MINUTES of a Regular Meeting of the City Commission of the City of Brownsville, Texas, held on Tuesday, April 07, 2020, at 5:00 P.M., with the following members present via Zoom Teleconference Meeting by logging on at: https://zoom.us/j/568843067 Meeting ID: 668 843 067

JUAN "TREY" MENDEZ III Mayor

COMMISSIONERS

JOHN F. COWEN, JR.
ROSE GOWEN
NURITH GALONSKY PIZANA
JESSICA TETREAU
JOEL MUNGUA
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 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 April 3, 2020.

b) Invocation

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

c) Proclamation

National Service Recognition Day

(Commissioners R. M. Z. Gowen/J. Cowen Jr.)

Commissioner Rose Gowen presented and read the proclamation.
PUBLIC COMMENT PERIOD

No one signed up for Public Comment Period

WORK SESSIONS

A) COVID-19 Updates

Fire Chief Jarrett Sheldon issued a brief update on the emergency operations center virtually operating on a Level 2 and COVID-19 drive-thru testing and the site was currently operating from Monday – Friday 8:00 a.m. to 5:00 p.m.

Mr. Lupe Granado, Finance Director briefly informed the Commission of the COVID-19 expenditures with an emphasis on the budget impact, personnel breakdown and emergency procurement, as follow:

- Total expenditure to date was $973,675 with 75% possibly reimbursed by FEMA
- Budget impact was spent on personnel, with focus on overtime for both the Police Department and the Fire Department
- Emergency procurement was being spent on PPE masks for employees.

Mr. Noel Bernal, City Manager briefly updated the Commission on the organization’s continuity plans that have been in place since March 23, 2020, with a long-term pandemic planning framework to last beyond three months, as follow:

- Twelve percent of the city’s workforce was teleworking.
- Reviewing work plans for the following fiscal year and using a low, moderate, and high impact framework to determine which activities would be delayed, postponed or cancelled; however, any pending projects would not be removed from the list and would be monitored for financial reasons.

Brief discussion ensued amongst the Commission in regards to all updates being provided to the Mayor and Commission.

B) Presentation regarding amendments to Code of Ordinances, Chapter 18- Buildings and Building Regulations, and dealing with related matters.

Mr. Rick Vasquez, Planning and Redevelopment Director and Mr. Omar Ochoa, Building Official, briefly updated the Commission of the proposed code amendment, which will include the adoption of a historic building code chapter within the existing building code that would apply to all historic buildings and provide more flexibility when historic buildings are considered for redevelopment. Also, the proposed adoption of the existing building code would provide the ability to review construction plans in
the context of buildings that have already been placed with non-historic buildings. A propose to adopt the 2018 Buildings Code, not including the Energy Code, would apply to new and future buildings.

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 Rose Gowen seconded by Commissioner Joel Munguia and carried unanimously, Consent Agenda Items were approved.

a) Consideration and ACTION to award a contract for the Palo Alto Battlefield Trail Material Testing Services to Millennium Engineers Group, Inc., in the amount of $43,189.52, as budgeted.

b) Consideration and ACTION to award a contract for Professional Engineering Services for West Brownsville Drainage Improvements to Hanson Professional Services Inc., in the amount of $150,000.00, as budgeted in Fiscal Year 2020 Capital Improvement Plan (CIP).

c) Consideration and ACTION to award a contract for Professional Engineering Services for Culvert and Sensor Improvements to Hanson Professional Services Inc., in the amount of $192,600.00, as budgeted in Fiscal Year 2020 Capital Improvement Plan (CIP).

d) Consideration and ACTION to authorize the City of Brownsville to establish a Memorandum of Understanding (MOU) between the City of Brownsville and the Brownsville Irrigation District for use of pump infrastructure.

e) Consideration and ACTION to award a contract for Street Rehabilitation for Avenida De La Plata, Elsa, Marvis and San Pedro, under Term Contract for Rotation List for Engineering and Surveying Services, Contract # QES-25-0417 with PlaGar Engineering LLC., Brownsville, TX for Task Order # 60 for a lump sum of $182,472.93 as budgeted in Fiscal Year 2020 Capital Improvement Plan (CIP).

f) Consideration and ACTION to award the purchase and delivery of a New Compact Trencher for the Engineering and Public Works Department, in the amount of $58,227.27, as budgeted.

g) Consideration and ACTION to authorize the City of Brownsville to establish a Memorandum of Understanding (MOU) between the City of Brownsville, Brownsville Public Utilities Board, Cameron County Drainage District One, Brownsville Irrigation District, and Cameron County Drainage District Six for development of joint Hazard Mitigation Plan.

