

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, August 07, 2018**, at **6:00 P.M.** with the following members present:

- |                              |   |   |
|------------------------------|---|---|
| <b>ANTONIO MARTINEZ</b>      | ) | <b>Mayor</b>  |
|                              |   | <b>COMMISSIONERS</b>  |
| <b>CESAR DE LEON</b>         | ) | <b>At-Large “A”</b>   |
| <b>ROSE GOWEN</b>            | ) | <b>At-Large “B”</b>   |
| <b>RICARDO LONGORIA, JR.</b> | ) | <b>District 1</b>   |
| <b>JESSICA TETREAU</b>       | ) | <b>District 2</b>   |
| <b>JOEL MUNGUIA</b>          | ) | <b>District 3</b>   |
| <b>BEN NEECE</b>             | ) | <b>District 4</b>   |
| <b>MICHAEL L. LOPEZ</b>      |   | <b>INTERIM CITY MANAGER</b>   |
| <b>PETE GONZALEZ</b>         |   | <b>DEPUTY CITY MANAGER</b>  |
| <b>ARTURO RODRIGUEZ</b>      |   | <b>ASSISTANT CITY MANAGER</b>   |
| <b>HEATHER SCOTT</b>         |   | <b>GUERRA, LEEDS, SABO &amp; HERNANDEZ,<br/>P.L.L.C.<br/>LEGAL SERVICES</b> |
| <b>GRISELDA ROSAS</b>        |   | <b>CITY SECRETARY</b>   |
| <b>ABSENT:</b>               |   | <b>NONE</b>   |

A quorum being present, Mayor Antonio Martinez, 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 August 03, 2018.

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**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.

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**1. *MAYOR’S ACTIVITY UPDATE:***

*Mayor Antonio Martinez* congratulated the Brownsville Housing Authority for the \$20 million award that was given from the State of Texas.

2. **COMMISSIONERS' ACTIVITY UPDATE:**

*Commissioner Ben Neece* congratulated Police Chief Orlando Rodriguez for his retirement.

3. **CITY MANAGER'S UPDATE:**

*Mr. Michael L. Lopez*, Interim City Manager, briefly updated the Commission that the Tiger Grant was in the final drafting stages and an agreement should be signed by September 30, 2018; he further informed the Commission that the BikeShare Agreement would be ending on August 29, 2018, and the bikes would be removed from all the areas and would provide a summary of the outcome at a later date; and he announced that FEMA and the Cameron County were hosting a Flood Risk open house at the Event Center.

4. **PROCLAMATION:** *Mr. Jay Medina*  
(Commissioners J. Munguia/R. Longoria, Jr.)

The proclamation was presented and read by Commissioner Joel Munguia.

5. **PRESENTATIONS:** *Employee of the Month*  
(Brownsville/SPI International Airport Department)

Mr. Bryant Walker, Airport Director, recognized *Ms. Norma Garcia, Equipment Operator II*, as August's Employee of the Month.

6. **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 "a" and "b" were **approved**.

**ITEMS No. "a" and "b"**

a) To acknowledge the following individuals to incur travel expense:

<u>Employee</u>	<u>Department</u>	<u>Destination</u>	<u>Date</u>
Norma H. Zamora	BMetro	Fort Worth, TX	Aug. 15-17, 2018
William Dietrich	Police	Huntsville, AL	Aug. 19-23, 2018
Eric Castillo	Police	Florence, TX	Aug. 21-23, 2018
John B. Puckett, IV	Police	Florence, TX	Aug. 21-23, 2018
Alberto G. Buitureida	Police	Irving, TX	Aug. 26-29, 2018
Gilbert Uviedo	Police	Irving, TX	Aug. 26-29, 2018

b) **APPROVAL** on **SECOND** and **FINAL READING** to repeal **Ordinance Number 2018-911-H**.

Commissioner Ricardo Longoria, Jr., arrived at 6:09 p.m.

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**PUBLIC HEARINGS:**

**7. Public Hearing and ACTION on FIRST READING on Ordinance Number 2018-1033-A, amending Chapter 14, Article II, Section 14-57, “Ex-Officio Members”.**

Mr. Bryant Walker, Airport Director, gave a brief explanation of the proposed ordinance.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Rose Gowen and carried unanimously, the public hearing was **closed**.

Commissioner Rose Gowen moved that Ordinance Number 2018-1033-A, be **adopted** at first reading, amending Chapter 14, Article II, Section 14-57, “Ex-Officio Members”. The motion was seconded by Commissioner Ben Neece and carried unanimously.

