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 18, 2020, at 5:00 P.M. with the following members present:

JUAN “TREY” MENDEZ III  
Mayor

JOHN F. COWEN, JR.  
COMMISSIONERS

ROSE GOWEN  
At Large “A”

NURITH GALONSKY PIZANA  
At-Large “B”

BEN NEECE  
District 1

NOEL BERNAL  
District 4

HELEN RAMIREZ  
CITY MANAGER

BRYANT WALKER  
DEPUTY CITY MANAGER

RENE DE COSS  
ASSISTANT CITY MANAGER

GRISELDA ROSAS  
CITY ATTORNEY

ABSENT  
INTERIM CITY SECRETARY

JESSICA TETREAU – District 2
JOEL MUNGUIA – District 3
ELIZABETH WALKER – ASSISTANT
CITY MANAGER

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 February 14, 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
   First Presbyterian Church
   (Commissioners J. Munguia/J. Tetreau)

   The proclamation was read and presented by Commissioner John Cowen, Jr.
Harmony Public Schools Board  
(Mayor J. Mendez III/Commissioner B. Neece)

The proclamation was read and presented by Commissioner Ben Neece.

Bleeding Disorders Awareness Month  
(Commissioners J. Tetreau/J. Munguia)

The proclamation was read and presented by Commissioner Nurith Galonsky Pizana.

Hannah Edelstein  
(Commissioners R. Gowen/B. Neece)

The proclamation was read and presented by Commissioner Rose Gowen.

Villalon Family  
(Mayor J. Mendez III/Commissioner B. Neece)

The proclamation was read and presented by Mayor Juan “Trey” Mendez, III.

PUBLIC COMMENT PERIOD

Rachel Ayala expressed concern towards the Southmost Library Facility.

WORK SESSIONS

A) Discussion regarding the Airport Master Plan.

Mr. Shawn Schroeder, Assistant Airport Director introduced Ms. Julie Philipone whom briefly informed the Commission of the development of the Airport Master Plan as mandated by the Federal Aviation Administration. Ms. Philipone noted that the plan is to assist the Airport and the City of Brownsville in a manner that coincides with current and future aviation needs for our region. Ms. Philipone, further noted that the plan would identify new airport planning and development recommendations that would be consistent with the airport’s current and future needs for a 20-year planning horizon; and the process of the plan would be guided by the FAA and ultimately results in projections of future passenger and aviation activity growth and preparation of an Airport Layout Plan (ALP).

B) Discussion regarding the LGBTQ Task Force, its composition and application process.

Joe Uvalles and Griselda Martinez gave a brief explanation of the composition and application process for the LGBTQ, noting the importance of the gender identity and suggested that the composition of the task force be as diverse as our community.

C) Planning & Redevelopment Department Pillar Update.

Mr. Rick Vasquez, Planning and Redevelopment Director briefly informed the Commission of the Annual Work Plan, in which consisted of; Land Development Core Services, Land Development Environment and the challenges they currently face are Short
Term Strategies: Now within the next 12 months, Mid-Range Strategies 12 to 24 months, Long Term 5 year plan and Historic Preservation & Downtown activation framework.

Commissioner Ben Neece noted that the codes that were currently in place needed to be dealt with immediately, so that businesses avoid having to wait unnecessary time for approvals. Commissioner Neece further noted that a lawyer needed to be in place now rather than later to avoid any delays and requested that the current codes be repealed in order to speed up the process.

Mayor Trey Mendez noted that he would hold the Planning Department accountable to the 12-month period in rewriting the UDC codes. He also emphasized that “Culture” should not be in 2022 but in the next 90 days plan along with the implementation of digital.

Brief discussion ensued amongst the Commission in regards to the work plan in which the Commission also made suggestions and expressed concerns.

Mr. Noel Bernal, City Manager, briefly informed the Commission that the work plan had begun and would take some time for it to be finalized.

*As a governmental body, the City Commission will not vote or take any formal action on any items discussed in the work session portion of the agenda.*

**CONSENT AGENDA ITEMS**

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

Commissioner Nurith Galonsky Pizana moved to approve Consent Agenda Items a through h and withhold Consent Agenda Item e for discussion and separate action. The motion was seconded by Commissioner Rose Gowen and carried unanimously.

**e)** Consideration and **ACTION** to award a term contract for the one-year renewal contract for the purchase and delivery of Asphalt, Oils and Emulsions for the City of Brownsville, as per FY 2020 approved budget.

