

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 18, 2018**, at **5:00 P.M.** and at **6:00 P.M.** with the following members present:

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|------------------------------|---|---|
| ANTONIO MARTINEZ |) | Mayor |
| | | COMMISSIONERS |
| CESAR DE LEON |) | At-Large “A” |
| ROSE GOWEN |) | At-Large “B” |
| RICARDO LONGORIA, JR. |) | District 1 |
| JESSICA TETREAU |) | District 2 |
| JOEL MUNGUIA |) | District 3 |
| BEN NEECE |) | District 4 |
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| PETE GONZALEZ | | DEPUTY CITY MANAGER |
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 | | |
| ARTURO RODRIGUEZ | | ASSISTANT CITY MANAGER |
|
 | | |
| HEATHER SCOTT | | GUERRA, LEEDS, SABO & HERNANDEZ,
P.L.L.C.
LEGAL SERVICES |
|
 | | |
| GRISELDA ROSAS | | CITY SECRETARY |
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 | | |
| ABSENT: | | MICHAEL LOPEZ, INTERIM CITY MANAGER |

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 September 14, 2018.

EXECUTIVE SESSION: 5:00 P.M.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Joel Munguia and carried unanimously, the Executive Session convened at 5:00 p.m. to discuss the following items:

- A) Pursuant to Texas Government Code Section 551.074, Personnel Matters: Discussion of personnel, deliberations on appointment, employment, evaluation, reassignment, duties, discipline, and dismissal, or to hear complaints against personnel.**
 - 1. Interviews of candidates for City Attorney position.**

Upon conclusion of Executive Session Mayor Antonio Martinez, convened the Regular Meeting at 6:00 p.m. No action was taken in Executive Session.

REGULAR MEETING: 6:00 P.M.

PLEDGE OF ALLEGIANCE: UNITED STATES PLEDGE * TEXAS PLEDGE

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

INVOCATION:

The invocation was led by Pastor Brad Burkes, from Embassy of the Spirit Church, of Brownsville, Texas.

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ACTION ON ITEM DISCUSSED IN EXECUTIVE SESSION:

A) Consideration and possible ACTION to hire a City Attorney.

Lysia H. Bowling
Rene E. De Coss
Gerry Linan
Aaron Leal

Mayor Antonio Martinez suggested that the item be tabled until the next scheduled City Commission meeting since there was no sufficient time to review and interview all four (4) candidates.

Upon motion by Commissioner Ben Neece seconded by Commissioner Rose Gowen, made a motion to table the item and carried as follow:

Ayes: Commissioners Gowen, Neece and Mayor Martinez

Upon motion by Commissioner Cesar de Leon seconded by Commissioner Ben Neece and carried unanimously, the vote was done by rollcall.

Nays: Commissioners Munguia, de Leon, Tetreau, Longoria, Jr.

Discussion ensued amongst the Commission in regards to the hiring of a City Attorney.

Upon motion by Commissioner Ben Neece seconded by Commissioner Rose Gowen, motion to table the item and carried as follow:

Ayes: Commissioners Neece, Gowen and Mayor Martinez

Nays: Commissioners Tetreau, Munguia, de Leon, Longoria, Jr.

At this time, Commissioner Ben Neece read a statement.

Commissioner Cesar de Leon read a statement.

Commissioner Ben Neece moved that no action be taken until the conclusion of the interviews.

After a brief discussion, Commissioner Ben Neece withdrew his motion.

Commissioner Ricardo Longoria, Jr., moved that the agenda item be discussed until next City Commission meeting scheduled for October 2, 2018, and the submittal of applications remain closed.

The motion was seconded by Commissioner Rose Gowen and carried as follow:

Ayes: Commissioners Longoria, Jr., Gowen, Neece, and Mayor Martinez

Nays: Commissioners Tetreau, de Leon, and Munguia

1. MAYOR'S ACTIVITY UPDATE:

Mayor Antonio Martinez did not deliver a report.

