

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, June 04, 2019, at 4:45 P.M.** with the following members present:

| | |
|------------------------------|-------------------------------------|
| ROSE GOWEN | COMMISSIONERS |
| RICARDO LONGORIA, JR. | At-Large “B” |
| JESSICA TETREAU | District 1 |
| JOEL MUNGUIA | District 2 |
| BEN NEECE | District 3 |
| | District 4 |
| NOEL BERNAL | CITY MANAGER |
| HELEN RAMIREZ | DEPUTY CITY MANAGER |
| MICHAEL LOPEZ | ASSISTANT CITY MANAGER |
| ELIZABETH WALKER | ASSISTANT CITY MANAGER |
| RENE DE COSS | CITY ATTORNEY |
| GRISELDA ROSAS | CITY SECRETARY |
| ABSENT | CESAR DE LEON – At-Large “A” |
| | ANTONIO MARTINEZ - Mayor |

A quorum being present, Mayor Pro Tem Joel Munguia, asked Ms. Griselda Rosas, City Secretary, to read the call to consider the following matters as posted and filed for the record in The Office of the City Secretary on May 31, 2019.

INVOCATION:

The invocation was led by Commissioner Ricardo Longoria, Jr.

PLEDGE OF ALLEGIANCE: UNITED STATES PLEDGE * TEXAS PLEDGE

The Pledge of Allegiance and the Texas Pledge was led by Commissioner Ricardo Longoria, Jr.

EXECUTIVE SESSION:

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Rose Gowen and carried unanimously, the Executive Session convened at 4:45 p.m. to discuss the following items.

Commissioner Jessica Tetreau arrived during Executive Session.

- A) Discussion pursuant to Section §551.087(1)-(2) of the Texas Government Code to deliberate the offer of financial or other incentives to business prospect Project Candy that the City of Brownsville seeks to have locate, stay, or expand within the City and with which the City is conducting economic development negotiations.
- B) Discussion pursuant to Section §551.072 of the Texas Government Code to deliberate the purchase by the GBIC of certain real property adjacent to the GBIC Industrial Park located on FM 511.
- C) Attorney consultation pursuant to Section §551.071(2), of the Texas Government Code, to provide legal advice pertaining to the City's obligations to commission a fiscal audit involving the utilization of federal funds by the City for emergency medical services, including obligations to provide such information to other government entities.
- D) Discussion pursuant to Section §551.087, of the Texas Government Code, regarding Economic Development "Project Hotel" and the Hernandez Foundation.
- E) Attorney consultation pursuant to Section 551.071(1), Texas Gov't Code to receive legal advice and counsel in connection with the pending lawsuit styled and numbered Brownsville GMS, Ltd v. City of Brownsville, et. al., Cause no. 2019-DCL-02693 (445th Judicial District Court in Cameron County, Texas), and related legal matters.
- F) Attorney consultation pursuant to Section §551.071(2), of the Texas Government Code, to provide legal advice in connection with the City's civil service disciplinary process under Chapter 143, TLGC and the collective bargaining labor agreement between the City and the Fire Association.

Upon conclusion of Executive Session, Mayor Pro Tem Joel Munguia, convened Regular Meeting at 7:47 p.m.

Commissioner Jessica Tetreau stepped out and did not participate in any discussion during Executive Item E.

ACTION ON ITEM DISCUSSED IN EXECUTIVE SESSION:

- D) **Consideration and ACTION authorizing the City Manager to negotiate and execute a term sheet for a 380 Development Agreement regarding Project Hotel, between the City of Brownsville and the Hernandez Foundation, subject to legal review and final Commission approval.**

Ms. Helen Ramirez, Deputy City Manager, read the term sheet for a 380 Development Agreement regarding Project Hotel, between the City of Brownsville and the Hernandez Foundation.

Commissioner Jessica Tetreau moved that the authorization of the City Manager to negotiate and execute a term sheet for a 380 Development Agreement regarding Project Hotel, between the City of Brownsville and the Hernandez Foundation, be **approved**. The motion was seconded by Commissioner Rose Gowen and carried unanimously.

