

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 20, 2018**, at **5:30 P.M.** and at **6:00 P.M.** with the following members present:

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|-------------------------|---|--|
| ANTONIO MARTINEZ |) | Mayor |
| | | COMMISSIONERS |
| CESAR DE LEON |) | At-Large “A” |
| ROSE GOWEN |) | At-Large “B” |
| JESSICA TETREAU |) | District 2 |
| JOEL MUNGUIA |) | District 3 |
| MICHAEL L. LOPEZ | | INTERIM CITY MANAGER |
| ARTURO RODRIGUEZ | | INTERIM ASSISTANT CITY MANAGER |
| TIMOTHY SAMPECK | | ASSISTANT CITY ATTORNEY |
| GRISELDA ROSAS | | CITY SECRETARY |
| YOLANDA GALARZA | | ADMINISTRATIVE SPECIALIST |
| ABSENT: | | RICARDO LONGORIA, JR. – District 1 |
| | | BEN NEECE – District 4 |
| | | PETE GONZALEZ – Deputy City Manager |

A quorum being present, Mayor Antonio Martinez, asked Ms. Yolanda Galarza, Administrative Specialist, to read the call to consider the following matters as posted and filed for the record in The Office of the City Secretary on March 16, 2018.

EXECUTIVE SESSION: 5:40 P.M.

Upon motion by Commissioner Rose Gowen seconded by Commissioner Joel Munguia and carried unanimously, the Executive Session convened at 5:40 p.m. to discuss the following items:

- A) Attorney consultation pursuant to Section 551.071(1)(A), Texas Government Code, to provide legal advice and counsel in connection with pending litigation styled and numbered, Eco-Site LLC et al v. City of Brownsville et al Case No. 1:17-cv-00209 (S.D. Tex.-Brownsville Div.), and related legal matters.**
- B) Attorney consultation pursuant to Section 551.071(2), Texas Government Code, to provide legal advice and counsel on 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.**

Upon conclusion of Executive Session Mayor Antonio Martinez, convened the Regular Meeting at 6:00 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 Antonio Martinez.

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) ACTION to proceed as advised by attorney in Executive Session.

Commissioner Cesar de Leon moved to proceed as advised by Legal Counsel in Executive Session. The motion was seconded by Commissioner Rose Gowen and carried unanimously.

B) No ACTION required.

1. MAYOR'S ACTIVITY UPDATE:

Mayor Antonio Martinez kindly reminded the citizens of Brownsville that the Bi-National Run was scheduled for Saturday, March 24, 2018, starting at 8:30 a.m.

2. COMMISSIONERS' ACTIVITY UPDATE:

Commissioner Rose Gowen reminded the community to be courteous of the runners and cyclists that would be participating on several events to be held on Saturday, March 24, 2018. Commissioner Gowen also congratulated the Brownsville Convention and Visitors Bureau for their success on the Latino Comic Expo Event that was held on Saturday, February 3, 2018.

3. PRESENTATIONS:

Jefferson Davis Committee
(Commissioners Neece/De Leon)

Mr. Arturo Rodriguez, Interim Assistant City Manager, introduced Ms. Christina Houle, from Arte Civico Circle and Frontera Progressives, whom delivered a PowerPoint presentation regarding the Jefferson Davis monument.

4. CONSENT AGENDA ITEMS:

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

Upon motion by Commissioner Rose Gowen, seconded by Commissioner Jessica Tetreau and carried unanimously, Consent Agenda Items "a" through "r" were **approved**.

ITEMS No. "a" through "r"

- a) Approval of the Minutes of the Regular Meeting of February 06, 2018.
- b) Approval of the Minutes of the Regular Meeting of February 20, 2018.
- c) Approval of the Minutes of the Regular Meeting of March 06, 2018.
- d) To acknowledge the following individuals to incur travel expense:

<u>Employee</u>	<u>Department</u>	<u>Destination</u>	<u>Date</u>
Jeff Stewart	BMetro	Seattle, WA	Apr. 08-13, 2018
Jorge Santillan	Finance	Austin, TX	Apr. 15-17, 2018
Maria C. Dominguez	Health	Giddings, TX	Apr. 04-06, 2018
Candace Smith	Health	Giddings, TX	Apr. 04-06, 2018
Alfonso Vallejo	MPO	Austin, TX	Apr. 17-18, 2018
Paul Cantu III	Police	Austin, TX	Mar. 21-23, 2018
Albesa Calles	Police	Austin, TX	Mar. 21-23, 2018
Leslie Gonzalez	Police	Austin, TX	Mar. 21-23, 2018
Joe Villarreal	Police	Houston, TX	Apr. 16-23, 2018
Marco A. Huerta	Police	Galveston, TX	Apr. 30-May 05, 2018
Kathleen Carrizalez	Police	Galveston, TX	Apr. 07-11, 2018
Rosalva Longoria	Police	Galveston, TX	Apr. 07-11, 2018
Daniel H. Cervantes	Public Works	Denton, TX	Apr. 08-12, 2018
Georgina Mota	Public Works	San Antonio, TX	Apr. 17-20, 2018