Commissioner Jessica Tetreau arrived at 6:20 p.m.

**8. Public Hearing and ACTION on Resolution Number 2018-037, authorizing the filing of Fiscal Year 2018 Section 5307 and Section 5339 applications with the Federal Transit Administration, 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.**

Ms. Sarah D. Dziubanek, Grant and Public Outreach Manager, gave a brief explanation of the resolution.

Upon motion by Commissioner Cesar de Leon seconded by Commissioner Ricardo Longoria, Jr., and carried unanimously, the public hearing was **closed**.

Commissioner Rose Gowen moved that Resolution Number 2018-037, authorizing the filing of Fiscal Year 2018 Section 5307 and Section 5339 applications with the Federal Transit Administration, 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 Joel Munguia and carried unanimously.

**9. Public Hearing on Resolution Number 2018-038, certifying that notice has been provided by Community Development Corporation of Brownsville; expressing no objection to the proposed application for Casitas Palo Alto; and authorizing such other actions necessary or convenient to carry out this resolution.**

Ms. Ana Hernandez, Assistant Planning Director, gave a brief explanation of the resolution.

Upon motion by Commissioner Rose Gowen seconded by Commissioner Joel Munguia and carried unanimously, the public hearing was **closed**.

Commissioner Ben Neece moved that Resolution Number 2018-038, certifying that notice has been provided by Community Development Corporation of Brownsville; expressing no objection to the proposed application for Casitas Palo Alto; and authorizing such other actions necessary or convenient to carry out this resolution, be **approved**. The motion was seconded by Commissioner Rose Gowen and carried unanimously.

**10. Public Hearing and ACTION on FIRST READING on Ordinance Number 235-2018-028, to rezone from Dwelling “Z” (DZ) to Dwelling “G” (DG) for a 143.5 acre Tract of Land, more or less, out of a portion of Lots 42, 43, 44, 51, 52, 53, 54, 55, 61, 62, 63, 64, and 65, Palo Alto Groves Subdivision No. 1, in Share 22 of the Espiritu Santo Grant, located near Old Alice Road. (District 3)**

Ms. Francesca Linder, Zoning and Subdivision Administrator, gave a brief explanation of the proposed rezoning ordinance.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Joel Munguia and carried unanimously, the public hearing was **closed**.

Commissioner Ricardo Longoria, Jr., moved that Ordinance Number 235-2018-028, be **adopted** at first reading, to rezone from Dwelling “Z” (DZ) to Dwelling “G” (DG) for a 143.5 acre Tract of Land, more or less, out of a portion of Lots 42, 43, 44, 51, 52, 53, 54, 55, 61, 62, 63, 64, and 65, Palo Alto Groves Subdivision No. 1, in Share 22 of the Espiritu Santo Grant, located near Old Alice Road. (District 3) The motion was seconded by Commissioner Rose Gowen and carried unanimously.

**11. Public Hearing and ACTION on FIRST READING on Ordinance Number 235-2018-027, to rezone from Dwelling “A” (DA) to Dwelling “G” (DG) for Lot 4, Block 70, West Brownsville Addition, located at 1735 West Adams Street. (District 4)**

Ms. Francesca Linder, Zoning and Subdivision Administrator, gave a brief explanation of the proposed rezoning ordinance.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Rose Gowen and carried unanimously, the public hearing was **closed**.

Commissioner Ricardo Longoria, Jr., move that Ordinance Number 235-2018-027, be **adopted** at first reading, to rezone from Dwelling “A” (DA) to Dwelling “G” (DG) for Lot 4, Block 70, West Brownsville Addition, located at 1735 West Adams Street. (District 4) The motion was seconded by Commissioner Joel Munguia and carried unanimously.

**12. Public Hearing and ACTION on FIRST READING on Ordinance Number 235-2018-030-S, to allow a wireless communication facility, a General Retail (4C) use, in Medium Commercial “X” (6CX) for a 1.652 acre Tract out of a 3.360 acre Tract in Block 3 and 4 of Chicago Gardens Subdivision, located at 2155 South Minnesota Avenue. (District 1)**

Ms. Francesca Linder, Zoning and Subdivision Administrator, gave a brief explanation of the proposed wireless communication facility ordinance.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Joel Munguia and carried unanimously, the public hearing was **closed**.

