

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 – Old Federal Building, located at 1001 East Elizabeth Street, Brownsville, Cameron County, Texas, on Tuesday, February 6, 2018, at 5:35 P.M. and at 6:00 P.M. with the following members present:

ANTONIO MARTINEZ)	Mayor
		COMMISSIONERS
CESAR DE LEON)	At-Large “A”
RICARDO LONGORIA, JR.)	District 1
JESSICA TETREAU)	District 2
JOEL MUNGUIA)	District 3
BEN NEECE)	District 4
MICHAEL L. LOPEZ		INTERIM CITY MANAGER
PETE GONZALEZ		DEPUTY CITY MANAGER
ALLISON BASTIAN		DEPUTY CITY ATTORNEY
GRISELDA ROSAS		CITY SECRETARY
ABSENT:		ROSE GOWEN – At-Large “A”

A quorum being present, Mayor Antonio Martinez, asked Ms. Griselda Rosas, 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 February 02, 2018.

EXECUTIVE SESSION: 5:10 P.M.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Joel Munguia and carried unanimously, the Executive Session convened at 5:50 p.m. to discuss the following items:

- A) Discussion pursuant to Section §551.072, of the Texas Government Code, regarding properties struck off from, to Cameron County for itself and other taxing jurisdictions from a tax resale held on November 7, 2017.**
- B) Discussion with legal counsel pursuant to Texas Government Code, Section §551.071, on a matter regarding threatened litigation 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 the requirements of the Texas Open Meetings Act.**
- C) Consultation with attorney pursuant to Tex. Gov’t Code Sec. §551.071 regarding a matter 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, and pursuant to §551.087 regarding economic development negotiations.**

Mayor Antonio Martinez left the meeting during Executive Session.

Upon conclusion of Executive Session Mayor Pro-Tem Cesar de Leon, convened the Regular Meeting at 6:30 p.m. No action was taken in Executive Session.

REGULAR MEETING: 6:00 P.M.

PLEDGE OF ALLEGIANCE: UNITED STATES PLEDGE * TEXAS PLEDGE

The Pledge of Allegiance and the Texas Pledge was led by Mayor Pro-Tem Cesar de Leon.

INVOCATION:

The invocation was led by Pastor Brad Burkes, from Embassy of the Spirit Church, of Brownsville, Texas.

ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION:

A) Discussion and POSSIBLE ACTION on Resolution Numbers 2018-013 through Resolution Number 2018-018, approving or rejecting the bid/offer(s) received on the Tax Resale Properties on November 7, 2017.

2018-013 – 0.114 acre, more or less, out of the South ½ of the Southwest ¼ of Block 5, Olmito Gardens Subdivision addition to Cameron County, Texas, as described in deed dated April 16, 1987, from Nicanor C. Gonzalez etux to Urbano M. Gonzalez, in Volume 176, Page 83, Deed Records of Cameron County, Texas. (77-0010-0050-0401-00)

2018-014 – Part of Lots 1 and 2, Block 108, Brownsville Original Townsite, City of Brownsville, Cameron County, Texas and being that same property more particularly described in Warranty Deed filed in Volume 36, Page 76. (01-0000-1080-0012-00)

2018-015 – A 1.0 acre tract of land in Block 21, Chicago Gardens Subdivision, Share 28, Espiritu Santo Grant, Cameron County, Texas according to Volume 4, Page 48, Map Records, Cameron County, Texas and more particularly described in Volume 973, Page 583 Deed Records (74-2150-0210-0910-00)

2018-016 – 50 feet by 120 feet, containing 0.1377 acre, more or less, being Lot 1, Block 99, Original Townsite to the City of Brownsville, Cameron County, Texas, according to the map or plat thereof, recorded in Volume 5, Page 13. (01-0000-0990-0010-00)

2018-017 – Lot 13, Block 16, Colonia Acacia, an addition to the City of Brownsville, Cameron County, Texas, according to the map or plat thereof, recorded in Volume 17, Page 32. (02-2170-0160-0130-00)

2018-018 – Lot 26, Block 2, Carlton Subdivision, Section 2, a subdivision to the City of Brownsville, Cameron County, Texas, according to the map or plat thereof, recorded in Volume 14, Page 59. (02-0020-0020-0260-00)

Commissioner Ricardo Longoria, Jr., moved that Resolution Numbers 2018-013 through Resolution Number 2018-018, approving or rejecting the bid/offer(s) received on the Tax Resale Properties on November 7, 2017, be **approved**. The motion was seconded by Commissioner Jessica Tetreau and carried unanimously.

