MINUTES of a Regular Meeting of the City Commission of the City of Brownsville, Texas, held on Tuesday, August 04, 2020, at 5:00 P.M., with the following members present via Zoom Teleconference Meeting by logging on at: https://us02web.zoom.us/j/88208976875?pwd=MndUcGlHD0F4a2d4L3IrOFV4Vi9Rdz09

TREY MENDEZ

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

NOEL BERNAL
HELEN RAMIREZ
ELIZABETH WALKER
BRYANT WALKER
RENE DE COSS
GRISELDA ROSAS
ABSENT

Mayor

COMMISSIONERS
At Large “A”
At-Large “B”
District 1
District 2
District 4

CITY MANAGER

DEPUTY CITY MANAGER
ASSISTANT CITY MANAGER
ASSISTANT CITY MANAGER
CITY ATTORNEY
INTERIM CITY SECRETARY
JOEL MUNGUA – District 3

a) ROLL CALL

A quorum being present, 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 July 31, 2020.

CALL TO ORDER

b) INVOCATION

Pastor Brad Burkes delivered the invocation.

PUBLIC COMMENT PERIOD:

No one signed up for Public Comment Period.
1) Hurricane Hanna Report.

Doroteo Garcia, Assistant City Engineer briefly updated the Commission in regards to Hurricane Hanna, noting the pre-storm preparations, flood-prone areas, Resaca and ditch performance, status on the pump stations, the aftermath of a tornado, the river water level, and the amount of staff working to prepare for the hurricane.

Brief discussion ensued amongst the Commission.

2) Presentation on proposed Fiscal Year 2021 budget.

Lupe Granado, Financial Services Director, gave a brief presentation in regards to the property taxes noting the new terminology under Senate Bill 2, the rate that would provide about the same amount of revenue on properties taxed in both years and the maximum rate allowed without voter approval.

Helen Ramirez, Deputy City Manager gave a brief update regarding the Hotel/Motel Occupancy Tax FY2020 and Convention & Tourism Fund.

Bryan Walker, Assistant City Manager gave a brief presentation regarding the End of the Year performance and background, recommendations of medical plan C, retiree rates, dental plan and additional cost savings measures.

Elizabeth Walker, Assistant City Manager gave a brief presentation regarding the FY2021 Renew/Reimagine Personnel Re-Assignments, Service Level Enhancements, noting the increase investment in asset management of city facilities and fleet; initiating Downtown Beautification Program; support Planning & Redevelopment call volume; Records Management Compliance; and Public Health Epidemiology Division. Ms. Walker further noted the closing of the Brownsville Event Center would be Economic Development/ Redevelopment and the Ringgold Civic Pavilion would double size the Children’s Museum, in return on investments.

Brief discussion ensued amongst the Commission with City staff regarding the proposed Fiscal Year 2021 budget.

3) Discussion regarding the City of Brownsville response to the urgent public necessity concerning COVID-19, otherwise known as Coronavirus, including but not limited to:

a. Continuity Plan Update: City staffing, facilities and services, including actions and continuity of such operations:

b. Financial Update: Emergency Procurement; and
c. Drive-thru collections/testing site update

Noel Bernal, City Manager, briefly updated the Commission noting that a press release was sent out to inform the passing of the first city employee due to COVID-19; he also mentioned that the City continues to implement all possible safety measures to ensure the safety of the employees; and teleworking is one of the strategies that have been used since March to try to minimize the amount of contact employees have with their peers and with the public at work,
in which there are still 16% of the employees teleworking and has slightly increased. Mr. Bernal further noted that a second Town Hall meeting was held for the City employees to answer any of their questions, and will continue to hold Town Hall meetings to inform our employees of any updates and continue to follow the Center for Disease Control and Prevention (CDC) guidelines.