Doro Garcia, Assistant Engineer and, Robert Luna, Purchasing Director briefly explained the Commission the purpose for the renewal of the term contract in which suggestions were made that on future contracts a percentage base or index base be included to accommodate unforeseen price increases on raw materials.

Commissioner Rose Gowen moved that a term contract for the one-year renewal contract for the purchase and delivery of Asphalt, Oils and Emulsions for the City of Brownsville, as per FY 2020 approved budget, be **approved**. The motion was seconded by Commissioner John F. Cowen and was carried unanimously.

**a)** 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>Lupe Granado III</td>
<td>Finance</td>
<td>New Orleans, LA</td>
<td>May 16-20, 2020</td>
</tr>
<tr>
<td>Jarrett V. Sheldon</td>
<td>Fire</td>
<td>College Station, TX</td>
<td>Mar. 08-12, 2020</td>
</tr>
<tr>
<td>Cesar J. Pedraza</td>
<td>Fire</td>
<td>College Station, TX</td>
<td>Mar. 08-12, 2020</td>
</tr>
</tbody>
</table>
Arnoldo Martinez  Parks  Galveston, TX  Feb. 25-26, 2020  
Saul Medina  Parks  Galveston, TX  Feb. 25-26, 2020  
Hugo Rodriguez  Parks  Galveston, TX  Feb. 25-26, 2020  
Jose Lopez  Parks  Galveston, TX  Feb. 25-26, 2020  
Juan Juarez  Parks  Galveston, TX  Feb. 25-26, 2020  
Blas Rodriguez  Parks  Galveston, TX  Feb. 25-26, 2020  
Andres C. Gonzalez  Parks  Galveston, TX  Feb. 25-26, 2020  
Egas Aguilar  Planning  Houston, TX  Feb. 16-21, 2020  
Luis A. Saucedo  Planning  Houston, TX  Feb. 16-21, 2020  
Martino Trevino  Public Works  Norman, OK  Mar. 03-05, 2020  
Jose R. Maldonado  Public Works  Norman, OK  Mar. 03-05, 2020  

b) Consideration and ACTION to approve the purchase of PV 35 AAvionics Suite and related accessories in the amount of $51,195.00, from grant received through the Department of State Health Services Contract No. HHS000371500035 under the 2017 Hurricane Public Health Crisis Response Cooperative Agreement.

c) Consideration and ACTION on Resolution Number 2020-017, in supporting the submission of the FY 2020 State Homeland Security Program - LETPA Projects (SHSP-L) grant application through the Office of the Governor, Public Safety Office.

d) Consideration and ACTION to approve Resolution Number 2020-016, supporting submission of an application for the City of Brownsville Police Department’s Local Border Security Grant Program FY 2021 Grant #4012001 through the Office of the Governor, Homeland Security Grants Division.

e) APPROVAL on SECOND and FINAL 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.

f) APPROVAL on SECOND and FINAL 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 Children’s 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.

h) APPROVAL on SECOND and FINAL 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)

PUBLIC HEARINGS

1. Public Hearing and ACTION on FIRST READING on Ordinance Number 2020-1652-A, to repeal and replace Section 348-1500 of the Historic Preservation Plan and adopt the 2020 Historic Preservation Plan.

Agenda Item was not discussed.
2. Public Hearing and ACTION on FIRST READING on ORDINANCE NUMBER 235-2020-001, to rezone from Dwelling “Z” (DZ) to General Retail “G” (4CG) for one acre, net, out of the Northwest corner of Lot 1, Block 110, El Jardin Resubdivision in Shares 23, 28, 29, 30 and 25, Espiritu Santo Grant, located at 1456 North Minnesota Avenue. (District 2)

Martin Vega, Senior Planner gave a brief explanation in regards to the rezoning of the property noting that the purpose was to rezone from Dwelling to General Retail.

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

Commissioner Nurith Galonsky Pizana moved that Ordinance Number 235-2020-001, be adopted on first reading, to rezone from Dwelling “Z” (DZ) to General Retail “G” (4CG) for one acre, net, out of the Northwest corner of Lot 1, Block 110, El Jardin Resubdivision in Shares 23, 28, 29, 30 and 25, Espiritu Santo Grant, located at 1456 North Minnesota Avenue. (District 2) The motion was seconded by Commissioner Rose Gowen and carried unanimously.