- e) **APPROVAL** on **SECOND** and **FINAL READING** on **Ordinance Number 2018-1640**, to authorize the City Manager to abandon and close a 16’ alley adjacent to Lots 1, 2, and 3, Block 1 Los Ebanos Addition.
- f) **APPROVAL** on **SECOND** on **FINAL READING** on **Ordinance Number 2018-1641**, to authorize the City Manager to abandon and close a portion of Jo Anne Lane Right-Of-Way adjacent to Lot 23, La Lomita Subdivision.
- g) **APPROVAL** on **SECOND** on **FINAL READING** on **Ordinance Number 2018-1603-A**, to amend Chapter 2, Article IV, Division 4, Section 2-367 regarding the Bicycle and Pedestrian Advisory Committee members’ terms.
- h) **APPROVAL** on **SECOND** on **FINAL READING** on **Ordinance Number 235-2017-081-S**, to allow a wireless communication facility, a General Retail (4C) use, in General Retail “H” (4CH) for Lots 4, 5, and 6 of Block 46-A, Stillman Extension Brownsville, located near the corner of West Elizabeth Street and West 3rd Street. (District 4)
- i) **APPROVAL** on **SECOND** on **FINAL READING** on **Ordinance Number 235-2018-001**, to rezone from Light Retail “G” (2CG) to General Retail “G” (4CG) for the East 90.5 feet of Lot 3, Block 21, Adrean Acres Subdivision, located at 4416 Boca Chica Boulevard. (District 1)
- j) **APPROVAL** on **SECOND** on **FINAL READING** on **Ordinance Number 235-2018-004-CO**, to rezone from General Retail “G” (4CG) to Medium Commercial “G” (6CG-CO) for Lots 4, 5, 6, 7, and 8, 777 Commercial Subdivision, located at 7077 North Expressway 77, Olmito, Texas, 78575. (District 3)
- k) **APPROVAL** on **SECOND** on **FINAL READING** on **Ordinance Number 235-2018-005**, to rezone from Dwelling “A” (DA) to Apartment “H” (AH) for 24.393 acres consisting of 2 Tracts: Tract 1 being 4.223 acres out of Tract 20, Share 19, Espiritu Santo Grant, Cameron County, Texas; Tract 2 being 20.170 acres out of Tracts 17 & 20, Share 19, Espiritu Santo Grant, located at 341 Oak Street. (District 1)

- l) **APPROVAL** on **SECOND** on **FINAL READING** on **Ordinance Number 235-2018-006-S**, to allow a Type A Home Assisted Living Facility, a General retail (4C) use, in Dwelling “G” (DG) for Lot 1, Block 1, Mario Moreno Subdivision, a subdivision to the City of Brownsville, located at 3275 Old Port Isabel Road. (District 2)
- m) Consideration and **ACTION** on Memorandum of Understanding between the City of Brownsville (COB) and United States Fish and Wildlife Service (USFWS) establishing a partnership through the Urban Refuge Program to further the promotion of outdoor recreation, environmental stewardship, and active lifestyles.
- n) Consideration and **ACTION** on **Resolution Number 2018-030**, to accept a joint resolution with Cameron County regarding the West Rail Corridor.
- o) Consideration and **ACTION** to approve **Resolution Number 2018-027** supporting a change to the Authorized Official for the Rifle-Resistant Body Armor Grant #3444301, through the Office of the Governor, Criminal Justice Division.
- p) Consideration and **ACTION** to approve **Resolution Number 2018-028** supporting of an application for the Local Border Security Grant Program FY 2019, through the Office of the Governor, Homeland Security Grants Division.
- q) Consideration and **ACTION** to award a contract for the purchase of police pistols for the Brownsville Police Department.
- r) Consideration and **ACTION** to authorize the Brownsville Police Department to upgrade the Automated Fingerprint Identification System (AFIS).