Lupe Granado, Finance Director briefly updated the Commission on the COVID-19 finances; total expenses to date is $7,452,779 with the majority spent on personnel overtime; with focus on the Police and Fire. Emergency Procurement comes in second with the majority spent on supplies, lease, other costs and drive-thru testing sites. Mr. Granado also provided a brief update of the CARES Act-Coronavirus Relief Fund Reimbursement Expenses.

Helen Ramirez, Deputy City Manager briefly informed and explained to the Commission of the Reimbursement strategy that the City is currently working on for the Organizational needs, Community needs and Business needs.

Dr. Arturo Rodriguez, Director of Public Health and Ms. Michelle Jones, Epidemiologist briefly updated the Commission on the COVID-19 report from April 1, 2020 to July 31, 2020 of business that were in compliance. Dr. Rodriguez along with Ms. Jones also provided the daily case and death count between March –August, 2020, and the deaths by age categories.

4) Presentation on International Boundary Water Commission (IBWC) Updates.

Ramiro Gonzalez, Director of Government and Community Affairs, gave a brief presentation regarding the International Boundary & Water Commission (IBWC) of the Construction in the Rio Grande Floodway or South of the IBWC Levee (Amigoland area and Riverfront Development) and requirement for Hydraulic Modeling before any additional construction was allowed.

Brief discussion ensued amongst the Commission.

CONSENT AGENDA ITEMS:

The following are considered to be routine by the City Commission and will be approved by one motion.

Upon motion by Commissioner Nurith Galonsky Pizana, seconded by Commissioner Rose Gowen and carried unanimously, Consent Agenda Items were approved as presented.

1) Approval of the Minutes of the following meetings of the Brownsville City Commission:

a) Minutes of April 1, 2020
b) Minutes of April 7, 2020
c) Minutes of April 14, 2020
d) Minutes of April 21, 2020
e) Minutes of April 28, 2020

2) Consideration and ACTION on Resolution 2020-070 to repeal and replace Resolution 2020-039 for the FY 2021 Motor Vehicle Crime Prevention Authority (MVCPA) and accept the terms and conditions of said grant for the City of Brownsville Police Department.
3) Consideration and **ACTION** to extend the existing CyberSecurity software support contract for a one-year term effective August 20, 2020 - August 19, 2021, with Netsync Network Solutions of Houston, Texas.

4) Consideration and **ACTION** for the authorization for Fire Truck Operator Jose J. Ramirez to attend the Fuel Spill Burn (FSB) Handline Fire on August 10 - 11, 2020, in Dallas, Texas.

5) Consideration and **ACTION** to award a renewal term contract for Geotechnical and Construction Material Testing Services for the City of Brownsville Street and Drainage Improvements and Miscellaneous City Projects, QGC-26-0717, including Intertek-PSI, Raba Kistner, Millennium Engineers Group, and Terracon Consultants, Inc.

6) Consideration and **ACTION** to award a renewal term contract for the purchase and delivery of Concrete Materials for the City of Brownsville, BID #PDC-50-0718, including Magic Valley Concrete, LLC and G&T Paving, LLC.

7) Consideration and **ACTION** to approve Resolution Number 2020-042, amending Resolution Number 2017-030, and authorizing the execution of an Advance Funding Agreement (AFA) between the City of Brownsville and the Texas Department of Transportation (TxDOT) regarding the Southmost Nature Trail Phase II Project, Manzana Street to La Posada Drive.

8) Consideration and **ACTION** to authorize three (3) billboard agreements in the amount of $59,181, with Lamar Advertising Company, LAC-58-0820.

9) Consideration and **ACTION** to approve Resolution Number 2020-075 requesting that the Texas Department of Transportation (TxDOT) continue to include the East Loop Project in the 2021 Unified Transportation Program (UTP), fully funding it for construction and add it to the State Highway System.

10) Consideration and **ACTION** to approve an Interlocal Agreement between the City of Brownsville and Cameron County Emergency Communications District for the temporary use of laptops to be utilized as Mobile Workstation Command Posts.