3. Public Hearing and ACTION on FIRST READING on ORDINANCE NUMBER 235-2020-002, to rezone from Dwelling “A” (DA) to Dwelling “G” (DG) for Lot 7, Block 3, Ebony Heights Subdivision, located at 1768 Marquette Avenue. (District 3)

Martin Vega, Senior Planner gave a brief explanation in regards to the rezoning of the property noting that the purpose was to rezone from Dwelling A to Dwelling G.

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

Commissioner John F. Cowen moved that Ordinance Number 235-2020-002, be adopted at first reading, to rezone from Dwelling “A” (DA) to Dwelling “G” (DG) for Lot 7, Block 3, Ebony Heights Subdivision, located at 1768 Marquette Avenue. (District 3) The motion was seconded by Commissioner Nurith Galonsky Pizana and carried unanimously.

4. Public Hearing and ACTION on FIRST READING on ORDINANCE NUMBER 235-2020-003, to rezone from Dwelling “A” (DA) to Dwelling “G” (DG) for Lot 9, Block 9, Alamo Heights Subdivision Section II, an addition to the City of Brownsville, located at 1128 Crockett Avenue. (District 2)

Martin Vega, Senior Planner gave a brief explanation in regards to the rezoning of the property noting that the purpose was to rezone from Dwelling A to Dwelling G.

Upon motion by Commissioner Nurith Galonsky seconded by Commissioner Rose Gowen and carried unanimously, the public hearing was closed.

Commissioner Rose Gowen moved that Ordinance Number 235-2020-003, be adopted at first reading, to rezone from Dwelling “A” (DA) to Dwelling “G” (DG) for Lot 9, Block 9, Alamo Heights Subdivision Section II, an addition to the City of Brownsville, located at 1128 Crockett Avenue. (District 2) The motion was seconded by Commissioner John F. Cowen and carried unanimously.
5. Public Hearing and ACTION on FIRST READING on ORDINANCE NUMBER 235-2020-004, to rezone from Dwelling “Z” (DZ)/Medium Commercial “G” (6CG)/Medium Commercial “V” (6CV) to Dwelling “G” (DG) for a 61.0 acre tract of land comprised of all of Lots 3, 4, 5, 6, 7, 8-A, 8-B, Block 2, of the Manuel Samano Partition; save and except, a 0.312 acre tract, a 0.196 acre tract, a 1.209 acre tract, and a 0.242 acre tract of land, located near Gardenwoods Avenue. (District 3)

    Martin Vega, Senior Planner gave a brief explanation of the proposed rezoning ordinance, noting that the purpose was to establish a uniform zoning adequate for a single-family residence development (private community).

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

    Commissioner Nurith Galonsky Pizana moved that Ordinance Number 235-2020-004, be adopted at first reading, to rezone from Dwelling “Z” (DZ)/Medium Commercial “G” (6CG)/Medium Commercial “V” (6CV) to Dwelling “G” (DG) for a 61.0 acre tract of land comprised of all of Lots 3, 4, 5, 6, 7, 8-A, 8-B, Block 2, of the Manuel Samano Partition; save and except, a 0.312 acre tract, a 0.196 acre tract, a 1.209 acre tract, and a 0.242 acre tract of land, located near Gardenwoods Avenue. The motion was seconded by Commissioner John Cowen, Jr., and carried unanimously.

6. Public Hearing and ACTION on FIRST READING on ORDINANCE NUMBER 235-2020-601-CU, an ordinance allowing a conditional use permit for a wet store for Lot 97, Block 4, Section I of Lomas Del Bosque Subdivision, located at 4200 Jaime J. Zapata Avenue. (District 2)

    Martin Vega, Senior Planner, gave a brief explanation of the proposed ordinance noting that the request was for a Conditional Use Permit to allow the sale of alcohol for off-premises consumption (Wet Store).

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

    Commissioner Ben Neece moved that Ordinance Number 235-2020-601-CU, be adopted at first reading, an ordinance allowing a conditional use permit for a wet store for Lot 97, Block 4, Section I of Lomas Del Bosque Subdivision, located at 4200 Jaime J. Zapata Avenue. The motion was seconded by Commissioner John Cowen, Jr., and carried unanimously.