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PUBLIC HEARINGS:

- 5. **Public Hearing and ACTION on FIRST READING on Ordinance Number 2018-1367-C, amending Chapter 22 Business, Article IV Food and Food Service Establishments; Division 2 “Food Service Establishments; by amending Section 22-153 “Food Permit Fees: and dealing with related matters.**

Mr. Arturo Rodriguez, Interim Assistant Manager gave a brief explanation of the proposed ordinance.

Upon motion by Commissioner Jessica Tetreau seconded by Commissioner Cesar de Leon and carried unanimously, the public hearing was **closed**.

Commissioner Jessica Tetreau moved that Ordinance Number 2018-1367-C, be **adopted** at first reading, amending Chapter 22 Business, Article IV Food and Food Service Establishments; Division 2 “Food Service Establishments; by amending Section 22-153 “Food Permit Fees: and dealing with related matters. The motion was seconded by Commissioner Cesar de Leon and carried unanimously.

- 6. **Public Hearing and ACTION on FIRST READING on Ordinance Number 2018-911-H, amending Chapter 46, Article I “Litter”; by amending Section 46-47 and adding Section 46-51 “Signage and Education Requirements”; and dealing with related matters.**

Mr. Arturo Rodriguez, Interim Assistant Manager gave a brief explanation of the proposed ordinance.

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

Commissioner Rose Gowen moved that Ordinance Number 2018-911-H, be **adopted** at first reading, amending Chapter 46, Article I “Litter”; by amending Section 46-47 and adding Section 46-51 “Signage and Education Requirements”; and dealing with related matters. The motion was seconded by Commissioner Jessica Tetreau and carried unanimously.

7. Public Hearing and ACTION on FIRST READING on Ordinance Number 2018-1643, an ordinance of the City Commission of the City of Brownsville, Texas (“City”) approving a negotiated resolution between City and Texas Gas Service (“TGS” or “The Company”) regarding the Company’s Cost of Service Adjustment (“COSA”) tariff filing and dealing with related matters.

Mr. Timothy Sampeck, Assistant City Attorney gave a brief explanation of the changes to the proposed ordinance.

Upon motion by Commissioner Jessica Tetreau seconded by Commissioner Cesar de Leon and carried unanimously, the public hearing was **closed**.

Commissioner Jessica Tetreau moved that Ordinance Number 2018-1643, be **adopted** at first reading, an ordinance of the City Commission of the City of Brownsville, Texas (“City”) approving a negotiated ordinance between City and Texas Gas Service (“TGS” or “The Company”) regarding the Company’s Cost of Service Adjustment (“COSA”) tariff filing and dealing with related matters. The motion was seconded by Commissioner Cesar de Leon and carried unanimously.

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8. PUBLIC COMMENT PERIOD: PLEASE NOTE:

Ms. Rose Timmer, Director of Healthy Communities of Brownsville, informed the Commission of the great accomplishments that the Community has accomplished. Ms. Timmer further noted that she would like and encourages the Commission to bring Curbside Recycling to the City.

Mr. Erasmo Castro, expressed concern noting that the Commission needed to focus on important issues to the community.

ITEMS FOR INDIVIDUAL CONSIDERATION:

9. Consideration and ACTION to adopt the Bicycle and Pedestrian Advisory Committee Bylaws.

Commissioner Cesar de Leon moved that the Bicycle and Pedestrian Advisory Committee Bylaws, be **approved** and **adopted**. The motion was seconded by Commissioner Jessica Tetreau and carried unanimously.

10. Consideration and ACTION to appoint or re-appoint members to the Bicycle and Pedestrian Advisory Committee (BPAC).

Commissioner Cesar de Leon moved that **Mr. Edgar Gaucin**, be **re-appointed** to the Bicycle and Pedestrian Advisory Committee (BPAC), to an extended term. The motion was seconded by Commissioner Jessica Tetreau and carried unanimously.

Commissioner Rose Gowen moved that **Mr. Ysaias “Henry” Presas**, be **re-appointed** to the Bicycle and Pedestrian Advisory Committee (BPAC), to an extended term. The motion was seconded by Commissioner Jessica Tetreau and carried unanimously.

Commissioner Jessica Tetreau moved that **Ms. Susana Pablo**, be **re-appointed** to the Bicycle and Pedestrian Advisory Committee (BPAC), to an extended term. The motion was seconded by Commissioner Cesar de Leon and carried unanimously.

Commissioner Joel Munguia moved that **Mr. Jose Rivera**, be **appointed** to the Bicycle and Pedestrian Advisory Committee (BPAC). The motion was seconded by Commissioner Rose Gowen and carried unanimously.

