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, March 17, 2020, at 5:00 P.M. with the following members present:

TREY MENDEZ Mayor
JOHN F. COWEN, JR.
ROSE GOWEN
NURITH GALONSKY PIZANA
JESSICA TETREAU
BEN NEECE

NOEL BERNAL
CITY MANAGER
HELEN RAMIREZ
DEPUTY CITY MANAGER
BRYANT WALKER
ASSISTANT CITY MANAGER
RENE DE COSS
CITY ATTORNEY
GRISELDA ROSAS
INTERIM CITY SECRETARY
ABSENT
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 March 13, 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 Trey Mendez led the Pledge of Allegiance and the Texas Pledge.

d) Public Announcements

Coronavirus (COVID-19)
(Mayor J. Mendez/Commissioner N. Galonsky Pizana)

Mayor Trey Mendez briefly informed the citizens of Brownsville the precautions that would need to be taken to prevent and combat the virus.

Commissioner Nurith Galonsky Pizana translated the Mayor’s statement into the Spanish language for our Spanish speaking audience.
Commissioner Rose Gowen stressed the importance of healthy living to strengthen our immune system.
Commissioner Ben Neece informed the community to volunteer at the Ozanem Center.
Commissioner Jessica Tetreau expressed the importance to be informed correctly about the virus.
Commissioner John F. Cowen mentioned the implementation of a drive thru testing site for COVID-19.

2020 Census
(Mayor J. Mendez/Commissioner N. Galonsky Pizana)

Mayor Trey Mendez encouraged the community to participate in the 2020 Census. Commissioner Nurith Galonsky Pizana briefly issued an update on how to correctly fill in the questionnaire.

e) Presentations

Lone Star Legacy Designation Award
for Dean Porter Park
(Parks and Recreation Department)

Damaire McGlone, Parks and Recreation Director briefly presented a PowerPoint presentation on the history and events behind the Lone Star Legacy Designation Award.

Public Works Landfill Employee Recognition
(Public Works/Engineering Department)

As per the request of City staff the agenda item would be presented at the next scheduled City Commission meeting.

PUBLIC COMMENT PERIOD

No one signed up for Public Comment Period.

WORK SESSIONS

A) Engineering/Public Works Pillar Update.

Armando Gutierrez, Director of Engineering and Public Works briefly informed the commission on the department’s mission and updates. He explained the department’s four main divisions: (Engineering, Environmental, Patching & Drainage, Streets & ROW), and further expanded on the 15 subdivisions. Mr. Gutierrez briefly issued an update on the streets that are pending repair and expanded on the city’s landfill facility. Mr. Gutierrez expressed his excitement and positivity within his department and how the department will contribute to the growth and prosperity of the community.
B) Zoning Ordinance, Commercial Land Use Regulations and Parking Regulations Presentation.

Rick Vasquez, Director of Planning and Redevelopment briefly explained the amendment changes, which would affect the zoning ordinance within its commercial land use and parking. The ultimate goal is to provide regulations that are more user friendly to facilitate the land development process. The update to the 2018 Building’s Code and the International Building Code are essential since both apply to the city’s existing historic constructions.

Martin Vega, Planner briefly explained the current and future timeframe and purpose of the changes that pertain to the Zoning Ordinance Amendments, an update of current Building Codes and the adoption of new Building Codes. Mr. Vega further explained how Chapter 348 Zoning Ordinance Amendment would affect the upcoming developments.

Allen Garces, Planner issued a brief update describing the zoning ordinance changes that would affect Commercial Parking Regulations.

C) Coronavirus (COVID-19) update.

Fire Chief Jaret Sheldon and Odee Leal, Emergency Management Administrator briefly informed the Commission of the strategic plan they had in progress. At this moment, the main goal was to practice social distancing, hand washing, facial covering and staying at home. The Commission was informed that at the time, there were no COVID-19 confirmed cases for the City of Brownsville and Mayor Trey Mendez had signed the Declaration of Local Disaster for Public Health Emergency.

Dr. Arturo Rodriguez, Public Health Director briefly explained the steps Brownsville is implementing, noting that test kits were limited. Dr. Rodriguez informed the public that it was essential to slow the spread of COVID-19 and defined the phrase “flattening the curve” and expressed how the elderly and people with pre-existing conditions were at a high risk.