2. COMMISSIONERS' ACTIVITY UPDATE:

Commissioners did not deliver a report.

3. CITY MANAGER'S UPDATE:

Mr. Pete Gonzalez, Deputy City Manager informed the Commission that Commander James Paschall had been appointed as the Interim Police Chief.

4. 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 Jessica Tetreau and carried unanimously, Consent Agenda Items "a" through "m" were **approved**.

ITEMS No. "a" through "m"

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

<u>Employee</u>	<u>Department</u>	<u>Destination</u>	<u>Date</u>
Juan C. Gutierrez	City Secretary	Austin, TX	Nov. 15-17, 2018
Jorge Santillan	Finance	Galveston, TX	Oct. 24-25, 2018
Christopher Haggstrom	Health	Austin, TX	Oct. 21-26, 2018
Nathan Burkhart	Parks	Princeton, NJ	Oct. 09-12, 2018
Ana Hernandez	Planning	Galveston, TX	Oct. 17-19, 2018
Constanza Miner	Planning	Galveston, TX	Oct. 17-19, 2018
Esgar J. Aguilar	Planning	San Antonio, TX	Oct. 14-19, 2018
Carlos Camacho	Police	San Antonio, TX	Sept. 19, 2018
Miguel Tovar	Police	San Antonio, TX	Sept. 19, 2018

b) **APPROVAL on SECOND and FINAL READING on Ordinance Number 2018-1100.59**, amending the Code of Ordinances, Chapter 344-Vegetation, by adding the New Article V. Landscape Irrigation, Sections 344-300 through 344-500; and dealing with related matters.

c) **APPROVAL on SECOND and FINAL READING on Ordinance Number 2018-1650**, levying ad valorem taxes for the tax year 2018 for the use and support of the Municipal Government of the City of Brownsville, Texas, for the Fiscal Year 2019, providing for the interest and sinking fund for the Fiscal Year 2019 of the City of Brownsville General Obligation Bonds.

d) Consideration and **ACTION** to terminate the Advance Funding Agreement (AFA) between the Texas Department of Transportation and the City of Brownsville for the Morrison Road Project.

e) Consideration and **ACTION** for the City of Brownsville Fire Department to enter into an affiliation and program agreement with the Brownsville Children's Clinic.

- f) Consideration and **ACTION** for the City of Brownsville Fire Department to enter into an affiliation and program agreement with the Los Fresnos Fire and EMS.
- g) Consideration and **ACTION** for the City of Brownsville Fire Department to enter into an affiliation and program agreement with the South Padre Island Fire and EMS.
- h) Consideration and **ACTION** for the City of Brownsville Fire Department to enter into an affiliation and program agreement with the Port Isabel EMS.
- i) Consideration and **ACTION** to acknowledge of the retirement letter from Police Chief Orlando Rodriguez.
- j) Consideration and **ACTION** to award a contract for the Brownsville Police Department Administrative roof restoration and repairs.
- k) Consideration and **ACTION** to award a term contract for the purchase and delivery of Cold Mix Asphalt Materials for the City of Brownsville.
- l) Consideration and **ACTION** to award a term contract for the purchase and delivery of Asphalt Materials for the City of Brownsville.
- m) Consideration and **ACTION** to award a contract for the purchase and delivery of a New 2019 Model, Aerial Lift Bucket Truck.

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PUBLIC HEARINGS:

- 5. Public Hearing and **ACTION** on **FIRST READING** to repeal **Ordinance Number 2017-1629**, “Youth Advisory Council”.

Mr. Ramiro Gonzalez, Government Affairs Liason, gave a brief explanation of the Ordinance being repealed noting that the Youth Advisory Council would be a program of the City Manager’s Office.

Commissioner Cesar de Leon suggested that the program be named in honor of Jose Antonio Escobedo.

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 the repeal of Ordinance Number 2017-1629 “Youth Advisory Council”, be **adopted** at first reading and approved with addendum. The motion was seconded by Commissioner Rose Gowen and carried unanimously.