B) ACTION on item as discussed in Executive Session.

Commissioner Jessica Tetreau moved to **proceed** as advised by legal counsel as discussed in Executive Session. The motion was seconded by Commissioner Ricardo Longoria, Jr., and carried unanimously

C) ACTION on item as discussed in Executive Session.

Commissioner Jessica Tetreau moved to **terminate** the Tax Abatement with Tenaska as discussed in Executive Session. The motion was seconded by Commissioner Joel Munguia and carried unanimously.

1. MAYOR'S ACTIVITY UPDATE:

Mayor Antonio Martinez did not deliver a report.

Mayor Pro-Tem Cesar de Leon did not deliver a report.

2. COMMISSIONERS' ACTIVITY UPDATE:

Commissioner Jessica Tetreau invited and encouraged the community to attend a CPR Class to be held at Valley Regional Hospital on February 15, 2018, between 5:00 p.m. to 7:00 p.m., at no cost.

Commissioner Ricardo Longoria, Jr., notified the community that the Brownsville Police Department will be enforcing the law to prevent any accidents.

3. PROCLAMATION:

Historic Brownsville Aviation Month
(Commissioners J. Tetreau/R. Gowen)

The proclamation was read and presented by Commissioner Jessica Tetreau.

4. PRESENTATIONS:

Employee of the Month
(Santana Torres – Public Works)

Mr. Martino Trevino, Assistant Public Works Director, recognized ***Mr. Victor Hugo Cisneros, Lead Equipment Operator III***, as January's Employee of the Month.

***Grants Annual
One Year Work Plan***
(Marina Zolezzi – Grants)

Ms. Sylvia Orderman, Grants Manager and Ms. Andrea Perales, Grant Analyst, delivered a PowerPoint presentation regarding the Grants Annual One Year Work Plan.

Arboviral Mosquito Update
(Arturo Rodriguez – Public Health)

Mr. Arturo Rodriguez, Public Health Director, gave a brief update regarding the ZIKA 2017 Activities.

5. 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 Ricardo Longoria, Jr., seconded by Commissioner Jessica Tetreau and carried unanimously, Consent Agenda Items “a” through “l” were **approved**.

ITEMS No. “a” through “l”

- a) Approval of the Minutes of the Regular Meeting of January 16, 2018.
- b) To acknowledge the following individuals to incur travel expense:

<u>Employee</u>	<u>Department</u>	<u>Destination</u>	<u>Date</u>
Simon Ortiz, Jr.	BMetro	Atlanta, GA	Mar. 26-29, 2018
Ramiro Gonzalez	City Manager’s Office	Milwaukee, WI	June 04-08, 2018
David Licon Jr.	Engineering	New Orleans, LA	Apr. 20-24, 2018
Damaris McGlone	Parks	Waco, TX	Feb. 27-Mar. 2, 2018
Daniel Salinas	Parks	Waco, TX	Feb. 27-Mar. 2, 2018
Ysenia Bazaldua	Parks	Waco, TX	Feb. 27-Mar. 2, 2018
Juan Velez	Planning	Albuquerque, NM	Apr. 09-11, 2018
Francesca Linder	Planning	New Orleans, LA	Apr. 21-24, 2018
Joe Villarreal	Police	San Marcos, TX	Feb. 02-04, 2018
Juan A. Arellano	Police	Corpus Christi, TX	Feb. 26-28, 2018
Juan A. Gaytan, Jr.	Police	Corpus Christi, TX	Feb. 26-28, 2018
Alejandro J. Navarro	Police	Houston, TX	Feb. 11-16, 2018
Esteban Nino	Police	Houston, TX	Feb. 11-16, 2018
Juan A. Arellano	Police	Houston, TX	Feb. 07-09, 2018
Miguel A. Martinez	Police	Houston, TX	Feb. 07-09, 2018
Martino Trevino	Public Works	El Paso, TX	Feb. 12-13, 2018