Commissioner Rose Gowen moved that **Ms. Rose Timmer**, be **appointed** to the Bicycle and Pedestrian Advisory Committee (BPAC). The motion was seconded by Commissioner Jessica Tetreau and carried unanimously.

Commissioner Joel Munguia moved that **Mr. Fernando Martinez**, be **appointed** to the Bicycle and Pedestrian Advisory Committee (BPAC). The motion was seconded by Commissioner Jessica Tetreau and carried unanimously.

11. Consideration and ACTION to appoint one (1) member to the Parks and Recreation Advisory Board Committee.

Commissioner Jessica Tetreau moved that **Mr. Adrian Delgado**, be **appointed** to the Parks and Recreation Advisory Board Committee. The motion was seconded by Commissioner Cesar de Leon and carried unanimously.

12. Consideration and ACTION to appoint and/or re-appoint members to the Brownsville Public Library System Advisory Board.

Commissioner Cesar de Leon moved that **Ms. Graciana De Pena**, **Ms. Merrill Hammons** and **Ms. Karen Pena**, be **re-appointed** to the Brownsville Public Library System Advisory Board. The motion was seconded by Commissioner Rose Gowen and carried unanimously.

13. Consideration and ACTION regarding appointments to the City Board of Adjustment.

Commissioner Jessica Tetreau moved that **Mr. Roy De Los Santos**, be **re-appointed** to the Board of Adjustment. The motion was seconded by Commissioner Cesar de Leon and carried unanimously.

Commissioner Rose Gowen moved that **Mr. Pedro Torres** be **removed** from the Board of Adjustment. The motion was seconded by Commissioner Jessica Tetreau and carried unanimously.

Commissioner Cesar de Leon moved that *Mr. John Kinch* be appointed as a **regular member** and *Mr. Donald de Leon* be appointed as an **alternate** to the Board of Adjustment. The motion was seconded by Commissioner Rose Gowen and carried unanimously.

14. Consideration and ACTION to appoint or re-appoint members to the Civil Service Commission.

Upon motion by Commissioner Cesar de Leon seconded by Commissioner Rose Gowen and carried unanimously, this item was **tabled**.

15. Consideration and ACTION to enter into an Interlocal Agreement with Cameron County for a Bridge Advertise Campaign.

Commissioner Jessica Tetreau moved that an Interlocal Agreement with Cameron County for a Bridge Advertise Campaign, be **approved**. The motion was seconded by Commissioner Rose Gowen and carried unanimously.

16. Consideration and ACTION on Memorandum of Understanding between the City of Brownsville and Cameron County to authorize use of U.S. Customs and Border Protection Section 559 Donation Acceptance Program.

Commissioner Rose Gowen moved that a Memorandum of Understanding between the City of Brownsville and Cameron County to authorize use of U.S. Customs and Border Protection Section 559 Donation Acceptance Program, be **approved**. The motion was seconded by Commissioner Cesar de Leon and carried unanimously.

17. Consideration and ACTION to award a contract to SmartCom Telephone, LLC for the Broadband & Commercial Internet Services for the Brownsville Public Library.

Commissioner Rose Gowen moved that a contract to SmartCom Telephone, LLC for the Broadband & Commercial Internet Services for the Brownsville Public Library, be **approved**. The motion was seconded by Commissioner Cesar de Leon and carried unanimously.

18. Consideration and ACTION to award a contract for the purchase of Portable Surveillance Cameras.

Commissioner Rose Gowen moved that a contract for the purchase of Portable Surveillance Cameras, be **approved**. The motion was seconded by Commissioner Jessica Tetreau and carried unanimously.

19. Consideration and ACTION to award a contract of Services Agreement between the City of Brownsville and The University of Texas Health Science Center at Houston in the amount of \$45,000.00 to amend and accept a services agreement from March 1, 2018 to September 30, 2018.


Commissioner Cesar de Leon moved that a contract of Services Agreement between the City of Brownsville and The University of Texas Health Science Center at Houston in the amount of \$45,000.00 to amend and accept a services agreement from March 1, 2018 to September 30, 2018, be **approved**. The motion was seconded by Commissioner Jessica Tetreau and carried unanimously.

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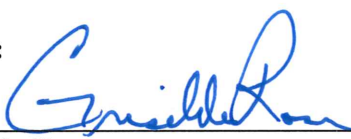
ADJOURNMENT:

There being no further business to come before the Commission, upon duly made motion the meeting adjourned at 7:00 p.m.

Approved this 17th day of April, 2018.



Antonio Martinez
Mayor

Attest: 

Griselda Rosas
City Secretary



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