11) **APPROVAL** on SECOND and **FINAL READING** on **Ordinance Number 235-2020-007**, to amend the Zoning Map from Dwelling “Z” (DZ) to Light Commercial (C-1) for Lots 14 and 15, Block 103, Olmito Original Townsite, Cameron County, Texas, located at 7475 South Frontage Road, Brownsville, Texas 78575, as shown in Exhibit "A". (District 3)

12) **APPROVAL** on SECOND and **FINAL READING** on **Ordinance Number 235-2020-009**, to amend the Zoning Map from Dwelling “A” (DA) to Dwelling “G” (DG) a 0.17 acre Tract out of the Northwest corner of a certain 0.73 acre tract of the “Map of Subdivision of West part of Acreage Blocks Numbers 3 and 8, in the City of Brownsville, Texas”, located at 624 Browne Street, Brownsville, Texas 78520, as shown in Exhibit "A". (District 4)

13) **APPROVAL** on SECOND and **FINAL READING** on **Ordinance Number 235-2020-013**, to amend Zoning Map from Dwelling “G” (DG)/ Light Commercial (C-1) to Apartment (A) for 3.851 acres of land, more or less, comprised of all of Lot 5 and a portion of Lot 6, Block FF, Brownsville Land and Improvement Company Subdivision, Cameron County, Texas, located on Media Luna Road, Brownsville, Texas 78520, as shown in Exhibit "A". (District 3)
14) APPROVAL on SECOND and FINAL READING on Ordinance Number 235-2020-014, to amend the Zoning Map from Dwelling “A” (DA) to Dwelling “G” (DG) for Lot 23, Block 1, Colonia Acacia Subdivision, Cameron County, Texas, located at 3135 Palo Blanco Street, Brownsville, Texas 78521, as shown in Exhibit "A". (District 1) (Planning & Redevelopment Department)

15) APPROVAL on SECOND and FINAL READING on Ordinance Number 235-2020-015, to amend the Zoning Map from Dwelling “G” (DG) to Light Commercial (C-1) for Lot 26, Palmas Del Sur Subdivision, Cameron County, Texas, located at 15 Esperanza Road, Brownsville, Texas 78521, as shown in Exhibit "A". (District 1)

16) APPROVAL on SECOND and FINAL READING on Ordinance Number 235-2020-016-S, to amend the Zoning Map for a Specific Use Permit zoning to allow an event center in Light Commercial (C-1) for 1.18 acres, more or less, out of Blocks 29 and 29A, Los Ebanos Properties Subdivision, Cameron County, Texas, located at 813 Paredes Line Road, Brownsville, Texas 78521, as shown in Exhibit "A". (District 3)

17) APPROVAL on SECOND and FINAL READING on Ordinance Number 235-2020-017, to amend the Zoning Map from Dwelling “A” (DA) to Dwelling “G” (DG) for Lots 39 & 41, Bayes Circle Homesites Subdivision, Cameron County, Texas, located at 48 Soto Drive, Brownsville, Texas 78520, as shown in Exhibit "A". (District 4)

18) APPROVAL on SECOND and FINAL READING on Ordinance Number 235-2020-093, to amend the Zoning Map from Dwelling “Z” (DZ) to Light Industrial “J” (7CJ) for an approximate 309.12 acres, more or less, out of a 477 acre tract out of Lieven J. Van Riet acre tract; save and except, a 24.493 acre tract more or less out of the same Lieven J. Van Riet Tract, Cameron County, Texas, located near F.M. 511, Brownsville, Texas 78526, as shown in Exhibit "A". (District 3)

PUBLIC HEARINGS:

1) Public Hearing and ACTION on FIRST READING on Ordinance Number 2020-1669, approving a negotiated resolution between the City of Brownsville and Texas Gas Service (“TGS” or “The Company”) regarding the Company’s April 30, 2020, Cost of Service Adjustment (“COSA”) filing declaring existing rates to be unreasonable; adopting new tariffs that reflect rate adjustment consistent with the negotiated settlement and finding the rates to be set by the attached tariffs to be just and reasonable; providing for the recovery of the City’s and TGS’ reasonable and necessary rate case expenses; adopting a savings clause; determining that this ordinance was passed in accordance with the requirements of the Texas Open meetings Act; declaring an effective date; repealing any prior ordinances inconsistent with this ordinance and requiring delivery of this ordinance to the Company’s and the City’s Legal Counsel.