- c) **APPROVAL** on **SECOND** and **FINAL READING** on **Ordinance Number 2018-898-DD** to re-adopt, Chapter 74, “Parks and Recreation”, Section 74-18, “Local Standards of Care” for an additional year as per ordinance guidelines.
- d) **APPROVAL** on **SECOND** on **FINAL READING** on **Ordinance Number 235-2017-079**, to rezone from Medium Retail “G” (3CG) to General Retail “G” (4CG) for Lot 3, Las Palmas Condominiums, located near Price Road. (District 2)
- e) **APPROVAL** on **SECOND** on **FINAL READING** on **Ordinance Number 235-2017-079-S**, to allow apartments, an Apartment (A) use, in General Retail “G” (4CG) for Lot 3, Las Palmas Condominiums, located near Price Road. (District 2)
- f) Consideration and **ACTION** to adopt **Resolution Number 2018-010** and the Updated Disadvantaged Business Enterprise (DBE) Program and the Updated DBE Goals and Methodology Report of the City of Brownsville’s Transit Department Brownsville Metro as required by the Department of Transportation (DOT) 49 CFR Part 26.
- g) Consideration and **ACTION** to award a contract for the Gabriel Avenue Street paving and drainage project.
- h) Consideration and **ACTION** on **Resolution Number 2018-012** adopting the Brownsville Neighborhood Revitalization Strategy area and authorizing such other action necessary or convenient to carry out this resolution.

- i) Consideration and **ACTION** to award “Rubber Flex Surfacing, LLC” of Brownsville, Texas poured in place surfacing for Riverside Park in the amount of \$28,195.40.
- j) Consideration and **ACTION** to approve **Resolution Number 2018-009**, supporting a change to the Authorized Official to the Rifle-Resistant Body Armor Grant Program #3444301, through the Office of the Governor, Criminal Justice Division.
- k) Consideration and **ACTION** to approve **Resolution Number 2018-011**, supporting a change to the Authorized Official to the FY 2018 Local Border Security Grant Program #2997903, through the Office of the Governor.
- l) Consideration and **ACTION** to approve the renewal of a Memorandum of Understanding between the Brownsville Police Department and the Los Fresnos C.I.S.D. Police Department to establish an understanding and cooperation between the Brownsville Police Department and the School District Police.

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PUBLIC HEARINGS:

- 6. **Public Hearing and ACTION on FIRST READING on Ordinance Number 2018-736-P, amending Chapter 98-Traffic and Vehicles; Article V-Stopping, Standing and Parking; Section 98-162 - Impoundment of standing or parked vehicles by adding subsection (11) addressing vehicles lacking registration identification.**

Ms. Allison Bastian, Deputy City Attorney, gave a brief explanation of the proposed ordinance.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Jessica Tetreau and carried unanimously, the public hearing was **closed**.

Commissioner Jessica Tetreau moved that Ordinance Number 2018-736-P, be **adopted** at first reading, amending Chapter 98-Traffic and Vehicles; Article V-Stopping, Standing and Parking; Section 98-162 - Impoundment of standing or parked vehicles by adding subsection (11) addressing vehicles lacking registration identification. The motion was seconded by Commissioner Ricardo Longoria, Jr., and carried unanimously.

- 7. **Public Hearing and ACTION on FIRST READING on Ordinance Number 235-2017-076, to rezone from Apartment “G” (AG) to Apartment “H” (AH) for Lot 3, Block 166-A, Stillman’s Extension to the City of Brownsville, Cameron County, Texas, located at 925 W. Elizabeth Street. (District 4)**

Ms. Francesca Linder, Planning and Zoning Plat Administrator gave a brief explanation and noted that the Planning and Zoning Commissioner had denied the proposed rezoning of the location.

Ms. Renee Sanchez, spoke on behalf of the property owner and gave a brief explanation of the proposed ordinance.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Jessica Tetreau and carried unanimously, the public hearing was **closed**.

Commissioner Jessica Tetreau moved that Ordinance Number 235-2017-076, be **adopted** at first reading, to rezone from Apartment “G” (AG) to Apartment “H” (AH) for Lot 3, Block 166-A,

Stillman's Extension to the City of Brownsville, Cameron County, Texas, located at 925 W. Elizabeth Street. (District 4) The motion was seconded by Commissioner Ben Neece and carried unanimously.