- E) **Consideration and appropriate ACTION, if any, authorizing the City's legal defense counsel in the lawsuit styled and numbered Brownsville GMS, Ltd v. City of Brownsville, et. al., Cause no. 2019-DCL-02693 (445th Judicial District Court in Cameron County, Texas) to initiate and perfect an appeal from the entry of the Court's temporary injunction order announced at the hearing held on May 30, 2019.**

Mr. Ric Navarro, City's Legal defense counsel, gave a brief explanation of the proposed agenda item.

Commissioner Ricardo Longoria, Jr. moved that the authorization of the City's legal defense counsel in the lawsuit styled and numbered Brownsville GMS, Ltd v. City of Brownsville, et. al., Cause no. 2019-DCL-02693 (445th Judicial District Court in Cameron County, Texas) to initiate and perfect an appeal from the entry of the Court's temporary injunction order announced at the hearing held on May 30, 2019, be **approved**. The motion was seconded by Commissioner Rose Gowen, and carried as follow:

Ayes: Mayor Pro Tem Joel Munguia, Commissioner Ricardo Longoria, Jr., Commissioner Rose Gowen, Commissioner Ben Neece.

Nays: None

Abstained: Commissioner Jessica Tetreau

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WORK SESSION: (Open to the Public)

- A) **Discussion on inquiry from third party to purchase City Hall property with partial lease back.**

Ms. Helen Ramirez, Deputy City Manager, gave a brief explanation of the letter received from a third party to purchase City Hall property with request of advice from the Commission on which direction to take with this matter.

A discussion ensued between the Commission and City Staff in regards to this matter.

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- 1. **PRESENTATION: Texas Monthly Live Update**
(City Manager's Office)

Ms. Courtney Spence, Of CSpence Group, gave a brief update about the Texas Monthly Live show that will be held on July 9, 2019 at the Texas Southmost College Performing Arts Center.

- 2. **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 Ricardo Longoria, Jr., seconded by Commissioner Rose Gowen and carried unanimously, Consent Agenda Items "a' through "l" were **approved**.

ITEMS No. "a" through "l"

- a) Approval of the Minutes of the Regular Meeting of July 01, 2015
- b) Approval of the Minutes of the Regular Meeting of May 07, 2019.
- c) Approval of the Minutes of the Regular Meeting of May 16, 2019.
- d) Approval of the Minutes of the Regular Meeting of May 21, 2019.
- e) To acknowledge the following individuals to incur travel expense:

| <u>Employee</u> | <u>Department</u> | <u>Destination</u> | <u>Date</u> |
|--------------------|-------------------|--------------------|------------------|
| Tracie A. Orcillez | BMetro | San Antonio, TX | June 19-21, 2019 |
| Tanya Lopez | Finance | Stafford, TX | June 11-13, 2019 |
| Marco A. Paniagua | Fire | Corpus Christi, TX | July 07-09, 2019 |

- f) Consideration and **ACTION** to approve and accept a Letter of Affiliation as the Agreement between City of Brownsville Public Health and UT Health to develop a program in which public health professional will be trained as Public Health Leaders and be eligible to take a Certified Public Health Examination of the National Board of Public Health Examiners.
- g) Consideration and **ACTION** on **Resolution Number 2019-039**, to approve a grant application to the Automobile Burglary and Theft Prevention Authority and to accept the terms and conditions of said grant.
- h) Consideration and **ACTION** to authorize the Brownsville Police Department to appoint Lt. Henry Etheridge to a two-year term on the Cameron County Emergency Communication District Board of Directors.
- i) Consideration and **ACTION** to approve \$25,000 from the Convention and Visitor's Bureau H.O.T. funds and \$25,000 from the Brownsville Beautification Committee funds to the Mitte Cultural District a 501(c)3 for the purchase and installation of way finding sign-age and beautification for the public and for tourists visiting the Mitte Cultural District and Brownsville, Texas.
- j) Consideration and **ACTION** to authorize the renewal of a term contract for the purchase & delivery of Reflective Sheeting for Traffic Control Signs, as budgeted.
- k) Consideration and **ACTION** to approve Additional Task Order 2018-2, Engineering Services for the City of Brownsville Municipal Solid Waste Landfill, as budgeted.
- l) Consideration and **ACTION** on **Resolution 2019-040-A** amending Resolution 2019-040 nominating VHS Brownsville Hospital Company, LLC to the Office of the Governor Economic Development and Tourism through the Economic Development Bank for designation as a qualified business and enterprise project under the Texas enterprise zone program under the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code.