Brief discussion ensued amongst the Commission.

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 b, c, f, excluding a, c, d and moved Consent Agenda Item g out of sequence for discussion and action. The motion was seconded by Commissioner Ben Neece and 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>Griselda Rosas</td>
<td>City Secretary’s Office</td>
<td>Austin, TX</td>
<td>Mar. 30-Apr.03, 2020</td>
</tr>
<tr>
<td>Jorge Santillan</td>
<td>Finance</td>
<td>San Antonio, TX</td>
<td>Apr. 06-08, 2020</td>
</tr>
</tbody>
</table>
b) Consideration and **ACTION** on **Resolution Number 2020-024**, in supporting the submission of the FY 2020 Border Zone Fire Departments Grant through the State of Texas and the Office of Governor.

c) Consideration and **ACTION** on **Resolution Number 2020-026**, to create a Coronavirus Task Force.

d) Consideration and possible **ACTION** on approval of **Resolution Number 2020-027**, in support of city measures to raise awareness and to assist in the prevention and containment of the Coronavirus in our community.

e) Consideration and **ACTION** to approve purchase of Vector Equipment and Chemicals, in the amount of $45,246.68, from grant received through the Department of State Health Services Contract No. HHS000371500035 under the 2017 Hurricane Public Health Crisis Response Cooperative Agreement.

f) Consideration and **ACTION** to authorize the City of Brownsville to establish a Memorandum of Understanding (MOU) for the submittal of the Department of Homeland Security (DHS) FEMA Hazard Mitigation Plan Grant, in the amount of $100,000.00.

g) **APPROVAL** on **SECOND and FINAL 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.

    Commissioner Jessica Tetreau moved to approve Consent Agenda Item g. The motion was seconded by Commissioner Rose Gowen and carried as follows:
    Ayes: Commissioners Tetreau, Gowen, Cowen and Mayor Mendez.
    Nay: Commissioner Galonsky Pizana
    Abstain: Commissioner Neece

PUBLIC HEARINGS

1. **Public Hearing and ACTION on FIRST READING** on **Ordinance Number 235-2019-064-S-MA-CO**, to grant a major amendment allowing a restaurant, Medium Retail (3C) use, in Dwelling “A” (DA) for Lots 40 & 41, La Villita Unit No. 4 Subdivision, Cameron County, Texas, located at 313 Manzano Street, Brownsville, Texas 78521, as shown in Exhibit “A”, with a Conditional Overlay. (District 1)

    Martin Vega, Senior Planner gave a brief explanation of the proposed ordinance.

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

    Commissioner Jessica Tetreau moved that Ordinance Number 235-2019-064-S-MA-CO, be **adopted** at first reading, to grant a major amendment allowing a restaurant, Medium Retail (3C) use, in Dwelling “A” (DA) for Lots 40 & 41, La Villita Unit No. 4 Subdivision, Cameron County, Texas, located at 313 Manzano Street, Brownsville, Texas 78521, as shown in Exhibit “A”, with a Conditional Overlay. (District 1) The motion was seconded by Commissioner Nurith Galonsky and carried as follow:
Ayes: Commissioners Nurith Galonsky, Jessica Tetreau, John F. Cowen, Ben Neece & Rose Gowen

Nays: Mayor Mendez

2. Public Hearing and ACTION on FIRST READING on Ordinance Number 235-2020-005, to rezone from Dwelling “A” (DA) to Dwelling “G” (DG) for Lot 1, Block 1, Villa Del Rey Subdivision, Section II, Cameron County, Texas, located at 673 Rey Salomon Street, Brownsville, Texas, 78521, as shown in Exhibit “A”. (District 2)

Martin Vega, Senior Planner gave a brief explanation of the proposed ordinance.