8. Public Hearing and ACTION on FIRST READING on Ordinance Number 235-2017-077-S, to allow apartments, an Apartment (A) use, in Dwelling "G" (DG) for Lot 10, Block 6, Ridgeline Terrace, Section 1, located at 1491 Northridge Drive. (District 3)

Ms. Francesca Linder, Planning and Zoning Plat Administrator gave a brief explanation and noted that the Planning and Zoning Commission had denied the proposed rezoning of the location.

Mr. Pablo Gonzalez, concerned citizen, opposed to the proposed ordinance.

Mr. Genaro Mercado, contractor, noted that he had met all requirements and asked the Commission for the approval of the rezoning of the property.

Maria G. Hernandez, property owner of six duplexes, express concern in regards to the construction of the apartments to be built on the proposed property.

Brief discussion ensued amongst the Commission.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Joel Munguia and carried unanimously, the public hearing was **closed**.

Commissioner Ricardo Longoria, Jr., moved that Ordinance Number 235-2017-077-S, to be **adopted** at first reading, to allow apartments, an Apartment (A) use, in Dwelling "G" (DG) for Lot 10, Block 6, Ridgeline Terrace, Section 1, located at 1491 Northridge Drive. (District 3) The motion was seconded by Commissioner Joel Munguia and carried as follow:

Ayes: Commissioners Longoria, Jr., Tetreau, Munguia, Neece and Mayor Pro-Tem de Leon

Nays: None

9. Public Hearing and ACTION on FIRST READING on Ordinance Number 235-2017-080, to rezone from Apartment "F" (AF) to Apartment "H" (AH) for Lot 2, Block 1, Hutton Subdivision, located near Lourdes Boulevard. (District 2)

Ms. Francesca Linder, Planning and Zoning Plat Administrator gave a brief explanation and noted that the Planning and Zoning Commission had denied the proposed rezoning of the location.

Ms. Renee Sanchez, spoke on behalf of the property owner and gave a brief explanation of the proposed ordinance.

Mr. Fernando Saenz, property owner, noted that he had met all requirements and asked the Commission for the approval of the rezoning of the property.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Joel Munguia and carried unanimously, the public hearing was **closed**.

Commissioner Ricardo Longoria, Jr., moved that Ordinance Number 235-2017-080, be **denied**, to rezone from Apartment "F" (AF) to Apartment "H" (AH) for Lot 2, Block 1, Hutton Subdivision,

located near Lourdes Boulevard. (District 2) The motion was seconded by Commissioner Joel Munguia and carried as follow:

Ayes: Commissioners Longoria, Jr., Munguia

Nays: Commissioners Neece and Tetreau and Mayor Pro-Tem de Leon

10. Public Hearing and ACTION on FIRST READING on Ordinance Number 235-2018-901, to rezone from Dwelling “A” (DA) to General Retail “G” (4CG) for an estimated 2.47 acres out of the rear portion of Block 37 of Acacia Lake Gardens Subdivision, located at 2865 Southmost Boulevard. (District 1)

Ms. Francesca Linder, Planning and Zoning Plat Administrator gave a brief explanation of the proposed rezoned ordinance.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commission Joel Munguia and carried unanimously, the public hearing was **closed**.

Commissioner Ricardo Longoria, Jr., moved that Ordinance Number 235-2018-901, be **adopted** at first reading, to rezone from Dwelling “A” (DA) to General Retail “G” (4CG) for an estimated 2.47 acres out of the rear portion of Block 37 of Acacia Lake Gardens Subdivision, located at 2865 Southmost Boulevard. (District 1) The motion was seconded by Commissioner Joel Munguia and carried unanimously.

11. Public Hearing and ACTION on Ordinance Number 2018-1638, amending Chapter 308 – Floods, of the Code of Ordinances by repealing the existing Chapter 308 – Floods and replacing it with the new Chapter 308 – Flood Damage and Prevention; and dealing with related matters.

Ms. Ana Hernandez, Assistant Planning Director, gave a brief explanation of the proposed ordinance.

Upon Commissioner Ricardo Longoria, Jr., seconded by Commissioner Jessica Tetreau and carried unanimously, the public hearing was **closed**.

Commissioner Ben Neece moved that Ordinance Number 2018-1638, be **adopted** at first reading, amending Chapter 308 – Floods, of the Code of Ordinances by repealing the existing Chapter 308 – Floods and replacing it with the new Chapter 308 – Flood Damage and Prevention; and dealing with related matters. The motion was seconded by Commissioner Joel Munguia and carried unanimously.

