

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, September 03, 2019, at 5:00 P.M.** with the following members present:

JUAN “TREY” MENDEZ III	Mayor
JOHN F. COWEN, JR.	COMMISSIONERS
ROSE GOWEN	At-Large “A”
NURITH GALONSKY PIZANA	At-Large “B”
JESSICA TETREAU	District 1
JOEL MUNGUA	District 2
BEN NEECE	District 3
NOEL BERNAL	District 4
HELEN RAMIREZ	CITY MANAGER
ELIZABETH WALKER	DEPUTY CITY MANAGER
RENE DE COSS	ASSISTANT CITY MANAGER
GRISELDA ROSAS	CITY ATTORNEY
ABSENT:	CITY SECRETARY
	None

CALL TO ORDER

a) Roll Call:

A quorum being present, Ms. Griselda Rosas, 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 August 30, 2019.

b) Invocation:

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

c) Pledge of Allegiance – United States Pledge and Texas Pledge.

Mayor Juan “Trey” Mendez, III, led the Pledge of Allegiance and the Texas Pledge.

Mr. Noel Bernal, City Manager recognized and congratulated Mr. Bryant Walker, A.A.E., Airport Director, for receiving the Accredited Airport Executive Certification.

PUBLIC COMMENT PERIOD

Ms. Priscilla Alvarez, Valley Initiative for Development and Advancement Executive Director, informed the Commission of the program services provided to Brownsville residents under the GBIC partnership.

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 Nurith Galonsky Pizana, seconded by Commissioner Joel Munguia and carried unanimously, Consent Agenda Items “a’ through “h”, “j through l” and “n and o” were **approved**, with corrections.

- a) To acknowledge the following travel expenses:

<u>Employee</u>	<u>Department</u>	<u>Destination</u>	<u>Date</u>
Shawn Schroeder	Aviation	San Antonio, TX	Oct. 06-08, 2019
Arturo Rodriguez	Health	Austin, TX	Sept. 12-13, 2019
Ysaías E. Presas	Health	Austin, TX	Sept. 12-13, 2019
Damaris McGlone	Parks	Baltimore, MD	Sept. 23-27, 2019
Raymundo Arellano	Parks	Galveston, TX	Sept. 16-19, 2019
Jeannette Garcia	Parks	Galveston, TX	Sept. 16-19, 2019
Raul Maraboto	Parks	Galveston, TX	Sept. 16-19, 2019
Michelle Otero	Parks	Galveston, TX	Sept. 16-19, 2019
Roy Reyes	Public Works	Waco, TX	Sept. 24-27, 2019

- b) Consideration and **ACTION** to award a term contract for the purchase and delivery of Traffic Aluminum Sign Blanks, as budgeted.
- c) Consideration and **ACTION** on **Resolution Number 2019-080** authorizing the execution of an agreement between the City of Brownsville and the Texas Department of Transportation (TXDOT) to contribute funds for Right-of-Way acquisition on FM511 from 0.4 miles South of SH4 to over drain ditch, in the amount of \$6,425.00, as budgeted.
- d) Consideration and **ACTION** to award a term contract for Temporary Employment Services for the City of Brownsville.
- e) Consideration and **ACTION** to authorize City Manager Mr. Noel Bernal to accept Grant #608-20-0310100 from the Texas Auto Burglary and Theft Prevention Authority (ABTPA) for the FY 2020 South Texas Auto Theft Enforcement Task Force, in the amount of \$924,350.00.
- f) Consideration and **ACTION** to authorize the City Manager to execute the Biennial Memorandum of Understanding (MOU) partnership between Cameron County, Texas and the City of Brownsville/Brownsville Metro for Fiscal Years of 2020-2021.

- g) **APPROVAL** on **SECOND** and **FINAL READING** on **Ordinance Number 2019-1653-A**, amending Chapter 38, repealing and replacing in its entirety Article VI, Section 38-156(a)(1).
- h) **APPROVAL** on **SECOND** and **FINAL READING** on **Ordinance Number 2019-1090-H**, amending the Code of Ordinances, repealing and replacing in its entirety Chapter 2, Article II, Section 2-26 to comply with HB 2840.
- i) **APPROVAL** on **SECOND** and **FINAL READING** on **Ordinance Number 2019-235.91**, to amend the existing boundaries within the O31-Nonresidential Overlay District; and dealing with related matters. (District 2)
- j) **APPROVAL** on **SECOND** and **FINAL READING** on **Ordinance Number 2019-235.92**, amending the Code of Ordinances, Chapter 348, Article VIII - Specific Use Permits by adding a new section, Section 348-1426 titled "Rehearing of Expired Applications," and dealing with related matters.
- k) **APPROVAL** on **SECOND** and **FINAL READING** on **Ordinance Number 235-2017-079-S-MA**, to grant major amendment allowing apartments, an Apartment (A) use, in General Retail "G" (4CG) for Lot 3, Las Palmas Condominiums, located at 2835 East Price Road. (District 2)
- m) **APPROVAL** on **SECOND** and **FINAL READING** on **Ordinance Number 235-2019-037**, to rezone from Dwelling "H" (DH) to Dwelling "G" (DG) for Lot 11, Block 2, Villa Verde Subdivision, located at 414 Shary Avenue. (District 1)
- n) **APPROVAL** on **SECOND** and **FINAL READING** on **Ordinance Number 235-2019-039**, to rezone from General Retail "F" (4CF) to General Retail "H" (4CH) for Lot 1, and the East one half (1/2) of Lot 2, Block 191, Original Townsite, located at 850 East Tyler Street. (District 4)

The following Travel Items and Agenda Items were removed from Consent Agenda for individual consideration:

Rene De Coss **City Attorney's Office San Antonio, TX** **Sept. 20, 2019**

Mr. Rene De Coss, City Attorney, gave an explanation of the proposed travel.