- 6. **Public Hearing and ACTION on FIRST READING on Ordinance Number 235-2018-024-S, to allow a freight terminal, a Medium Commercial (6C) use, in General Retail “Z” (4CZ) for 1.45 acres of land, more or less, out of the southwest portion of a certain 5.0 acre Tract out of Tract T, Share 12, Espiritu Santo Grant, located at 7291 North Expressway 77. (District 3)**

Ms. Francesca Linder, Zoning and Plat Administrator, 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 Ricardo Longoria, Jr., moved that Ordinance Number 235-2018-024-S, be **adopted** at first reading, to allow a freight terminal, a Medium Commercial (6C) use, in General Retail “Z” (4CZ) for 1.45 acres of land, more or less, out of the southwest portion of a certain 5.0 acre Tract out of Tract T, Share 12, Espiritu Santo Grant, located at 7291 North Expressway 77. (District 3) The motion was seconded by Commissioner Rose Gowen and carried unanimously.

Commissioner Jessica Tetreau stepped out and did not vote on this item.

7. Public Hearing and ACTION on FIRST READING on Ordinance Number 235-2018-039, to rezone from Dwelling “A” (DA) to Dwelling “G” (DG) for Lot 12, Block 40, East Brownsville, Fourth Section, located at 3125 East 26th Street. (District 1)

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

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

Commissioner Ricardo Longoria, Jr., moved that Ordinance Number 235-2018-039, be **adopted** at first reading, to rezone from Dwelling “A” (DA) to Dwelling “G” (DG) for Lot 12, Block 40, East Brownsville, Fourth Section, located at 3125 East 26th Street. (District 1) The motion was seconded by Commissioner Rose Gowen and carried unanimously.

Commissioner Jessica Tetreau did not vote.

8. Public Hearing and ACTION on FIRST READING on Ordinance Number 235-2018-040, to rezone from Dwelling “A” (DA) to Dwelling “F” (DF) for Lot 32, Block 6, Garden Parks Subdivision, an Addition to the City of Brownsville, located at 105 Park Street. (District 4)

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

Brief discussion ensued amongst the Commission and City Staff in regards to properties being rezoned in order to build a carport.

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 235-2018-040, be **adopted** at first reading, to rezone from Dwelling “A” (DA) to Dwelling “F” (DF) for Lot 32, Block 6, Garden Parks Subdivision, an Addition to the City of Brownsville, located at 105 Park Street. (District 4). The motion was seconded by Commissioner Rose Gowen and carried as follow:

Ayes: Commissioner Longoria, Jr., Gowen, Munguia, Neece and Mayor Martinez

Nays: None

Abstained: Commissioner Tetreau

9. Public Hearing and ACTION on FIRST READING on Ordinance Number 235-2018-041, to rezone from Dwelling “A” (DA) to Dwelling “G” (DG) for Lot 10, Block 29, East Brownsville Addition Third Section, located at 354 Hortencia Boulevard. (District 1)

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

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

Commissioner Ricardo Longoria, Jr., moved that Ordinance Number 235-2018-041, be **adopted** at first reading, to rezone from Dwelling “A” (DA) to Dwelling “G” (DG) for Lot 10, Block 29, East Brownsville Addition Third Section, located at 354 Hortencia Boulevard. (District 1) The motion was seconded by Commissioner Jessica Tetreau and carried unanimously.

Commissioner Cesar de Leon did not vote.

10. Public Hearing and ACTION on FIRST READING on Ordinance Number 235-2018-042, to rezone from Dwelling “A” (DA) to General Retail “G” (4CG) for Lot 24, Block 5, Milpa Verde Subdivision, Section III, an addition to the City of Brownsville, located at 2704 Elena Street. (District 1)

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

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

Commissioner Ricardo Longoria, Jr., moved Ordinance Number 235-2018-042, be **adopted** at first reading, to rezone from Dwelling “A” (DA) to General Retail “G” (4CG) for Lot 24, Block 5, Milpa Verde Subdivision, Section III, an addition to the City of Brownsville, located at 2704 Elena Street. (District 1) The motion was seconded by Commissioner Jessica Tetreau and carried unanimously.