Commissioner Ricardo Longoria, Jr., moved that Ordinance Number 235-2018-030-S, be **adopted** at first reading, to allow a wireless communication facility, a General Retail (4C) use, in Medium Commercial “X” (6CX) for a 1.652 acre Tract out of a 3.360 acre Tract in Block 3 and 4 of

Chicago Gardens Subdivision, located at 2155 South Minnesota Avenue. (District 1) The motion was seconded by Commissioner Joel Munguia and carried unanimously.

**13. Public Hearing and ACTION on FIRST READING on Ordinance Number 235-2018-031-S, to allow a used car lot, a Light Commercial (5C) use, in Medium Retail “A” (3CA) for Lot 18 and 19, Block 12, Ebony Heights Subdivision, save and except a 0.167 acre tract out of Lot 19, located at 1805 Greenbriar Avenue. (District 3)**

Ms. Francesca Linder, Zoning and Subdivision Administrator, gave a brief explanation of the proposed ordinance.

Mr. James Zavaleta opposed to the proposed ordinance.

Ms. Rebecca Gomez, Mr. Saul Quintero, and Mr. Sol Ramirez, were in favor of the proposed ordinance.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Rose Gowen and carried unanimously, the public hearing was **closed**.

Commissioner Ricardo Longoria, Jr., moved that Ordinance Number 235-2018-031-S, be **adopted** at first reading, to allow a used car lot, a Light Commercial (5C) use, in Medium Retail “A” (3CA) for Lot 18 and 19, Block 12, Ebony Heights Subdivision, save and except a 0.167 acre tract out of Lot 19, located at 1805 Greenbriar Avenue. (District 3) The motion was seconded by Commissioner Cesar de Leon and carried as follow:

Ayes: Commissioners Longoria, Jr., Tetreau, de Leon, Munguia, and Mayor Martinez

Nays: Commissioners Gowen, and Neece

Commissioner Cesar de Leon stepped out and did not vote for Agenda Item #14.

**14. Public Hearing and ACTION on FIRST READING on Ordinance Number 235-2018-032-CO, to rezone from general Retail “G” (4CG) to Apartment “H” (AH-CO) for Lot 1, Block 1, Cherry Estates Addition Subdivision located at 3405 East Ruben Torres Boulevard. (District 2)**

Ms. Francesca Linder, Zoning and Subdivision Administrator, gave a brief explanation of the proposed rezoning ordinance.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Joel Munguia and carried unanimously, the public hearing was **closed**.

Commissioner Ricardo Longoria, Jr., moved that Ordinance Number 235-2018-032-CO, be **adopted** at first reading, to rezone from general Retail “G” (4CG) to Apartment “H” (AH-CO) for Lot 1, Block 1, Cherry Estates Addition Subdivision located at 3405 East Ruben Torres Boulevard. (District 2) The motion was seconded by Commissioner Joel Munguia and carried unanimously.

Commissioner Rose Gowen stepped out and did not vote for Agenda Item #15.

**15. Public Hearing and ACTION on FIRST READING on Ordinance Number 235-2018-906, to rezone from Dwelling “Y” (DY) to Dwelling “F” (DF) for Lot 5 through Lot 42, Block 11, Rio Del Sol Subdivision Section 4, located near Abrahamson Drive. (District 2)**

Ms. Francesca Linder, Zoning and Subdivision Administrator, gave a brief explanation of the proposed rezoning ordinance.

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

Commissioner Jessica Tetreau moved that Ordinance Number 235-2018-906, be **adopted** at first reading, to rezone from Dwelling “Y” (DY) to Dwelling “F” (DF) for Lot 5 through Lot 42, Block 11, Rio Del Sol Subdivision Section 4, located near Abrahamson Drive. (District 2) The motion was seconded by Commissioner Ricardo Longoria, Jr., and carried unanimously.

**16. Public Hearing and ACTION on FIRST READING on Ordinance Number 235-2018-907, to rezone from Dwelling “Y” (DY) to Dwelling “F” (DF) for Block 3, Rio Del Sol Subdivision Section 2; Block B and Reserve B, Rio Del Sol Subdivision Section 3; Block A, Harbor Heights Subdivision Section 1; Block 1, Palmas Del Sol Subdivision; and 0.504 acres, more or less, situated in the B.M. Toland Subdivision of farm Block 182, El Jardin Subdivision, located near Rancho Viejo Boulevard. (District 2)**

Ms. Francesca Linder, Zoning and Subdivision Administrator, gave a brief explanation of the proposed rezoning ordinance.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Cesar de Leon and carried unanimously, the public hearing was **closed**.