Commissioner Jessica Tetreau moved to **approve** the travel for Mr. Rene De Coss, City Attorney. The motion was seconded by Commissioner Munguia and carried as follows:

Ayes: Commissioners Tetreau, Cowen, Jr., Gowen, Munguia, Neece and Mayor Mendez

III

Nays: Commissioner Galonsky Pizana

Armando Rangel **Grants** **Washington, DC** **Sept. 23-25, 2019**

Ms. Marina Zolezzi, Assistant to the City Manager, gave an explanation of the proposed travel.

Commissioner Jessica Tetreau moved to **approve** the travel for Armando Rangel, Housing Manager. The motion was seconded by Commissioner Joel Munguia and carried unanimously.

Simon Ortiz Multimodal Trans. San Antonio, TX Sept. 10-13, 2019

Ms. Norma Zamora, Multimodal Transportation Director, gave an explanation of the proposed travel, noting that the Texas Department of Transportation would reimburse the city for the expense.

Commissioner Jessica Tetreau moved to **approve** the travel for Simon Ortiz, Lead Supervisor. The motion was seconded by Commissioner Rose Gowen and carried unanimously.

Christina Garza Parks Baltimore, MD Sept. 23-27, 2019

Ms. Elizabeth Walker, Assistant City Manager, gave an explanation of the proposed travel as consistent with policy.

Commissioner Nurith Galonsky Pizana moved to **approve** the travel for Christina Garza, Community Engagement Coordinator. The motion was seconded by Commissioner Jessica Tetreau and carried unanimously.

Martino Trevino Public Works Austin, TX Sept. 26-28, 2019

Mr. Noel Bernal, City Manager gave a brief explanation of the proposed travel, noting that he would check into the mileage reimbursement.

Commissioner Nurith Galonsky Pizana moved to **approve** the travel for Martino Trevino, Assistant Public Works, subject to the review of the reimbursement request. The motion was seconded by Commissioner John F. Cowen, Jr., and carried unanimously.

- i) **APPROVAL on SECOND and FINAL 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, Olmito, Texas. (District 3)

Ms. Helen Ramirez, Deputy City Manager, provided an explanation of the ordinance.

Commissioner Nurith Galonsky Pizana moved that 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, Olmito, Texas. (District 3), be **approved**. The motion was seconded by Commissioner Joel Munguia and carried unanimously.

- l) **APPROVAL on SECOND and FINAL READING on Ordinance Number 235-2019-035**, to rezone from Dwelling “A” (DA) to Dwelling “G” (DG) for Lot 7, Block 17, Ebony Heights Subdivision, a subdivision located at 1464 Yale Avenue. (District 3)

Commissioner John F. Cowen, Jr., moved that Ordinance Number 235-2019-035, to rezone from Dwelling “A” (DA) to Dwelling “G” (DG) for Lot 7, Block 17, Ebony Heights Subdivision, a subdivision located at 1464 Yale Avenue. (District 3), be **approved**. The motion was seconded by Commissioner Joel Munguia and carried as follows:

Ayes: Commissioners Tetreau, Cowen, Jr., Gowen, Munguia and Mayor Mendez III
Nays: Commissioners Galonsky Pizana and Neece

PUBLIC HEARINGS

1. Public hearing to discuss the City proposed fiscal year 2020 Budget.

Mr. Lupe Granado, Finance Director, presented the third part of the proposed budget, which includes the Hotel Occupancy Tax (HOT), Motor Vehicle Parking System Fund, and Street & Drainage.

Mr. Doroteo Garcia, Assistant City Engineer, gave an explanation for street reconstruction and street maintenance, which include sidewalks.

Mr. David Licon, Engineer I, gave an explanation of the Texas Water Development Board-Clean Water State Revolving Fund Loan Projects.

Pastor Brad Burkes, Linda Montemayor, and Adriana Montemayor expressed their budget priorities.

Commissioner Jessica Tetreau moved to **continue** the public hearing to discuss the City proposed Fiscal Year 2020 Budget. The motion was seconded by Commissioner Joel Munguia and carried unanimously.

2. Second Public Hearing to discuss the City proposed property tax rate for tax year 2019, Fiscal Year 2020.

Mr. Lupe Granado, Finance Director, gave a brief explanation of the possible tax rate increase. Brief discussion ensued among the Commission and City Staff.

Pastor Brad Burkes opposed the tax increase.