Elizabeth Walker, Assistant City Manager briefly informed the Commission that on April 30, 2020, Texas Gas Service Company (“TGS” or “Company”) filed for a rate increase pursuant to the Cost of Service Adjustment (“COSA”) tariff adopted by the Rio Grande Valley Service Area Cities. The COSA is an annual expedited limited review rate increase. TGS claimed an entitlement to rate relief under the tariff, in the amount of $1,924,585, on a system-wide basis. Ms. Walker further noted that cities across this service area formed a coalition to review the TGS filing and
through attorney Thomas Brocato and consultant Karl Nalepa to negotiate a settlement. The coalition agreed to recommend a settlement of $1,893,252 on a system-wide basis.

Upon motion by Commissioner Rose Gowen seconded by Commissioner John Cowen, Jr., and carried unanimously, the public hearing was closed.

Commissioner Rose Gowen moved that Ordinance Number 2020-1669, be adopted at first reading, approving a negotiated resolution between the City of Brownsville and Texas Gas Service ("TGS" or "The Company") regarding the Company’s April 30, 2020, Cost of Service Adjustment ("COSA") filing declaring existing rates to be unreasonable; adopting new tariffs that reflect rate adjustment consistent with the negotiated settlement and finding the rates to be set by the attached tariffs to be just and reasonable; providing for the recovery of the City’s and TGS’ reasonable and necessary rate case expenses; adopting a savings clause; determining that this ordinance was passed in accordance with the requirements of the Texas Open meetings Act; declaring an effective date; repealing any prior ordinances inconsistent with this ordinance and requiring delivery of this ordinance to the Company’s and the City’s Legal Counsel. The motion was seconded by Commissioner John Cowen, Jr., and carried unanimously.

ITEMS FOR INDIVIDUAL CONSIDERATION:

1) Consideration and ACTION to approve a Memorandum of Understanding between the Housing Authority and the City of Brownsville regarding a joint application for a Choice Neighborhoods Planning Grant.

Marina Zolezzi, Assistant to the City Manager, introduced Carla Mancha, Housing Authority Executive Director and Luis Eduardo Garduno, Housing Authority Chairman, whom noted that the Housing Authority of the City of Brownsville (HACB) and the City will cooperate for the purposes of applying for 2020 Choice Neighborhoods Planning Grant funds and undertaking or assisting in undertaking eligible activities identified in the application for Planning Grant funds, including the development of a comprehensive Neighborhood Transformation Plan for the Victoria Gardens public housing property and the larger surrounding neighborhood planning area. Eligible Planning Activities will include, but not limited to: completion of comprehensive needs assessments related to housing, people and neighborhood; technical planning studies; involvement of stakeholders including public housing residents, neighborhood residents, public and private organizations, business, neighborhood associations and other relevant stakeholders; planning for the collection and strategic use of relevant data; and strengthening the management and decision-making capacity of participating organizations.

Commissioner Nurith Galonsky Pizana moved that a Memorandum of Understanding between the Housing Authority and the City of Brownsville
regarding a joint application for a Choice Neighborhoods Planning Grant, be approved. The motion was seconded by Commissioner Rose Gowen and carried unanimously.

2) Consideration and ACTION on the Tenth Amended Declaration of Local Disaster for Public Health Emergency.

Helen Ramirez, Deputy City Manager read the recommended changes to the Tenth Amended Declaration of Local State Disaster for Public Health Emergency.

Brief discussion ensued amongst the Commission.