11. Public Hearing and ACTION on FIRST READING on Ordinance Number 235-2018-043-CO, to rezone from Dwelling “Z” (DZ) to Medium Retail “Z” (3CZ) for Lot 1, Block 1, San Juana Subdivision, located at 8028 East Ruben Torres. (District 2)

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

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

Commissioner Jessica Tetreau moved that Ordinance Number 235-2018-043-CO, be **adopted** at first reading, to rezone from Dwelling “Z” (DZ) to Medium Retail “Z” (3CZ) for Lot 1, Block 1, San Juana Subdivision, located at 8028 East Ruben Torres. (District 2) The motion was seconded by Commissioner Joel Munguia and carried unanimously.

12. **Public Hearing and ACTION to authorize the City of Brownsville Police Department to apply for the FY 2018 Edward Byrne Memorial Justice Assistance Grant (JAG) Program application #208-H3331-TX-DJ in the amount of \$53,452.00.**

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

Commissioner Cesar de Leon moved that the City of Brownsville Police Department to apply for the FY 2018 Edward Byrne Memorial Justice Assistance Grant (JAG) Program application #208-H3331-TX-DJ in the amount of \$53,452.00, be **authorized** and **approved**. The motion was seconded by Commissioner Jessica Tetreau and carried unanimously.

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

Ms. Kathryn Youker, expressed concern regarding transparency in city appointed committees.

ITEMS FOR INDIVIDUAL CONSIDERATION:

14. **Consideration and possible ACTION to approve the employment contract of City Attorney.**

Agenda Item was removed by City Staff.

15. **Consideration and possible ACTION authorizing City Manager to sign and execute employment contract of City Attorney.** (Commissioners C. de Leon/R. Longoria, Jr.)

Agenda Item was removed by City Staff.

16. **Consideration and ACTION on Resolution Number 2018-043, accepting a donation for public purposes of 43.97 acres of real property from University Park Development, LTD, located approximately on South Palm Boulevard in the Amigo Land Section II Subdivision; an dealing with related matters.**

Ms. Damaris McGlone, Parks and Recreation Director gave a brief explanation of the resolution noting that there was no stipulations on the land.

Brief discussion ensued amongst the Commission in regards to the donation of 43.97 acres of real property.

Commissioner Ben Neece moved that Resolution Number 2018-043, a donation for public purposes of 43.97 acres of real property from University Park Development, LTD, located approximately on South Palm Boulevard in the Amigo Land Section II Subdivision; an dealing with related matters, be **accepted** and **approved**. The motion was seconded by Commissioner Rose Gowen and carried as follow:

Ayes: Commissioners Neece, Gowen, Munguia, Longoria, Jr., and Mayor Martinez

Nays: Commissioners de Leon and Tetreau

17. **Consideration and ACTION to authorize the City Manager to execute and enter into a Memorandum of Understanding agreement with the Lower Rio Grande Valley Development Council/Valley Metro and the City of Brownsville/Brownsville Metro in the operation of the Metro Connect Intercity Service.**

Commissioner Rose Gowen moved that the Interim City Manager to execute and enter into a Memorandum of Understanding agreement with the Lower Rio Grande Valley Development Council/Valley Metro and the City of Brownsville/Brownsville Metro in the operation of the Metro Connect Intercity Service, be **approved**. The motion was seconded by Commissioner Cesar de Leon and carried unanimously.

