MINUTES of a Regular Meeting of the City Commission of the City of Brownsville, Texas, held on Tuesday, April 21, 2020, at 5:00 P.M., with the following members present via Webex Teleconference Meeting by logging on at: https://brownsville.webex.com/brownsville/j.php?MTID=ma2512928c1d611aea65821d4d53465c3 Meeting Number: 966 490 472

JUAN “TREY” MENDEZ III

Mayor

COMMISSIONERS

JOHN F. COWEN, JR.

At Large “A”

ROSE GOWEN

At-Large “B”

NURITH GALONSKY PIZANA

District 1

JESSICA TETREAU

District 2

JOEL MUNGUIA

District 3

BEN NEECE

District 4

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 17, 2020.

b) Invocation

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

PUBLIC COMMENT PERIOD

No one signed up for Public Comment.

WORK SESSIONS

A) COVID-19 Updates (Public Health Department)
Dr. Arturo Rodriguez, Public Health Department Director and Mrs. Michelle Jones, Epidemiologist briefly informed the Commission of the following:

- As of April 20, 2020, 1,258 tests were administered with 56% insured and 44% uninsured
- 72 people tested positive and 1,125 were negative with 117 results pending
- Strategies implemented are averaging about five cases per day and the majority of the cases fall under “linked to previous”.
- There were no deaths reported and the department was working towards “flattening the curve”.

Ms. Odee Leal, Emergency Management Administrator briefly updated the Commission that the Emergency Operation Center was currently operating virtually and pursuing the reimbursement of three (3) grants as follow:

- The Texas COVID-19 Pandemic (DR-4485) from FEMA Reimbursement Grant
- The Coronavirus Emergency Supplemental Funding Grant, which is open for cities and counties
- The assistance to Firefighters Grant Program, in which the City had already allocated $110,000

Ms. Leal further noted that the City would continue reaching out to the State or other grant opportunities as they become available.

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 Ben Neece seconded by Commissioner rose Gowen and carried unanimously, Consent Agenda Items were approved.


b) Approval of the Minutes of the Regular Meeting of February 04, 2020.

c) Consideration and ACTION on Resolution Number 2020-029 to endorse the use of public funds for incentives, educational initiatives, and promotional activities to increase community participation in the 2020 Census.

d) APPROVAL on SECOND and FINAL 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.

e) APPROVAL on SECOND and FINAL 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.

f) APPROVAL on SECOND and FINAL 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.

g) APPROVAL on SECOND and FINAL 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 1-General; 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.

ITEMS FOR INDIVIDUAL CONSIDERATION

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

   Ms. Helen Ramirez, Deputy City Manager briefly informed the Commission on the changes emphasized in the Third Amended Declaration, which included the parks to reopen while amenities remain closed, facial coverings required for all individuals over the age of five in public settings, bingo establishments and libraries to remain closed.

   Commissioner Jessica Tetreau moved that the Third Amended Declaration of Local State Disaster for Public Health Emergency, be approved. The motion was seconded by Commissioner Rose Gowen and carried unanimously.

2. Consideration and ACTION to award the Anacua Street and Naranjo Road Pavement, Sidewalk, Driveway and Drainage Improvement Project to the lowest responsible bidder Total Commitment Construction, in the amount of $2,810,332.75, as budgeted in the Fiscal Year 2020 Capital Improvement Plan (CIP), and authorize the Mayor to execute the construction contract.

   Donato Garcia, Assistant City Engineer briefly informed the Commission of the proposed agenda item noting that Total Commitment Construction (non-local bidder) presented the lowest bid.

   A brief discussion ensued amongst the Commission and after some concerns and deliberation from Commissioner Ben Neece; the bid was redirected to a local bidder G & T Paving who came within the 5% of the lowest bid.

   Commissioner Ben Neece moved that the Pavement, Sidewalk, Driveway and Drainage Improvement Project be awarded to G & T Paving. The motion was seconded by Nurith Galonsky Pizana and carried as follow:
Ayes: Commissioners Neece, Gowen, Cowen, Jr., Munguia, Galonsky Pizana and Mayor Mendez
Nays: Commissioner Tetreau

3. Consideration and ACTION to award an agreement for Professional Engineering and Surveying Services to Gonzalez Engineering and Surveying Incorporated for the Capital Improvement Project (CIP) Street Reconstruction in District 2, in the amount of $200,850, as budgeted.