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

Commissioner Jessica Tetreau moved that Ordinance Number 235-2020-005, be adopted at first reading, to rezone from Dwelling “A” (DA) to Dwelling “G” (DG) for Lot 1, Block 1, Villa Del Rey Subdivision, Section II, Cameron County, Texas, located at 673 Rey Salomon Street, Brownsville, Texas, 78521, as shown in Exhibit “A”. (District 2) The motion was seconded by Commissioner Rose Gowen and carried unanimously,

3. Public Hearing and ACTION on FIRST READING on Ordinance Number 235-235-2020-902: to rezone from Dwelling “A” (DA)/Dwelling “G” (DG)/Dwelling “Z” (DZ)/General Retail “G” (4CG)/Light Industrial “J” (7CJ) to General Retail “G” (4CG) for an approximate 60.85 acres comprised of all of Reserve Area “B”, Villa del Norte Subdivision; all of Blocks 7 to 11, Harrington Place Subdivision; 1.41 acres out of Blocks 1 to 4, Harrington Place Subdivision; a 1 acre tract out of Share 12, Espiritu Santo Grant; and a 4.5 acre tract out of 19.5 acres out of Block 1 & 2, R.A. Lieck Subdivision; save and except, 1.257 acres out of Reserve Area “B”, Villa del Norte Subdivision (O.R.C.C.T. Vol. 7537, Pg. 77), located near Stillman Road, Brownsville, Texas, 78526, as shown in Exhibit "A". (District 3)

Martin Vega, Senior Planner gave a brief explanation of the proposed ordinance.

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

Commissioner Jessica Tetreau moved that Ordinance Number 235-235-2020-902, be adopted at first reading, to rezone from Dwelling “A” (DA)/Dwelling “G” (DG)/Dwelling “Z” (DZ)/General Retail “G” (4CG)/Light Industrial “J” (7CJ) to General Retail “G” (4CG) for an approximate 60.85 acres comprised of all of Reserve Area “B”, Villa del Norte Subdivision; all of Blocks 7 to 11, Harrington Place Subdivision; 1.41 acres out of Blocks 1 to 4, Harrington Place Subdivision; a 1 acre tract out of Share 12, Espiritu Santo Grant; and a 4.5 acre tract out of 19.5 acres out of Block 1 & 2, R.A. Lieck Subdivision; save and except, 1.257 acres out of Reserve Area “B”, Villa del Norte Subdivision
(O.R.C.C.T. Vol. 7537, Pg. 77), located near Stillman Road, Brownsville, Texas, 78526, as shown in Exhibit "A". (District 3) The motion was seconded by Commissioner Rose Gowen and carried unanimously.

ITEMS FOR INDIVIDUAL CONSIDERATION

4. Consideration and ACTION to award a contract to develop a Regional 5-Year Consolidated and Strategic Plan for the City of Brownsville, City of San Benito, and City of Harlingen to TDA Consulting, INC. ("TDA") for $75,686.00.

Commissioner Jessica Tetreau moved that a contract to develop a Regional 5-Year Consolidated and Strategic Plan for the City of Brownsville, City of San Benito, and City of Harlingen to, be **awarded** and **approved** to TDA Consulting, INC. ("TDA") for $75,686.00. The motion was seconded by Commissioner Rose Gowen and carried unanimously.

*Commissioner Nurith Galonsky Pizana stepped out and did not vote on Agenda Item 4.*

5. Consideration and ACTION to approve the Restoring Dignity for the Homeless Plan.

Ramiro Gonzalez, Director of Government & Community Affairs briefly explained the proposed plan for the homeless population.

Brief discussion ensued amongst the Commission and City Staff.

Commissioner Rose Gowen moved that the Restoring Dignity for the Homeless Plan, be approved. The motion was seconded by Commissioner John Cowen, Jr., and carried as follow:

- Ayes: Commissioners Gowen, Cowen, Galonsky Pizana, Tetreau and Mayor Mendez
- Nays: Commissioner Neece

6. Consideration and ACTION to award a term contract for Marketing and Consulting Services to CSpence Group based in San Francisco, California for projects involving marketing campaigns for the City of Brownsville as needed over the next one (1) year with the option to renew for additional two (2) one-year periods.

Upon motion by Commissioner Ben Neece seconded by Commissioner Nurith Galonsky Pizana, the agenda item was **tabled** and carried as follow:

- Ayes: Commissioners Neece, Galonsky Pizana, Tetreau, Cowen, Jr., and Mayor Mendez
- Nays: Commissioner Gowen
7. Consideration and ACTION to award contract for Marketing and Consulting Services for targeted projects involving marketing campaigns for the Brownsville Convention & Visitors Bureau & the City of Brownsville to CSpence Contract #MCS-60-0919, in the amount not to exceed $195,000.00.

