 4)

f) APPROVAL on SECOND and FINAL READING on Ordinance Number 235-2019-069, to rezone from Dwelling “Z” (DZ) to Light Commercial “Z” (5CZ) for 19.631 acres of land out of a 66.70 acre tract consisting of part of Blocks 45 and 55, Palo Alto Groves Subdivision Number 1, Share 22, Espiritu Santo Grant, located near Old Alice Road. (District 3)

g) APPROVAL on SECOND and FINAL READING on Ordinance Number 235-2019-070, to rezone from General Retail “F” (4CF) to General Retail “G” (4CG) for Lot 5, Block 95, Brownsville Original Townsite, located at 1012 East Jefferson Street. (District 4)

h) APPROVAL on SECOND and FINAL READING on Ordinance Number 235-2019-072, to rezone from Apartment “J” (AJ) to General Retail “J” (4CJ) for Lot 7, Block 82, Brownsville Original Townsite, located at 603 East Washington Street. (District 4)

PUBLIC HEARINGS

1. Public Hearing and ACTION on FIRST READING on Ordinance Number 2020-1033-B, amending Chapter 14-Aviation, Article II by repealing and replacing Sections 14-56, 14-60, 14-61, 14-62, 14-63 and 14-64.

   Mr. Shawn Schroeder, Airport Assistant Director briefly informed the Commission that the Airport strives to increase efficiency, reduce burden, and streamline process; therefore the ordinance will amend the Airport Advisory Board to align with, and reflect the City of Brownsville’s Policy regarding Boards and Commissions.

   Brief discussion ensued amongst the Commission regarding the Airport Advisory Board.

   Upon motion by Commissioner John F. Cowen seconded by Commissioner Ben Neece and carried unanimously, the public hearing was closed.

   Commissioner Ben Neece moved that Ordinance Number 2020-1033-B, be adopted at first reading, amending Chapter 14-Aviation, Article II by repealing and replacing
Sections 14-56, 14-60, 14-61, 14-62, 14-63 and 14-64. The motion was seconded by Commissioner John F. Cowen, Jr. and carried unanimously.

2. Public Hearing and ACTION on FIRST READING on Ordinance Number 2020-898-FF, amending Chapter 74—“Parks and Recreation”, by repealing and replacing Section 74-18 “Local Standards of Care for the City Parks and Recreation Department’s Childrens Recreation Programs” and by adding Section 74-19 “Parks and Recreation Advisory Board Committee” creating a Parks and Recreation Advisory Board Committee, authorizing appointment of initial members thereof, and ordaining other matters pertaining thereto.

Ms. Damaris McGlone, Parks and Recreation Director briefly informed the Commission that Section 74-18, as a municipality, the City was exempt from childcare license requirements, provided the City follow the correct process and procedures as per the Texas Department of Family and Protective Services; Child Welfare and Protective Services, as decreed in the Human Resources Code Title 2. Ms. McGlone further noted that the Parks and Recreation Advisory Board Committee (PABC) was created by an ordinance in 1991.

Upon motion by Commissioner Ben Neece seconded by Commissioner Nurith Galonsky Pizana and carried unanimously, the public hearing was closed.

Commissioner John Cowen, Jr., moved that Ordinance Number 2020-898-FF, be adopted at first reading, amending Chapter 74—“Parks and Recreation”, by repealing and replacing Section 74-18 “Local Standards of Care for the City Parks and Recreation Department’s Childrens Recreation Programs” and by adding Section 74-19 “Parks and Recreation Advisory Board Committee” creating a Parks and Recreation Advisory Board Committee, authorizing appointment of initial members thereof, and ordaining other matters pertaining thereto. The motion was seconded by Commissioner Nurith Galonsky Pizana and carried unanimously.

Commissioner Joel Munguia arrived to the meeting at 5:50 p.m.

3. 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) for Lot 47, Block 3, Forest North Subdivision Section 7, located at 5511 Achievement Avenue, with a Conditional Overlay. (District 3)

Martin Vega, Senior Planner gave a brief explanation and background of the proposed ordinance noting that the purpose was to provide for certain uses, due to their unique characteristics or potential impacts on adjacent land uses that are not permitted in certain zoning districts as a matter of right-of-way which may, under the right set of circumstances
and conditions be acceptable in certain specific locations and does not change the area district of a property.