h) Consideration and ACTION to award task order to Raba Kistner for the City of Brownsville/Department of Public Safety Joint Tactical Training Center for Phase II Environmental Site Assessment, under current term contract for Geotechnical and Construction Material Testing Services, #QGC-26-0417, in the amount of $67,316.
i) APPROVAL on SECOND and FINAL 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, located at 313 Manzano Street, with a Conditional Overlay. (District 1)

j) APPROVAL on SECOND and FINAL 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, located at 673 Rey Salomon Street. (District 2)

k) APPROVAL on SECOND and FINAL READING on Ordinance Number 235-2020-902: to rezone from Dwelling “A” (DA)/Dwelling “G” (DG)/Dwelling “Z” (DZ)/General Retail “G” (4CG)/Light Industrial “J” (7CG) 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. Liebe 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. (District 3)

PUBLIC HEARINGS

1. Public Hearing and ACTION on FIRST READING on Ordinance Number 2020-1569-B, concerning Chapter 102 of the Code of Ordinances entitled “Utilities” and which provides for Electric; amending Sections 102-199(B) and 102-204(A) of Chapter 102 to be consistent with resolutions of the Public Utilities Board recommending amendments to correct and conform non-rate provisions related to Municipal Street Lighting and Private Security Lighting Services; and providing a severability clause.

Ms. Monica Garza, Brownsville Public Utilities Board Financial Manager, briefly informed the Commission of the proposed agenda item, noting the changes to the rates for streetlights and private security lighting services and providing a severability clause. She further noted, that lighting at higher institutions by law were allowed a 20% discounts from private security lightings.

Upon motion by Commissioner Jessica Tetreau seconded by Commissioner Bea Neece and carried unanimously, the public hearing closed.

Commissioner Jessica Tetreau moved that Ordinance Number 2020-1569-B, be adopted at first reading, concerning Chapter 102 of the Code of Ordinances entitled “Utilities” and which provides for Electric; amending Sections 102-199(B) and 102-204(A) of Chapter 102 to be consistent with resolutions of the Public Utilities Board recommending amendments to correct and conform non-rate provisions related to Municipal Street Lighting and Private Security Lighting Services; and providing a
severability clause. The motion was seconded by Commissioner Rose Gowen and carried unanimously.

2. Public Hearing and ACTION on FIRST READING on Ordinance Number 2020-1485-E, amending the Code of Ordinances, Chapter 18-Buildings and Building Regulations, by repealing and replacing Article III. - Building Code, Section 18-116.- Adopted, Article VI. - Electricity, Section 18-301.- Adopted, Article VII.- Mechanical Code, Section 18-626.- Adopted, Article VIII.- Plumbing Code, Section 18-656.- Adopted, Article IX.- Gas Code, Section 18-686.- Adopted, and by creating Article XIII.- Existing Buildings; and dealing with related matters.

Rick Vasquez, Planning and Redevelopment Director, informed the Commission that the proposed ordinance was being presented for approval as discussed in Work Session B.

Upon motion by Commissioner Ben Neece seconded by Commissioner Joel Munguia and carried unanimously, the public hearing was closed.

Commissioner Ben Neece moved that Ordinance Number 2020-1485-E, be adopted at first reading, amending the Code of Ordinances, Chapter 18-Buildings and Building Regulations, by repealing and replacing Article III. - Building Code, Section 18-116.- Adopted, Article VI. - Electricity, Section 18-301.- Adopted, Article VII.- Mechanical Code, Section 18-626.- Adopted, Article VIII.- Plumbing Code, Section 18-656.- Adopted, Article IX.- Gas Code, Section 18-686.- Adopted, and by creating Article XII.- Existing Buildings; and dealing with related matters. The motion was seconded by Commissioner Rose Gowen and carried unanimously.

3. Public Hearing and ACTION and FIRST READING on Ordinance Number 2020-235.93, to amend the Code of Ordinances, Chapter 348-Zoning, Article VII-Supplementary District Regulations, by repealing and replacing Section 348-1381-Off-street Parking, and dealing with related matters.

Rick Vasquez, Planning and Redevelopment Director, briefly informed the Commission of the proposed ordinance noting that the amendment consisted of the establishment of new parking regulations as a comprehensive method to provide options to businesses when trying to meet parking capacity requirements.

Upon motion by Commissioner Jessica Tetreau seconded by Commissioner Ben Neece and carried unanimously, the public hearing closed.