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

3) Consideration and ACTION to approve Resolution 2020-069, a request by the Brownsville Community Improvement Corporation (BCIC) authorizing the waiver of Fee-In-Lieu of Park Land dedication assessment in the amount of $2,866, as required by Chapter 322 of the Subdivision Ordinance.

Commissioner Ben Neece moved that Resolution 2020-069, a request by the Brownsville Community Improvement Corporation (BCIC) authorizing the waiver of Fee-In-Lieu of Park Land dedication assessment in the amount of $2,866, as required by Chapter 322 of the Subdivision Ordinance, be approved. The motion was seconded by Commissioner Nurith Galonsky Pizana and carried unanimously.

4) Consideration and ACTION to approve the designation of U.S Department of Housing and Urban Development (HUD) Community Development Block Grant and Emergency Solutions Grant CARES ACT funding for Round 1.

Marina Zolezzi, Assistant to the City Manager briefly informed the Commission that Congress had passed the Coronavirus Aid, Relief, and Economic Security Act (H.R. 748), in which the City of Brownsville would be receiving $1,597,695 in Community Development Block Grant-Coronavirus (CDBG-CV) in funding and $819,241 in Emergency Solutions Grant (ESG-CV) Round 1 funding. Ms. Zolezzi also informed that ESG-CV funds allocated under the CARES Act are to be used to prevent, prepare for, and respond to the coronavirus pandemic, COVID-19, benefiting unsheltered homeless, sheltered homeless, and those at risk of homelessness. The CDBG-CV funds allocated under the CARES Act are to be used for eligible activities to prevent, prepare for, and respond to COVID-19 and the proposed activities must meet one of the three National Objectives as required by CDBG regulations:

- Benefit low-and-moderate income persons;
- Aid in the prevention or elimination of slums or blight; and
- Meet a need having a particular urgency

Brief discussion ensued amongst the Commission regarding the approved funding for CDBG-CV and ESG-CV and the proposed program/activities.
Commissioner Nurith Galonsky Pizana moved that the designation of US Department of Housing and Urban Development (HUD) Community Development Block Grant and Emergency Solutions Grant CARES ACT funding for Round 1 be approved as proposed with the exception that the $62,000 allocation designated to the Food Bank of RGV be awarded to the Brownsville Wellness Coalition (BWC) in addition to the $62,000 BWC had already been allotted, be approved. The motion was seconded by Commissioner Ben Neece and carried unanimously.

At this time, Mayor Trey Mendez left the meeting at 7:34 p.m. and did not vote on Agenda Item #4.

Mayor Pro Tem Rose Gowen continued with the regular meeting.

5) Consideration and ACTION to acknowledge the Cameron Appraisal District Chief Appraiser's Certification of the City of Brownsville's 2020 tax roll.

Lupe Granado, Financial Services Director gave a brief presentation regarding the property tax rate analysis.

Brief discussion ensued amongst the Commission.

Commissioner Nurith Galonsky Pizana moved that the Cameron Appraisal District Chief Appraiser's Certification of the City of Brownsville's 2020 tax, be acknowledged. The motion was seconded by Commissioner Ben Neece and carried unanimously.

6) Consideration and ACTION to acknowledge the Finance Director's Certification of the estimated ad valorem tax debt collection rate for tax year 2020, and the excess debt tax collections for tax year 2019.

Commissioner Ben Neece moved that the Finance Director's Certification of the estimated ad valorem tax debt collection rate for tax year 2020, and the excess debt tax collections for tax year 2019, be acknowledged. The motion was seconded by Commissioner Nurith Galonsky Pizana and carried unanimously.

7) Consideration and ACTION to acknowledge the Finance Director's calculation of the City's No-New-Revenue and Voter-Approval tax rates for tax year 2020 or fiscal year 2021.

Commissioner Nurith Galonsky Pizana moved that the Finance Director's calculation of the City's No-New-Revenue and Voter-Approval tax rates for tax year 2020 or fiscal year 2021, be acknowledged. The motion was seconded by Commissioner John Cowen, Jr., and carried unanimously.