18. **Consideration and ACTION to approve the City of Brownsville/Brownsville Metro updated Abbreviated Equal Employment Opportunity Program as required and mandated by the Federal Transit Administration, FTA C 4704.1A.**

Commissioner Rose Gowen moved that the City of Brownsville/Brownsville Metro updated Abbreviated Equal Employment Opportunity Program as required and mandated by the Federal Transit Administration, FTA C 4704.1A, be **approved**. The motion was seconded Commissioner Joel Munguia and carried unanimously

19. **Consideration and ACTION authorizing Brownsville Metro to award contract to Hachar Advertising for Transit Advertising Sales Placement Services.**

Commissioner Jessica Tetreau moved that Brownsville Metro to award contract to Hachar Advertising for Transit Advertising Sales Placement Services, be **approved**. The motion was seconded by Commissioner Joel Munguia and carried unanimously.

20. **Consideration and ACTION to encumber up to \$206,888 at the end of Fiscal Year 2018, which will result in the carryover of up to \$206,888 from Fiscal Year 2018 to Fiscal Year 2019, for Beautification Projects.**

Commissioner Rose Gowen moved that to encumber up to \$206,888 at the end of Fiscal Year 2018, which will result in the carryover of up to \$206,888 from Fiscal Year 2018 to Fiscal Year 2019, for Beautification Projects, be **approved**. The motion was seconded by Commissioner Jessica Tetreau and carried unanimously.

21. **Consideration and ACTION for the City of Brownsville to renew the contract with the Town of Rancho Viejo to furnish Fire Services.**

Commissioner Jessica Tetreau moved that the City of Brownsville to renew the contract with the Town of Rancho Viejo to furnish Fire Services, be **approved**. The motion was seconded by Commissioner Cesar de Leon and carried unanimously.

22. **Consideration and ACTION to approve the 2018-2019 Non-Civil Service Holiday Schedule.**

Commissioner Rose Gowen moved that the 2018-2019 Non-Civil Service Holiday Schedule, be **approved**. The motion was seconded by Commissioner Jessica Tetreau and carried unanimously.

23. Consideration and ACTION to accept the donation of a Blue Star Marker from the West Brownsville Garden Club to be installed at Veterans Park.

Commissioner Ricardo Longoria, Jr., moved that the donation of a Blue Star Marker from the West Brownsville Garden Club to be installed at Veterans Park, be **accepted** and **approved**. The motion was seconded by Commissioner Jessica Tetreau and carried unanimously.

24. Consideration and ACTION to authorize and execute an Interlocal Agreement between the City of Brownsville Police Department and Cameron County, Texas regarding the FY 2018 Edward Memorial Justice Assistance Grant (JAG) Program application #208-H331-TX-DJ, in the amount of \$53,452.00.

Commissioner Jessica Tetreau moved that Interlocal Agreement between the City of Brownsville Police Department and Cameron County, Texas regarding the FY 2018 Edward Memorial Justice Assistance Grant (JAG) Program application #208-H331-TX-DJ, in the amount of \$53,452.00, be **approved**. The motion was seconded by Commissioner Joel Munguia and carried unanimously.

25. Consideration and ACTION to reconsider the City of Brownsville’s Policy on Multiple Board and Commission Appointments.

Commissioner Ricardo Longoria, Jr., moved that the Board Appointment Policy be amended as presented without conflicting with any established ordinances and/or bylaws and to be placed in effect within seven (7) days. No second motion.

Brief discussion ensued amongst the Commission regarding the Board Appointed Policy.

Commissioner Ricardo Longoria, Jr., withdrew his motion.

Upon motion by Commissioner Joel Munguia seconded by Commissioner Rose Gowen, the agenda item was **tabled** and carried as follow:

Ayes: Commissioners de Leon, Gowen, Munguia, Neece and Mayor Martinez

Nay: Commissioners Longoria, Jr., and Tetreau

ADJOURNMENT:

There being no further business to come before the Commission, upon duly made motion the meeting adjourned at 8:15 p.m.

Approved this 2nd day of October, 2018.



Antonio Martinez
Mayor

Attest:



Griselda Rosas
City Secretary



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