Upon motion by Commissioner Ben Neece seconded by Commissioner Nurith Galonsky Pizana, the agenda item was tabled and carried as follow:

Ayes: Commissioners Neece, Galonsky Pizana, Tetreau, Cowen, Jr., and Mayor Mendez

Nays: Commissioner Gowen

8. Consideration and ACTION to approve Ordinance Number 2020-1666 authorizing the issuance, sale, and delivery of $6,975,000.00 in aggregate principal amount of City of Brownsville, Texas Combination Tax and Revenue Certificates of Obligation, Series 2020, to be purchased by the Texas Water Development Board, securing the payment thereof by authorizing the Levy of an annual ad valorem tax and a pledge of certain surplus revenues of the City’s Municipal Landfill System, and approving and authorizing the execution of a paying agent/registrar agreement, an escrow agreement, a principal forgiveness agreement, and all other instruments and procedures related thereto.

Commissioner Ben Neece moved that Ordinance Number 2020-1666 authorizing the issuance, sale, and delivery of $6,975,000.00 in aggregate principal amount of City of Brownsville, Texas Combination Tax and Revenue Certificates of Obligation, Series 2020, to be purchased by the Texas Water Development Board, securing the payment thereof by authorizing the Levy of an annual ad valorem tax and a pledge of certain surplus revenues of the City’s Municipal Landfill System, and approving and authorizing the execution of a paying agent/registrar agreement, an escrow agreement, a principal forgiveness agreement, and all other instruments and procedures related thereto, be approved. The motion was seconded by Commissioner Jessica Tetreau and carried unanimously.

9. Consideration and ACTION to adopt budget amendment Ordinance Number 2020-1665 to amend the Fiscal Year 2020 Budget for the General Fund, Capital Projects Fund, Bridge Fund, Fleet & Facilities Fund, and Capital Outlay Pay-Go Fund.

Commissioner Jessica Tetreau moved the budget amendment Ordinance Number 2020-1665 to amend the Fiscal Year 2020 Budget for the General Fund, Capital Projects Fund, Bridge Fund, Fleet & Facilities Fund, and Capital Outlay Pay-Go Fund, be approved. The motion was seconded by Commissioner Rose Gowen and carried unanimously.
10. Consideration and ACTION to approve Resolution Number 2020-025 in support of the SAMANO Downtown Brownsville Historic Preservation and Urban Revitalization Project.

Commissioner Jessica Tetreau moved the Resolution Number 2020-025 in support of the SAMANO Downtown Brownsville Historic Preservation and Urban Revitalization Project, be approved. The motion was seconded by Commissioner Rose Gowen and carried unanimously.

BOARD APPOINTMENT

11. Consideration and ACTION to appoint member(s) to the LGBTQ Task Force.

Commissioner Jessica Tetreau moved to appoint Adalberto Hinojosa to the LGBTQ Task Force. The motion was seconded by Commissioner Ben Neece and carried unanimously.

Commissioner Rose Gowen moved to appoint Berenice Cruz Marquez to the LGBTQ Task Force. The motion was seconded by Commissioner Jessica Tetreau and carried unanimously.

Mayor Juan “Trey” Mendez III moved to appoint Jose M. Colon-Uvalles to the LGBTQ Task Force. The motion was seconded by Commissioner Jessica Tetreau and carried unanimously.

Commissioner Ben Neece moved to appoint Nolan Navarro to the LGBTQ Task Force. The motion was seconded by Commissioner Jessica Tetreau and carried unanimously.

Commissioner John F. Cowen moved to appoint Bryan Martinez to the LGBTQ Task Force. The motion was seconded by Commissioner Jessica Tetreau and carried unanimously.

Commissioner Nurith Galonsky Pizana moved to appoint Norma Rodriguez to the LGBTQ Task Force. The motion was seconded by Commissioner Jessica Tetreau and carried unanimously.

EXECUTIVE SESSION

Commissioner Nurith Galonsky Pizana noted that she had executed a conflict of interest and did not participate on Executive Session F.