Commissioner Jessica Tetreau moved that Ordinance Number 235-2018-907, be **adopted** at first reading, to rezone from Dwelling “Y” (DY) to Dwelling “F” (DF) for Block 3, Rio Del Sol Subdivision Section 2; Block B and Reserve B, Rio Del Sol Subdivision Section 3; Block A, Harbor Heights Subdivision Section 1; Block 1, Palmas Del Sol Subdivision; and 0.504 acres, more or less, situated in the B.M. Toland Subdivision of farm Block 182, El Jardin Subdivision, located near Rancho Viejo Boulevard. (District 2) The motion was seconded by Commissioner Cesar de Leon and carried unanimously.

**17. Public Hearing and ACTION on FIRST READING on Ordinance Number 2018-1642, setting the rates to be charged for the sale of fill material from the City’s sand pit.**

Mr. Pete Gonzalez, Deputy City Manager, gave a brief explanation of the proposed ordinance.

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

Commissioner Cesar de Leon moved that Ordinance Number 2018-1642, be **adopted** at first reading, setting the rates to be charged for the sale of fill material from the City’s sand pit. The motion was seconded by Commissioner Joel Munguia and carried unanimously.

**18. Public Hearing to discuss the City’s proposed Fiscal Year 2019 Budget.**

Mr. Michael L. Lopez, Interim City Manager, gave a brief explanation of the proposed Fiscal Year 2019 Budget.

Commissioner Ricardo Longoria, Jr., moved that the public hearing **be continued** at the next City Commission Meeting. The motion was seconded by Commissioner Jessica Tetreau and carried unanimously.

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**19. PUBLIC COMMENT PERIOD: PLEASE NOTE:**

No one signed up for Public Comment Period.

**ITEMS FOR INDIVIDUAL CONSIDERATION:**

**20. Consideration and ACTION to acknowledge the Cameron Appraisal District Chief Appraiser’s certification of the City of Brownsville’s 2018 tax roll.**

Commissioner Ben Neece move that the Cameron Appraisal District Chief Appraiser’s certification of the City of Brownsville’s 2018 tax roll, be **acknowledged**. The motion was seconded by Commissioner Cesar de Leon and carried unanimously.

**21. Consideration and ACTION to acknowledge the Finance Director’s calculation of the City’s effective and rollback ad valorem tax rates for tax year 2018 or Fiscal Year 2019.**

Commissioner Rose Gowen moved that the Finance Director’s calculation of the City’s effective and rollback ad valorem tax rates for tax year 2018 or Fiscal Year 2019, be **acknowledged**. The motion was seconded by Commissioner Cesar de Leon and carried unanimously.

**22. Consideration and ACTION to acknowledge the Finance Director’s certification of the estimated ad valorem tax debt collection rate for the tax year 2018 and the excess debt tax collections for tax year 2017.**

Commissioner Ricardo Longoria, Jr., moved that the Finance Director’s certification of the estimated ad valorem tax debt collection rate for the tax year 2018 and the excess debt tax collections for tax year 2017, be **acknowledged**. The motion was seconded by Commissioner Joel Munguia and carried unanimously.

**23. Consideration and ACTION to discuss a possible ad valorem tax rate increase and to authorize two public hearings on August 28, 2018 and on September 4, 2018, to discuss the proposed ad valorem tax rate that will exceed the effective tax rate.**

Commissioner Ricardo Longoria, Jr., moved that the two public hearings on August 28, 2018 and on September 4, 2018, to discuss the proposed ad valorem tax rate that will exceed the effective tax rate, be **approved**. The motion was seconded by Commissioner Rose Gowen and carried unanimously.

**24. Consideration and ACTION regarding an appeal by LomaAlta Investments, LLC, pursuant to Section 50-71 of the City of Brownsville Code of Ordinances, of the denial of a Request for Exception to install a fire sprinkler system.**

Ms. Constanza Miner, Planning and Development Services Director, gave a brief explanation of the agenda item.

Ms. Heather Scott, Guerra, Leeds, Sabo & Hernandez, P.L.L.C., stand-in Attorney for City Commission, gave a brief explanation of the agenda item.

Brief discussion ensued amongst the Commission, City Staff, and applicant in regards to the appeal of a Request for Exception to install a fire sprinkler system.