PUBLIC HEARINGS:

- 3. **Public Hearing and ACTION on FIRST READING on Ordinance Number 2019-1655, amending the Code of Ordinances, Chapter 348-Zoning, by adding the new Article X. - Short Term Rentals, Sections 348-1550 through 348-1580; and dealing with related matters.**

Ms. Myrna Leal, Planner I, presented a short power point presentation of the proposed ordinance. A discussion ensued amongst the Commission and the city staff in regards to the agenda item.

Ms. Helen Ramirez, Deputy City Manager, stated that she will get a cost analysis conducted of the fees and cost recovery and will push the dates back on hosting the workshop.

Commissioner Ben Neece moved to table the Public Hearing and ACTION on FIRST READING on **Ordinance Number 2019-1655**, amending the Code of Ordinances, Chapter 348-Zoning, by adding the new Article X. - Short Term Rentals, Sections 348-1550 through 348-1580; and dealing with related matters. The motion was seconded by Commissioner Ricardo Longoria, Jr. and carried unanimously.

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4. PUBLIC COMMENT PERIOD: PLEASE NOTE:

No one signed up for Public Comment Period.

ITEMS FOR INDIVIDUAL CONSIDERATION:

- 5. Consideration and ACTION on Resolution Number 2019-043, suspending the June 5, 2019, effective date of AEP Texas Inc.'s requested rate change to permit the City time to study the request and to establish reasonable rates; approving cooperation with the Cities served by AEP Texas and authorizing intervention in AEP Texas Inc.'s requested rate change proceedings before the Commission by hiring Lloyd Gosselink Attorneys and Consulting Services to negotiate with the company and direct any necessary litigation and appeals.**

Ms. Elizabeth Walker, Assistant City Manager, introduced Mr. Hillcock, Representative of AEP Texas Inc., and gave a brief explanation and power point presentation of the proposed resolution.

Commissioner Ben Neece moved that Resolution Number 2019-043, suspending the June 5, 2019, effective date of AEP Texas Inc.'s requested rate change to permit the City time to study the request and to establish reasonable rates; approving cooperation with the Cities served by AEP Texas and authorizing intervention in AEP Texas Inc.'s requested rate change proceedings before the Commission by hiring Lloyd Gosselink Attorneys and Consulting Services to negotiate with the company and direct any necessary litigation and appeals, be **approved**. The motion was seconded by Commissioner Rose Gowen and carried unanimously.

- 6. Consideration and ACTION authorizing the City Manager to negotiate and execute a 380 Economic Development Agreement between the City of Brownsville and Maximus.**

Ms. Helen Ramirez, Deputy City Manager, gave a brief explanation of the proposed agenda item.

Commissioner Ricardo Longoria, Jr. moved that the authorization of the City Manager to negotiate and execute a 380 Economic Development Agreement between the City of Brownsville and Maximus, be **approved**. The motion was seconded by Commissioner Ben Neece and carried unanimously.

7. **Consideration and ACTION on Resolution Number 2019-042, to approve one (1) meeting in July.**

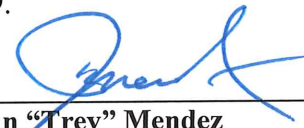
Ms. Griselda Rosas, City Secretary, gave a brief explanation of the proposed resolution.

Commissioner Rose Gowen moved that **Resolution Number 2019-042**, to approve one (1) meeting in July, be **approved**. The motion was seconded by Commissioner Ricardo Longoria, Jr. and carried unanimously.

ADJOURNMENT:

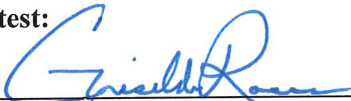
There being no further business to come before the Commission, upon duly made motion the meeting adjourned at 8:38 p.m.

Approved this 2nd day of July, 2019.



Juan "Trey" Mendez
Mayor

Attest:



Griselda Rosas
City Secretary

*Respectfully submitted by:
Sonya Nieto Gutierrez, Fiscal Clerk
Office of the City Secretary*