7. Public Hearing and ACTION on FIRST READING on ORDINANCE NUMBER 235-2020-901, to rezone from Dwelling “Z” (DZ) to Light Commercial “G” (SCG) for Lots 2, 3, and 4, Block 302, El Jardin Re-Subdivision, located near the intersection of Southmost Road and South Indiana Avenue. (District 1)

    Martin Vega, Senior Planner gave a brief explanation of the proposed ordinance, noting that the purpose of rezoning is to maximize the permissible area of construction and for establishing a tactical training facility for law enforcement entities.

    Upon motion by Commissioner Ben Neece seconded by Commissioner Nurith Galonsky Pizana and carried unanimously, the public hearing was closed.
Commissioner Nurith Galonsky Pizana moved that Ordinance Number 235-2020-901, be adopted at first reading, to rezone from Dwelling “Z” (DZ) to Light Commercial “G” (5CG) for Lots 2, 3, and 4, Block 302, El Jardin Re-Subdivision, located near the intersection of Southmost Road and South Indiana Avenue. The motion was seconded by Commissioner Ben Neece and carried unanimously.

ITEMS FOR INDIVIDUAL CONSIDERATION

8. Consideration and ACTION on Resolution Number 2020-019 to adopt the Airport Master Plan and authorize the City Manager to approve the Airport Layout Plan upon its completion of review and approval by the Federal Aviation Administration for the Brownsville South Padre Island International Airport.

Commissioner Rose Gowen moved that Resolution Number 2020-019 to adopt the Airport Master Plan and authorize the City Manager to approve the Airport Layout Plan upon its completion of review and approval by the Federal Aviation Administration for the Brownsville South Padre Island International Airport, be approved. The motion was seconded by Commissioner Ben Neece and carried unanimously.

9. Consideration and ACTION to establish Other Post-Employment Benefit (OPEB) Trust and authorize initial contribution of $1,000,000.00 as per FY 2020 Budget.

Commissioner Ben Neece moved that Other Post-Employment Benefit (OPEB) Trust and authorize initial contribution of $1,000,000.00 as per FY 2020 Budget, be established and approved. The motion was seconded by Commissioner Rose Gowen and carried unanimously.

Commissioner Ben Neece left the meeting at 7:23 pm and did not vote on Agenda Items 10 through 17.

10. Consideration and ACTION to acknowledge the Finance Director’s financial statements and cash investment report for the City of Brownsville for the fiscal year ended December 31, 2019.

Commissioner Rose Gowen moved that the Finance Director’s financial statements and cash investment report for the City of Brownsville for the fiscal year ended December 31, 2019, be acknowledged. The motion was seconded by Commissioner Nurith Galonsky Pizana and carried unanimously.

Agenda Items 11 through 14 were read consecutively for discussion and action.

11. Consideration and ACTION on Resolution Number 2020-011 supporting the Texas Department of Housing and Community Affairs application for a proposed affordable housing community known as Brownsville Lofts to be located at 1860 Central Boulevard, providing for City of Brownsville financial support; and dealing with related matters.
12. Consideration and ACTION on Resolution Number 2020-012 supporting the Texas Department of Housing and Community Affairs application for a proposed affordable housing community known as Luna Vista to be located at 3705 Boca Chica Boulevard, providing for City of Brownsville financial support; and dealing with related matters.

13. Consideration and ACTION on Resolution Number 2020-013 supporting the Texas Department of Housing and Community Affairs application for a proposed affordable housing community known as El Brillo to be located at 995 Old Port Isabel Road, providing for City of Brownsville financial support; and dealing with related matters.

14. Consideration and ACTION on Resolution Number 2020-014 supporting the Texas Department of Housing and Community Affairs application for a proposed affordable housing community known as BCC Village to be located near Mayorca Court and Mayorca Avenue, providing for the City of Brownsville financial support; and dealing with related matters.

   Ana Hernandez, Assistant Director of Planning & Redevelopment Services, gave a brief explanation noting that all resolutions granted the support of the City in favor of each individual tax credit application. In addition, all resolutions commit the City to grant each project with a $500 permit fee waiver and has been explicitly requested by the applicants to help each of their applications perform more favorably in accordance with the Texas Department of Housing and Community Affairs (TDHCA) 2020 Qualified Allocation Plan (QAP).

   Commissioner Rose Gowen moved that Resolution Numbers 2020-011 through 2020-014, be approved. The motion was seconded by John Cowen, Jr., and carried unanimously.

15. Consideration and ACTION to award the proposal to Raba Kistner for the Culvert Improvements Project and West Brownsville Drainage Improvements, in the amount of $69,511.02, as budgeted.