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

ITEMS FOR INDIVIDUAL CONSIDERATION

3. Consideration and ACTION on Resolution Number 2019-082 to appoint members to the Animal Shelter Advisory Committee.

Commissioner Jessica Tetreau moved to appoint *Tessie Sarmiento* to the Animal Shelter Advisory Committee. The motion was seconded by Commissioner Joel Munguia and carried unanimously.

Commissioner Nurith Galonsky Pizana moved to appoint *Bryan Martinez*, to the Animal Shelter Advisory Committee. The motion was seconded by Commissioner Jessica Tetreau and carried unanimously.

Commissioner Jessica Tetreau moved to appoint *Leticia Castillo* to the Animal Shelter Advisory Committee. The motion was seconded by Commissioner Joel Munguia and carried unanimously.

4. Consideration and ACTION to authorize the purchase of Data Modems for patrol units, in the amount of \$138,897.05, as budgeted.

Commissioner Jessica Tetreau moved that the purchase of Data Modems for patrol units, in the amount of \$138,897.05, be **authorized**. The motion was seconded by Rose Gowen and unanimously.

5. Consideration and ACTION authorizing the City Manager to execute the Management Agreement Contract with First Transit for up to five (5) additional one year terms, in the amount of \$1,542,056.72, exercising the secondary renewal option.

Commissioner Jessica Tetreau moved that the City Manager be **authorized** to execute the Management Agreement Contract with First Transit for up to five (5) additional one year terms, in the amount of \$1,542,056.72, exercising the secondary renewal option. The motion was seconded by Commissioner Joel Munguia and carried unanimously.

6. Consideration and ACTION to approve a term contract increase for Interim Planning Professional Services with Freese and Nichols (FNI), in the amount of \$83,500.00.

Ms. Helen Ramirez, Deputy City Manager, gave an explanation of the agenda item.

Brief discussion ensued among the Commission and City Staff.

Commissioner Jessica Tetreau moved that a term contract increase for Interim Planning Professional Services with Freese and Nichols (FNI), in the amount of \$83,500.00, be **approved**. The motion was seconded by Commissioner Rose Gowen and carried as follows:

Ayes: Commissioners Galonsky Pizana, Tetreau, Cowen, Jr., Gowen, Munguia and Mayor Mendez

Nays: Commissioner Neece

7. Consideration and ACTION to approve the Master Professional Services Agreement and Professional Services Agreement for Unified Development Code (Development Code Rewrite) and Building Code Update Facilitation, in the amount of \$450,000.00.

Ms. Helen Ramirez, Deputy City Manager, introduced Mr. Chance Sparks, AICP, CNU-A, Project Manager with Freese & Nichols, who gave an explanation of the agenda item.

Commissioner Rose Gowen moved that the Master Professional Services Agreement and Professional Services Agreement for Unified Development Code (Development Code Rewrite) and Building Code Update Facilitation, in the amount of \$450,000.00, be **approved**. The motion was seconded by Commissioner Jessica Tetreau and carried as follows:

Ayes: Commissioners Galonsky Pizana, Tetreau, Cowen, Jr., Gowen, Munguia and Mayor Mendez

Nays: Commissioner Neece

8. Consideration and ACTION to establish a City Charter Review Committee.

Commissioner Jessica Tetreau moved that the City Charter Review Committee be re-established. The motion was seconded by Commissioner Rose Gowen and carried unanimously.

EXECUTIVE SESSION

Upon motion by Commissioner Jessica Tetreau, seconded by Commissioner Rose Gowen and carried unanimously, the Executive Session convened at 6:00 p.m. to discuss the following items:

- A) Attorney consultation pursuant to Section §551.071, of the Texas Government Code, to receive legal advice and counsel in connection with the City's rights, duties, privileges, and obligations related to the collective bargaining labor agreement between the City and the duly recognized bargaining agent for the City's law enforcement personnel, the Brownsville Police Officers' Association.**

Upon conclusion of Executive Session, Mayor Juan "Trey" Mendez, III, convened the Regular meeting at 7:46 p.m. No action was 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.

- A) Consideration and possible action, if any, in response to the last collective bargaining proposal by BPOA (Brownsville Police Officers Association) with respect to health care, base salary, contract term, and related items.**

Ms. Elizabeth Walker, Assistant City Manager, gave an explanation of the agenda item noting the interests to the Brownsville Police Officer's Association. Mario Avendano, Secretary of the Brownsville Police Officers Association, gave an explanation of their request. Brief discussion ensued amongst the Commission and city staff in regards to the collective bargaining proposal.

Mayor Juan "Trey" Mendez III moved to reject the proposal. The motion was seconded by Commissioner Joel Munguia and carried as follows:

Ayes: Commissioners Galonsky Pizana, Cowen, Jr., Gowen, Munguia, Neece and Mayor Mendez III

Nays: Commissioner Tetreau

ADJOURNMENT

There being no further business to come before the Commission, upon duly made motion the meeting adjourned at 8:27 p.m.

Approved this 1st day of October, 2019.

Juan "Trey" Mendez III
Mayor

Attest:

Griselda Rosas
City Secretary



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