8) Consideration and ACTION to discuss a possible ad valorem tax rate increase and to authorize a public hearing on August 18, 2020, to discuss the proposed ad valorem tax rate that will exceed the No-New-Revenue tax rate.

Commissioner Nurith Galonsky Pizana moved that the discussion of a possible ad valorem tax rate increase and to authorize a public hearing on August 18, 2020, to discuss the proposed ad valorem tax rate that will exceed the No-New-Revenue tax rate, be approved. The motion was seconded by
9) **Consideration and ACTION on Resolution Number 2020-073, to authorize a waiver of penalty fees and interest fees of Hotel Occupancy Tax Collection for Livermore Hospitality LLC., DBA Homewood Suites between November 2019 and February 2020.**

Ms. Monica Tellam, Communications Manager briefly informed that a request had been received from Livermore Hospitality, LLC., DBA Homewood Suites requesting a late fee and interest fee waiver, in the amount of $2,589.23, for November 1, 2019 to February 29, 2020, due to the impact of COVID-19 the tourism industry has had.

Brief discussion ensued amongst the Commission.

Commissioner Nurith Galonsky Pizana moved to that City staff contact Livermore Hospitality, LLC., DBA Homewood Suites and work a payment plan without waiving the penalty fees and interest fees of Hel Occupancy Tax Collection. The motion was seconded by Commissioner Jessica Tetreau and carried unanimously.

10) **Consideration and ACTION to award term contracts for On Call Term Contracts for Signage and Marquee Installation for the City of Brownsville with Signs and More, LLC., Global Quest Services, and Sign Solutions. (RFP #SNM – 46-0820)**

Felipe Romero, Communications and Marketing Director, gave a brief explanation noting that due to the increased need for printing and signage in response to COVID-19.

Brief discussion ensued amongst the Commission.

Commissioner Ben Neece moved that term contracts, be awarded, for On Call Term Contracts for Signage and Marquee Installation for the City of Brownsville with Signs and More, LLC., Global Quest Services, and Sign Solutions. (RFP #SNM – 46-0820), for COVID-19 related signs. The motion was seconded by Commissioner John Cowen, Jr., and carried unanimously.

11) **Consideration and ACTION to approve a Special Joint Public City Commission Meeting with the Brownsville Public Utilities Board (BPUB) members on Tuesday, August 11, 2020, at 5 p.m.**

Commissioner Ben Neece moved that a Special Joint Public City Commission Meeting with the Brownsville Public Utilities Board (BPUB) members on Tuesday, August 11, 2020, at 5 p.m., be approved. The motion was seconded by Commissioner Nurith Galonsky Pizana and carried unanimously.

12) **Consideration and ACTION to award contract to Ambiotec Engineering for HEC-RAS Modeling of the Rio Grande River and Amigoland area in the amount of $187,000.**

Commissioner Ben Neece moved that the contract be awarded to Ambiotec Engineering for HEC-RAS Modeling of the Rio Grande River and Amigoland
area in the amount of $287,000. The motion was seconded by Commissioner Jessica Tetreau and carried unanimously.

Commissioner Nurith Galonsky Pizana left the meeting at 8:03 p.m. and did not vote on Agenda Item #12.

BOARD APPOINTMENT(S):

1) Consideration and ACTION on Resolution Number 2020-074, to appoint or reappoint members to the Building and Standards Commission.

Commissioner Jessica Tetreau moved to appoint Jose Trevino to the Building and Standards Commission. The motion was seconded by Commissioner John Cowen, Jr., and carried unanimously.

ADJOURNMENT

There being no further business to come before the Commission, upon duly made motion the meeting adjourned at 8:10 p.m.

Approved this 6th day of October, 2020.

[Signature]
Trey Mendez
Mayor

Attest:

[Signature]
Griselda Rosas
Interim City Secretary

Respectfully submitted by:
Yolanda Galarza-Administrative Supervisor
Office of the City Secretary