Commissioner Jessica Tetreau noted that she had executed a conflict of interest and did not participate on Executive Session B.
Upon motion by Commissioner Rose Gowan, seconded by Commissioner Nurith Galonsky Pizana and carried unanimously, the Executive Session convened at 8:15 p.m. to discuss the following items:

A) Discussion and deliberation of personnel matters pursuant to Section 551.074(1) of the Texas Government Code, related to the employment and duties of the City Auditor.

B) Attorney consultation pursuant to Section 551.071(2), Texas Gov’t Code to receive legal advice in connection with the City’s rights, duties, privileges, and obligation under the Residential Solid Waste Services agreement with Republic Services and related legal matters.

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 modification of city processes related to closed meetings under Sections 551.103 and Sec. 551.104 of the Texas 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.

D) Attorney consultation pursuant to Section 551.071(2), Texas Gov’t Code to receive legal advice in connection with the City’s rights, duties, privileges, and obligation arising out prior City Commission action related to the Riverfront Project and related legal matters.

E) Attorney consultation pursuant to Section 551.071(1), Texas Gov’t Code relating to pending litigation styled and numbered, In Re Brownsville Firefighters Assn v City of Brownsville, BFFA Grievance No. 2019-03 (re retiree health care benefits), and related legal matters.

F) 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).

Upon conclusion of Executive Session, Mayor Trey Mendez III, convened the Regular meeting at 8:58 p.m.

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 appropriate ACTION regarding the appointment of a City Auditor, for the City of Brownsville, Texas.

Commissioner John F. Cowen move that the appointment of a City Auditor, for the City of Brownsville, Texas, be approved, pending contract negotiations with Human Resources. The motion was seconded by Commissioner Rose Gowan and carried unanimously.
B) Consideration and appropriate ACTION, if any, to either renew the existing agreement with Republic Services for Residential Solid Waste Services as per Contract Number RSW-16-0210 or to approve a Month-to-Month continuation of the agreement as per Section 4 (Term).

Not action taken.

C) Consideration and ACTION to adopt new closed session procedures as allowed by City Charter Article V. Sections 10 and 12, to allow for the recording and preservation of recordings of closed sessions, as required by Section 551.103 and Section 551.104 of the Texas Government Code.

Commissioner Ben Neece moved that the new closed session procedures as allowed by City Charter Article V. Sections 10 and 12, to allow for the recording and preservation of recordings of closed sessions, as required by Section 551.103 and Section 551.104 of the Texas Government Code, be approved. The motion was seconded by Commissioner Jessica Tetreau and carried unanimously.

D) Consideration and ACTION authorizing the City Manager to issue instructions to the Greater Brownsville Incentives Corporation (GBIC) and the Brownsville Community Improvement Corporation (BCIC), to adopt new closed session procedures, to allow for the recording and preservation of recordings of closed sessions, as required by Section 551.103 and Section 551.104 of the Texas Government Code and allowing the City Manager to take any reasonable steps to assure compliance with directives issued.

Commissioner Jessica Tetreau moved that the City Manager issue instructions to the Greater Brownsville Incentives Corporation (GBIC) and the Brownsville Community Improvement Corporation (BCIC), to adopt new closed session procedures, to allow for the recording and preservation of recordings of closed sessions, as required by Section 551.103 and Section 551.104 of the Texas Government Code and allowing the City Manager to take any reasonable steps to assure compliance with directives issued, be approved. The motion was seconded by Commissioner Rose Gowen and carried unanimously.

E) Consideration and ACTION to approve the settlement agreement 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) and authorizing the City Manager to execute all settlement related documents.

Commissioner Ben Neece moved that the settlement agreement 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) and authorizing the City Manager to execute all settlement related documents, be approved. The motion was seconded by Commissioner Jessica Tetreau and carried as follows:

Ayes: Commissioners Gowen, Cowen, Tetreau, Neece and Mayor Mendez III
Abstain: Commissioner Nurith Galonsky Pizana
ADJOURNMENT

There being no further business to come before the Commission, upon duly made motion the meeting adjourned at 9:02 p.m.

Approved this 7th day of July, 2020.

Trey Mendez
Mayor

Attest:

Griselda Rosas
Interim City Secretary

Respectfully submitted by:
José A. González, Reference Librarian
Office of the City Secretary