Brief discussion ensued amongst the Commission and City Staff, and in which a group of residents within the area expressed their concerns of the structure height, increased in traffic flow, congestion on Achievement Avenue, pedestrian safety, high unit density, maintaining neighborhood’s single-family character, uniform architecture within neighborhood, adequate parking and the loss of property value.

Upon motion by Commissioner John Cowen, Jr., seconded by Commissioner Joel Munguia and carried unanimously, the public hearing was closed.

Commissioner Ben Neece moved that Ordinance Number 235-2019-038-CO, be adopted at first reading, to rezone from Light Retail “F” (2CF) to Light Retail “H” (2CH) for Lot 47, Block 3, Forest North Subdivision Section 7, located at 5511 Achievement Avenue, with a Conditional Overlay and with all conditions and illustration. (District 3)
The motion was seconded by Commissioner Joel Munguia and carried unanimously.

4. Public Hearing and ACTION on Ordinance Number 235-2018-031-S, an appeal of a denial by the Planning and Zoning Commission to grant a time extension on a specific use permit that would allow a used car lot, a Light Commercial (5C) use, in Medium Retail “a” (3CA) for Lot 18 and 19, Block 12, Ebony Heights Subdivision, Cameron County, Texas, save and except a 0.167 acre tract out of Lot 19, located at 1805 Greenbriar Avenue. (District 3)

Martin Vega, Senior Planner gave a brief explanation of the proposed ordinance noting that the applicant was appealing the denial by the Planning and Zoning Commission to grant a time extension on a previously approved Specific Use Permit.

Saul Quintero, property owner, expressed his concern that he had been in business for 25 years and has tried to stay in compliance to maintain the property clean.

Brief discussion ensued amongst the Commission.

Upon motion by Commissioner John Cowen, Jr., seconded by Commissioner Nurith Galonsky Pizana and carried unanimously, the public hearing was closed.

Commissioner Joel Munguia moved that Ordinance 235-2018-031-S, be adopted at first reading. The motion failed due to lack of a second motion.

Commissioner Ben Neece moved that Ordinance Number 235-2018-031-S, be denied. The motion was seconded by Commissioner Nurith Galonsky Pizana and carried as follow:

Ayes: Commissioners Galonsky Pizana, Cowen, Jr., Neece and Mayor Mendez
Nays: Commissioner Munguia
ITEMS FOR INDIVIDUAL CONSIDERATION

5. Consideration and ACTION to award Change Order #7 to SpawGlass Contractors, Inc., for the Terminal Project at Brownsville South Padre Island International Airport, in the amount $5,026,139.79.

   Commissioner Ben Neece moved that Change Order #7, be awarded to SpawGlass Contractors, Inc., for the Terminal Project at Brownsville South Padre Island International Airport, in the amount $5,026,139.79. The motion was seconded by Commissioner Nurith Galonsky Pizana and carried unanimously.

6. Consideration and ACTION to Award a Term Contract for Architectural Design and Consulting Services for the City of Brownsville, Contract # ASC-41-0719.

   Commissioner Joel Munguia moved that a term contract for Architectural Design and Consulting Services for the City of Brownsville, Contract # ASC-41-0719, be approved. The motion was seconded by Commissioner John Cowen, Jr., and carried as follow:
   
   Ayes: Commissioners Cowen, Jr., Munguia, Neece and Mayor Mendez
   Nays: Commissioner Galonsky Pizana

7. Consideration and ACTION on Resolution Number 2020-009, in supporting the submission of the Fiscal Year 2021 First Responder Mental Health Program Grant Application through the Office of the Governor, Public Safety Office Criminal Justice Division.

   Commissioner Joel Munguia moved that Resolution Number 2020-009, in support of the submission of Fiscal Year 2021 First Responder Mental Health Program Grant Application through the Office of the Governor, Public Safety Office Criminal Justice Division, be approved. The motion was seconded by Commissioner Ben Neece and carried unanimously.