12. PUBLIC COMMENT PERIOD: PLEASE NOTE:

No one signed up for Public Comment Period.

ITEMS FOR INDIVIDUAL CONSIDERATION:

- 13. Consideration and ACTION on Memorandum of Understanding between the City of Brownsville (COB) and United States Fish and Wildlife Services (USFWS) establishing a partnership through the Urban Refuge Program to further the promotion of Outdoor Recreation, Environmental Stewardship, and active lifestyles.**

Mr. Ramiro Gonzalez, Government Affairs Liason, introduced Ms. Gisela Chapa, Engagement and Partnerships, whom delivered a PowerPoint presentation regarding the South Texas National Wildlife Refuge Complex.

Commissioner Ben Neece moved that the Memorandum of Understanding between the City of Brownsville (COB) and United States Fish and Wildlife Services (USFWS) establishing a partnership through the Urban Refuge Program to further the promotion of Outdoor Recreation, Environmental Stewardship, and active lifestyles, be **approved**. The motion was seconded by Commissioner Jessica Tetreau and carried unanimously.

- 14. Consideration and ACTION on the extension of the FY 2017 Sports Park Maintenance Operations Agreement between the City of Brownsville and Brownsville Community Improvement Corporation.**

Commissioner Ben Neece moved that the extension of the FY 2017 Sports Park Maintenance Operations Agreement between the City of Brownsville and Brownsville Community Improvement Corporation, be **approved**. The motion was seconded by Commissioner Jessica Tetreau and carried unanimously.

- 15. Consideration and ACTION to execute a License Agreement between the City of Brownsville and Origo Works Properties, LLC.**

Commissioner Ben Neece moved that the License Agreement between the City of Brownsville and Origo Works Properties, LLC, be **approved** and **executed**. The motion was seconded by Commissioner Joel Munguia and carried unanimously.

- 16. Consideration and ACTION to acknowledge the financial statements and cash investment report for the City of Brownsville for the first quarter ended December 31, 2017.**

Commissioner Ricardo Longoria, Jr., moved that the financial statements and cash investment report for the City of Brownsville for the first quarter ended December 31, 2017, be **acknowledged**. The motion was seconded by Commissioner Joel Munguia and carried unanimously.

- 17. Consideration and ACTION to accept a Community Development Block Grant in the amount of \$90,000.00 for the purchase of two (2) Flood/Swift Water Rescue Boat Packages.**

Commissioner Jessica Tetreau moved that the Community Development Block Grant in the amount of \$90,000.00 for the purchase of two (2) Flood/Swift Water Rescue Boat Packages, be **approved** and **accepted**. The motion was seconded by Commissioner Ben Neece and carried unanimously.

18. **Consideration and ACTION in supporting the application to the EnVision Center Demonstration project and commitment with the participating Non-Profit and the Housing Authority of the City of Brownsville to accelerate economic mobility of low-income households that include HUD assisted housing and building upon existing efforts with the Buena Vida Choice Neighborhood Initiative.**

Commissioner Ben Neece moved that the application to the EnVision Center Demonstration project and commitment with the participating Non-Profit and the Housing Authority of the City of Brownsville to accelerate economic mobility of low-income households that include HUD assisted housing and building upon existing efforts with the Buena Vida Choice Neighborhood Initiative, be **approved**. The motion was seconded by Commissioner Jessica Tetreau and carried unanimously.

19. **Consideration and ACTION to accept National Fitness Campaign Grant (\$10,000.00) and pay grant match of \$75,000.00, plus not to exceed an additional \$5,000.00 for shipping and packing for a total of \$80,000.00. (Parks and Recreation)**

Commissioner Ricardo Longoria, Jr., moved that the National Fitness Campaign Grant (\$10,000.00) and pay grant match of \$75,000.00, plus not to exceed an additional \$5,000.00 for shipping and packing for a total of \$80,000.00, be **approved** and **accepted**. The motion was seconded by Commissioner Ben Neece and carried unanimously.

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ADJOURNMENT:

There being no further business to come before the Commission, upon duly made motion the meeting adjourned at 8:59 p.m.

Approved this 20th day of March, 2018.

Antonio Martinez
Mayor

Attest:

Griselda Rosas
City Secretary



Respectfully submitted by:
Yolanda Galarza-Gomez, Administrative Specialist
Office of the City Secretary