   Commissioner Rose Gowen moved that the proposal for the Culvert Improvements Project and West Brownsville Drainage Improvements, in the amount of $69,511.02, be awarded to Raba Kistner, as budgeted. The motion was seconded by Commissioner John Cowen, Jr., and carried unanimously.

16. Consideration and ACTION for authorization to purchase Traffic Signal Equipment for the FM 802 Detection Project, in the amount of $149,761.62, as budgeted.

   Commissioner John Cowen, Jr., moved that the purchase of Traffic Signal Equipment for the FM 802 Detection Project, in the amount of $149,761.62, be authorized as budgeted. The motion was seconded by Commissioner Rose Gowen and carried unanimously.

Commissioner Rose Gowen moved that a contract for street rehabilitation for Jose Marti Boulevard, Calle Norteña, Calle Costa Rica and Calle Buenos Aires under Term Contract for Rotation List for Engineering and Surveying Services, Contract # QES-25-0417 with Ambiotec Civil Engineering Group, Inc., Brownsville, TX for Task Order # 62 for a lump sum of $220,033.00, be approved. The motion was seconded by Commissioner John Cowen, Jr., and carried as follow:

Ayes: Commissioners Cowen, Jr., Gowen, and Mayor Mendez III
Nay: Commissioner Galonsky Pizana

EXECUTIVE SESSION

Upon motion by Commissioner Rose Gowen seconded by Commissioner Nurith Galonsky, and carried unanimously, the Executive Session convened at 7:40 p.m. to discuss the following items:

A) Discussion and deliberation regarding real property pursuant to Section 551.072 of the Texas Government Code, related to the possible purchase, exchange, lease, or value of real property in connection to bid(s) received from the Cameron County Tax Resale of November 5, 2019, where deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

B) Consultation with attorney pursuant to Section 551.071(1)(a) of the Texas Government Code, on a matter related to the pending litigation in case styled New Cingular PCS, LLC v. The City of Brownsville, Civil Action No. 1:19-cv-00091 (Southern District of Texas, Brownsville Division).

C) Consultation with attorney pursuant to Section 551.071(1)(a) of the Texas Government Code, on a matter related to the pending litigation in case styled Hilario De Leon v. The City of Brownsville, Cause No. 2020-DCL-00718 (107th District Court in Cameron County, Texas).

Upon conclusion of Executive Session, Mayor Juan “Trey” Mendez, III, convened the Regular meeting at 8:06 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.

A) Discussion and possible ACTION on Resolution Numbers 2020-020 through Resolution Number 2020-024, approving or rejecting the bid/offer(s) received on the Tax Resale Properties on November 05, 2019.
Resolution Number 2020-020 – Legal Description – Lot 1, Block 7, Magic Valley Farms Subdivision (Acct. #76-5465-0070-0010-00)

Resolution Number 2020-021 – Legal Description – all that certain tract of land out of Lot 16, Block 308, El Jardin Resubdivision of Shares 23, 25, 29, 30 and 31 of the Espiritu Santo Grant, Cameron County, Texas, as described, as Tract “Q”, in deed dated February 6, 1975, from Sabas Garza, Jr., ETAL to Juana R. Garza, in Volume 1013, Page 9, deed records of Cameron County, Texas, save & except however, 1.934 Acre Tract as described in Volume 1316, page 30, deed records of Cameron County, Texas, leaving herein a residue of 2.346 acres, more or less. (Acct. #74-7540-3080-1610-00)

Resolution Number 2020-022 – Legal Description – the South 20.00 Feet of Lot 4, Block 3, Bel Aire Heights Addition (Acct. #73-7920-0030-0040-00)

Resolution Number 2020-023 – Legal Description – 0.092 Acres, more or less, out of Lot 3, Block “K”, Brownsville Land and Improvement Company Subdivision (Acct. #03-5005-0000-0065-00 & Hacienda Estates Subdivision Sec 2 Lot 6 W ½ *Bldg Only* Acct. #03-5005-0000-0065-010)

Resolution Number 2020-024 – Legal Description – Lot 23, Block 1, Colonia Acacia Subdivision. (Acct. #02-2170-0010-0230-00)

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

ADJOURNMENT

There being no further business to come before the Commission, upon duly made motion the meeting adjourned at 8:07 p.m.

Approved this 7th day of July, 2020.

Trey Mendez
Mayor

Attest:

Griselda Rosas
Interim City Secretary