8. Consideration and ACTION on Resolution Number 2020-007, to approve an Interlocal Agreement between the City of Brownsville and the City of McAllen for use of a 2020 Census parade float in return of a financial agreement not to exceed $5,000.00.

   Commissioner Nurith Galonsky Pizana moved that Resolution Number 2020-007, to approve an Interlocal Agreement between the City of Brownsville and the City of McAllen for use of a 2020 Census parade float in return of a financial agreement not to exceed $5,000.00, be approved. The motion was seconded by Commissioner Ben Neece and carried unanimously.
BOARD APPOINTMENT(S)

9. Consideration and ACTION on Resolution Number 2020-018, to remove member(s) from the Airport Advisory Board.

Mr. Shawn Schroeder, Airport Assistant Director, briefly informed the Commission that the Airport Advisory Board shall be established and composed of seven (7) members; and with the movement of changing the composition of the Board terms, two (2) Board members would soon expire, therefore recommending that the Board members be removed once their term expires.

Commissioner Ben Neece moved that Resolution Number 2020-018, to remove member(s) from the Airport Advisory Board, be approved. The motion was seconded by Commissioner John Cowen, Jr., and carried unanimously.

EXECUTIVE SESSION

Upon motion by Commissioner Joel Munguia, seconded by Commissioner John Cowen, Jr., and carried unanimously, the Executive Session convened at 7:02 p.m. to discuss the following item:

A) Attorney consultation pursuant to Section 551.071, Texas Gov’t Code to receive legal advice and counsel pertaining to BFFA Grievance No. 2019-03, which alleges a contract violation under Article 24 of the current Fire Labor Agreement, the demand for arbitration, and other related legal issues.

B) Texas Government Code Section 551.072, Real Property to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person, to wit:

1. Easements, portions of parcels, or parcels located near parks within the city and possibly needed for park and utility public purposes for “Project Beta”.
2. Certain downtown parcel(s) of real property related to “Project Gamma”.

C) Texas Government Code Section 551.087, Economic Development to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations or to deliberate the offer of a financial or other incentive to a business prospect, to wit:

1. “Project Founder”.
2. “Project Hotel” and the Hernandez Foundation.
3. “Project Riverfront TIRZ”.

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D) In addition to the foregoing exceptions, the City Commission reserves the right under Section 551.071, Consultation with Attorney, to seek the advice of its attorney on the posted matters if 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 the Texas Open Meetings Act.

Upon conclusion of Executive Session, Mayor Juan “Trey” Mendez, III, convened the Regular meeting at 9:30 p.m. There was no action taken in Executive Session.

POSSIBLE ACTION ON ANY ITEM(S) AS DISCUSSED IN EXECUTIVE SESSION

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 of the Texas Government Code.

B) 1. Consideration and possible ACTION “Project Beta”.

Commissioner John Cowen, Jr., moved to proceed as advised by Legal Counsel. The motion was seconded by Commissioner Joel Munguia and carried as follow:

Ayes: Commissioner Cowen, Jr., Munguia, and Mayor Mendez
Nays: Commissioner Galonsky Pizana
Abstained: Commissioner Neece

B) 2. Consideration and possible ACTION “Project Gamma”.

No action taken.

C) 1. Consideration and possible ACTION “Project Founder”.

No action taken.

C) 2. Consideration and possible ACTION “Project Hotel” and the Hernandez Foundation.

No action taken.

C) 3. Consideration and possible ACTION “Project Riverfront TIRZ”.

Commissioner John Cowen, Jr., moved to proceed as advised by Legal Counsel. The motion was seconded by Commissioner Joel Munguia and carried unanimously.

ADJOURNMENT

There being no further business to come before the Commission, upon duly made motion the meeting adjourned at 9:32 p.m.

Approved this 7th day of July, 2020.
Attest:

Griselda Rosas
Interim City Secretary

Respectfully submitted by:
Yolanda Galarza-Administrative Supervisor
Office of the City Secretary

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