Commissioner Ben Neece moved that Ordinance Number 2020-235.93, be adopted at first reading, to amend the Code of Ordinances, Chapter 348-Zoning, Article VII-Supplementary District Regulations, by repealing and replacing Section
348-1381-Off-street Parking, and dealing with related matters. The motion was seconded by Commissioner Joel Munguia and carried unanimously.

4. Public Hearing and ACTION on FIRST READING on Ordinance Number 2020-235.94, to amend the Code of Ordinances, Chapter 348-Zoning, Article IV-Use Districts, by adding Section 348-126.-Use District Exemptions to Division I-Generally; and by repealing Division 5-Professional Office Use District (1C), Division 6-Light Retail Use District (2C), Division 7-Medium Retail Use District (3C), Division 8-General Retail Use District (4C); and by repealing and replacing Division 9-Light Commercial Use District (5C) and Division 10-Medium Commercial Use District (6C) to create a newly established Division 9-Light Commercial District (C-1) and Division 10-Heavy Commercial District (C-2); and dealing with related matters.

Rick Vasquez, Planning and Redevelopment Director, gave a brief explanation of the proposed ordinance noting that the amendment consisted of the consolidation of existing Commercial Use Districts along with exempting these from requirements within Article V – Area Districts.

Upon motion by Commissioner Jessica Tetreau seconded by Commissioner Joel Munguia and carried unanimously, the public hearing closed.

Commissioner Jessica Tetreau moved that Ordinance Number 2020-235.94, be adopted on first reading, to amend the Code of Ordinances, Chapter 348-Zoning, Article IV-Use Districts, by adding Section 348-126.-Use District Exemptions to Division I-Generally; and by repealing Division 5-Professional Office Use District (1C), Division 6-Light Retail Use District (2C), Division 7-Medium Retail Use District (3C), Division 8-General Retail Use District (4C); and by repealing and replacing Division 9-Light Commercial Use District (5C) and Division 10-Medium Commercial Use District (6C) to create a newly established Division 9-Light Commercial District (C-1) and Division 10-Heavy Commercial District (C-2); and dealing with related matters. The motion was seconded by Commissioner Ben Neece and carried unanimously.

5. Public Hearing and ACTION regarding City towing rotation list application by Antonio Muraira db/a Rancho Towing pursuant to Chapter 110-63 of the City of Brownsville Code of Ordinances.

Police Commander James Paschall gave a brief explanation of the proposed ordinance.

Upon motion by Commissioner Joel Munguia seconded by Commissioner John F. Cowen and carried unanimously, the public hearing closed.
Commissioner Jessica Tetreau moved that City towing rotation list application by Antonio Muraira d/b/a Rancho Towing pursuant to Chapter 110-63 of the City of Brownsville Code of Ordinances, be approved. The motion was seconded by Commissioner Ben Neece and carried unanimously.

6. Public Hearing and ACTION regarding City towing rotation list application by Michael Trejo d/b/a Ace Towing & Recovery pursuant to Chapter 110-63 of the City of Brownsville Code of Ordinances.

Police Commander James Paschall 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 closed.

Commissioner Jessica Tetreau moved that the City towing rotation list application by Michael Trejo d/b/a Ace Towing & Recovery pursuant to Chapter 110-63 of the City of Brownsville Code of Ordinances, be approved. The motion was seconded by Commissioner Rose Gowen and carried unanimously.

ITEMS FOR INDIVIDUAL CONSIDERATION

7. Consideration and ACTION to approve Second Amended Declaration of Local State Disaster for Public Health Emergency.

Mayor Trey Mendez and Ms. Helen Ramirez, Deputy City Manager briefly informed the Commission that the Second Amended Declaration was to approve an extension to the March 17, 2020 Amendment with some significant changes being implemented. The changes were as follow:

- Restaurants offering only takeout or pick up
- Libraries, Bingo’s and School Campuses closed down, church services conducted via video or teleconferencing, city and general public events cancelled, facial masks being a requirement among other changes.

Brief discussion ensued amongst the Commission in regards to the facial covering requirement and school campuses closing regarding lunches being offered to students during the pandemic.

Commissioner Rose Gowen moved to approve Second Amendment Declaration with changes to include that 14-year-olds use facial covering as Centers for Disease Control and Prevention (CDC) recommends. The motion was seconded by Commissioner Jessica Tetreau and carried unanimously.
8. Consideration and ACTION to award a contract to Total Commitment Construction for Anacua Street and Naranjo Road Pavement, Sidewalk, Driveway and Drainage Improvement for the City of Brownsville, in the amount of $2,810,332.75, as budgeted in Fiscal Year 2020 Capital Improvement Plan (CIP).