Commissioner Cesar de Leon moved that an exception be granted to LomaAlta Investments, LLC, be **approved**. The motion was seconded by Commissioner Jessica Tetreau and carried unanimously.

**25. Consideration and ACTION for the Substantial Amendment to the City of Brownsville Citizen Participation Plan.**

Commissioner Ricardo Longoria, Jr., moved that the Substantial Amendment to the City of Brownsville Citizen Participation Plan, be **approved**. The motion was seconded by Commissioner Rose Gowen and carried unanimously.

**26. Consideration and ACTION on Resolution Number 2018-036, to approve the Presentation of the City of Brownsville's allocation of Community Development Block Grant (CDBG), HOME Improvement Partnerships Program (HOME), and Emergency Solutions Grant (ESG) Funding for the 2018 One Year Action Plan.**

Commissioner Rose Gowen moved that Resolution Number 2018-036, to approve the Presentation of the City of Brownsville's allocation of Community Development Block Grant (CDBG), HOME Improvement Partnerships Program (HOME), and Emergency Solutions Grant (ESG) Funding for the 2018 One Year Action Plan, be **approved**. The motion was seconded by Commissioner Ricardo Longoria, Jr., and carried as follow:

Ayes: Commissioner Longoria, Jr., Tetreau, de Leon, Gowen, Munguia, and Mayor Martinez

Nays: None

Abstained: Commissioner Neece

**27. Consideration and ACTION to award a contract for the purchase of a Cascade Mobile Air System through Delta Industrial Service & Supply.**

Commissioner Rose Gowen moved that a contract for the purchase of a Cascade Mobile Air System through Delta Industrial Service & Supply, be **approved**. The motion was seconded by Commissioner Cesar de Leon and carried unanimously.



**28. Discussion and ACTION on authorizing the Interim City Manager to Execute the Brownsville Metropolitan Planning Organizing (Funding) Agreement with TxDOT.**

Commissioner Cesar de Leon moved that the Interim City Manager to Execute the Brownsville Metropolitan Planning Organizing (Funding) Agreement with TxDOT, be **approved**. The motion was seconded by Commissioner Jessica Tetreau and carried unanimously.

**29. Acknowledgement of the presentation by the Brownsville Beautification Committee on the BBC matching grant program.**

Ms. Damaris, McGlone, Parks and Recreation Director, introduced Ms. Chloe Dotson, Brownsville Beautification Committee Vice-Chair, whom delivered a PowerPoint presentation regarding the grant program.

Commissioner Ricardo Longoria, Jr., moved that the Brownsville Beautification Committee on the BBC matching grant program, be **acknowledged**. The motion was seconded by Commissioner Cesar de Leon and carried unanimously.

**30. Consideration and ACTION to award a term contract for Pest Control Services for the City of Brownsville Department Facilities.**

Commissioner Ricardo Longoria, Jr., moved that a term contract for Pest Control Services for the City of Brownsville Department Facilities, be **approved**. The motion was seconded by Commissioner Jessica Tetreau and carried unanimously.

**31. Consideration and ACTION to award a term contract for the purchase and delivery of Limestone Materials for the City of Brownsville.**

Commissioner Ricardo Longoria, Jr., moved that a term contract for the purchase and delivery of Limestone Materials for the City of Brownsville, be **approved**. The motion was seconded by Commissioner Rose Gowen and carried unanimously.

**32. Consideration and ACTION to approve the expenditures and contract for an Executive Director with the Greater Brownsville Incentives Corporation (GBIC).**

Commissioner Cesar de Leon moved that the expenditures and contract for an Executive Director with the Greater Brownsville Incentives Corporation (GBIC), be **approved**. The motion was seconded by Commissioner Ricardo Longoria, Jr.

Commissioner Ben Neece read a statement for the record.

Mayor Antonio Martinez expressed concern in regards to the expenditures and contract of the Executive Director contract.

The motion was seconded by Commissioner Ricardo Longoria, Jr., and carried as follow:

Ayes: Commissioners Longoria, Jr., Tetreau, de Leon, and Munguia

Nays: Commissioners Neece, Gowen and Mayor Martinez

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**ADJOURNMENT:**

There being no further business to come before the Commission, upon duly made motion the meeting adjourned at 8:30 p.m.

Approved this 4<sup>th</sup> day of September, 2018.

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**Antonio Martinez**  
**Mayor**

Attest:

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**Griselda Rosas**  
**City Secretary**



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