Doroteo Garcia, Assistant City Engineer briefly explained the proposed agenda item.

Commissioner Jessica Tetreau moved that an agreement for Professional Engineering and Surveying Services, be approved and awarded to Gonzalez Engineering and Surveying Incorporated for the Capital Improvement Project (CIP) Street Reconstruction in District 2, in the amount of $200,850, as budgeted. The motion was seconded by Commissioner Rose Gowen and carried unanimously.


Mr. Lupe Granado, Finance Director introduced Mr. Quentin Anderson representative from Carr, Riggs & Ingram, LLC whom briefly informed the Commission of the concluded, based on the audit, that there was a reasonable basis for rendering an unmodified opinion that the City of Brownsville’s financial statements for the fiscal year ended September 30, 2019, were presented in conformity with general accepted accounting principles.

Commissioner Nurith Galonsky Pizana moved that the City’s Comprehensive Annual Financial Report (CAFR) for Fiscal Year ended September 30, 2019, be acknowledged. The motion was seconded by Commissioner John F. Cowen and carried unanimously.

5. Consideration and ACTION to acknowledge the Greater Brownsville Incentives Corporation (GBIC) Report regarding emergency assistance efforts provided to businesses in response to COVID-19.

Mr. Mario Lozoya, Greater Brownsville Incentives Corporation Executive Director briefly informed the Commission of several proposed activities including enrolling in a shared work program, COVID-19 PPE, Supply Chain Recovery and Community Loan Center of RGV. Mr. Lozoya noted that the proposed activities were mainly targeted at large corporations.

A brief discussion ensued amongst the Commission expressing concern that they would prefer to assist our local retail businesses. The Commission requested that Mr. Lozoya, provide a report to view how the GBIC resources would directly assist our local small businesses.

Commissioner Jessica Tetreau moved that the Greater Brownsville Incentives Corporation (GBIC) Report regarding emergency assistance efforts provided to businesses in response to COVID-19, be approved. The motion was seconded by Commissioner John Cowen, Jr., and carried as follow:
Ayes: Commissioners Tetreau, Cowen, Jr., Gowen, Munguia, Neece and Mayor Mendez
Nays: Commissioner Galonsky Pizana

6. Consideration and ACTION to authorize Resolution Number 2020-030 for the filing of the Fiscal Year 2020 Coronavirus Aid, Relief and Economic Security Act (CARES Act) grant application in the amount of $7,599,697 with the Federal Transit Administration (FTA), an Operating Administration of the United States Department of Transportation, for Federal Transportation Assistance Authorized by 49 USC Chapter 53, Title 23, United States Code.

Commissioner Ben Neece moved that Resolution Number 2020-030 for the filing of the Fiscal Year 2020 Coronavirus Aid, Relief and Economic Security Act (CARES Act) grant application in the amount of $7,599,697 with the Federal Transit Administration (FTA), an Operating Administration of the United States Department of Transportation, for Federal Transportation Assistance Authorized by 49 USC Chapter 53, Title 23, United States Code, be approved. The motion was seconded by Commissioner Nurith Galonsky Pizana and carried unanimously.

BOARD APPOINTMENT(S)

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

Commissioner Joel Munguia moved to appoint Roy De Los Santos Cuellar to the LGBTQ Task Force. The motion was seconded by Commissioner Jessica Tetreau and carried unanimously.

EXECUTIVE SESSION

Upon motion by Commissioner Jessica Tetreau, seconded by Commissioner Rose Gowen and carried unanimously, the Executive Session convened at 7:03 p.m. to discuss the following item:

A) Consultation with attorney to receive confidential legal advice pursuant to Section 551.071(2) of the Texas Government Code, in connection with the City’s rights, duties, privileges, and obligations related to the Brownsville Public Utilities Board under the City of Brownsville Charter Articles I, II, V and VI, 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 Trey Mendez convened the Regular meeting at 7:47 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.

No action taken.
ADJOURNMENT

There being no further business to come before the Commission, upon duly made motion the meeting adjourned at 7:49 p.m.

Approved this 4th day of August, 2020.

Trey Mendez
Mayor

Attest:

Griselda Rosas
Interim City Secretary

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

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