Upon motion by Commissioner Jessica Tetreau seconded by Commissioner Ben Neece and carried unanimously, the agenda item was tabled.

9. Consideration and ACTION to award a contract for Traffic Signal Master Plan Services Phase 2 to Hanson Professional Services, in the amount of $165,300.00, as budgeted in Fiscal Year 2020 Capital Improvement Plan (CIP).

David Licon, Engineer gave a brief explanation of the proposed agenda item, noting that Phase two of the Traffic Signal Master Plan Services included updating the timing for International Boulevard, Boca Chica, Paredes Line Road and FM 802.

Commissioner Jessica Tetreau moved that a contract for Traffic Signal Master Plan Services-Phase 2, be awarded and approved, to Hanson Professional Services, in the amount of $165,300.00, as budgeted in Fiscal Year 2020 Capital Improvement Plan (CIP). The motion was seconded by Commissioner Rose Gowen and carried unanimously.

10. Consideration and ACTION to award BID #IRF-22-0419 to R.E. Friedrichs Co. for the Senior Center Renovation Project, in the amount of $510,000.00, based out of Pharr, Texas, as budgeted in Fiscal Year 2020 Capital Improvement Plan (CIP).

Damaris McGlone, Director of Parks & Recreation briefly informed the Commission on how the grant would be used for the completion of the Senior Center interior located on 6th and Madison Street, which would include a teaching kitchen for the public.

Commissioner Jessica Tetreau moved that BID #IRF-22-0419, be awarded and approved, to R.E. Friedrichs Co. for the Senior Center Renovation Project, in the amount of $510,000.00, based out of Pharr, Texas, as budgeted in Fiscal Year 2020 Capital Improvement Plan (CIP). The motion was seconded by Commissioner Ben Neece and carried unanimously.

11. Consideration and ACTION to approve the Brownsville Community Improvement Corporation’s Brownsville Cares Grant Program intended to assist businesses with grants that can be used to obtain a Small Business Administration (SBA) loan or interest payment reimbursements on emergency/bridge-loans.
Josh Mejia, BCIC Executive Director briefly informed the Commission that the goal was to assist businesses in accessing capital and help them operate at pre-COVID-19 levels.

Commissioner Ben Neece moved that the Brownsville Community Improvement Corporation’s Brownsville Cares Grant Program intended to assist businesses with grants that can be used to obtain a Small Business Administration (SBA) loan or interest payment reimbursements on emergency/bridge-loans, be approved. The motion was seconded by Commissioner Nurith Galonsky Pizana and carried unanimously.

EXECUTIVE SESSION

Commissioner Jessica Tetreau noted that for the record, she would not be participating in Executive Session “D”.

Upon motion by Commissioner Ben Neece, seconded by Commissioner Joel Munguia and carried unanimously, the Executive Session convened at 6:50 p.m. to discuss the following items:

A) Closed session pursuant to Section 551.072 of the Tex. Gov’t Code regarding the lease of real property if deliberation in an open meeting would have a detrimental effect on the position of the City of Brownsville in negotiations with a third person; and pursuant to Section 551.087 of the Tex. Gov’t Code to deliberate financial or other incentives to a business prospect the City seeks to have locate within the City, in relation to the lease of land and provision of financial incentives for Project Alpha.

B) Attorney consultation pursuant to Section 551.071, Texas Gov’t Code, to provide legal advice and counsel with respect to the City of Brownsville’s rights, duties, privileges and obligation under the Residential Solid Waste Services agreement with Republic Services and related legal issues (Legal)

C) 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.

D) Closed session pursuant to Section 551.087 of the Tex. Gov’t Code to deliberate financial or other incentives to a business prospect the City seeks to have locate within the City, in relation to the possible provision of financial incentives for Project Maple.

Upon conclusion of Executive Session, Mayor Trey Mendez III, convened the Regular meeting at 8:00 p.m. There was no action taken in Executive Session.
POSSIBLE ACTION ON ANY ITEM(S) AS DISCUSSED IN EXECUTIVE SESSION

C) Consideration and ACTION to approve the City Auditor Employment Agreement between the City of Brownsville and Patrick Zacchini.

Commissioner John F. Cowen moved that the City Auditor Employment Agreement between the City of Brownsville and Patrick Zacchini, be approved. The motion was seconded by Commissioner Ben Neece 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 4th day of August, 2020.

[Signature]
Trey Mendez
Mayor

Attest: [Signature]
Griselda Rosas
Interim City Secretary

Respectfully submitted by:
Jose A. Gonzalez, Reference Librarian
Office of the City Secretary