

Tino Villarreal, Commissioner At-large "A"
Bryan L. Martinez, Commissioner District 1
Roy De los Santos, Commissioner District 3



Rose M.Z. Gowen, M.D., Commissioner At-large "B"
Linda C. Macias, Commissioner District 2
Pedro Cardenas, Commissioner District 4

John Cowen, Jr, Mayor

NOTICE OF A PUBLIC MEETING OF THE CITY COMMISSION OF THE CITY OF BROWNSVILLE

Pursuant to Chapter 551, Title 5 of the Texas Government Code, the Texas Open Meetings Act, notice is hereby given that the City Commission of the City of Brownsville, Texas, in accordance with Article V, Section 12, of the Charter of said City, will convene a **Regular Meeting** on **August 01, 2023**, at **5:00 p.m.**, in the City Commission Chambers, located on the Second Floor of the Brownsville City Hall - Old Federal Building, located at 1001 East Elizabeth Street, Brownsville, Cameron County, Texas, 78520.

Pursuant to Section 551.127, Texas Government Code, one or more Commissioners or employees may attend this meeting remotely using videoconferencing technology. The video and audio feed of the videoconferencing equipment can be viewed and heard by the public at the address posted above as the location of the meeting.

Members of the public, employees, and the City Commission may join via the Webex Teleconference Meeting by logging on at:

<https://brownsvilletx.webex.com/brownsvilletx/j.php?MTID=m1268044c71d9241af4d885366004b106>

Password: commission (26664774 from video systems)

Join by video system

Dial [25350084300@brownsvilletx.webex.com](tel:25350084300)

You can also dial 173.243.2.68 and enter your meeting number.

Join by phone

1-844-621-3956 United States Toll Free

+1-650-479-3208 United States Toll

Access code: 253 500 84300

This Notice and Meeting Agenda are posted online at: <https://brownsvilletx.gov/129/Agendas-Minutes>

Members of the public who submitted a "Public Comment Form" will be permitted to offer public comments as provided by the agenda and as permitted by the presiding officer during the meeting. A recording of the meeting will be made and will be available to the public in accordance with the Open Meetings Act.

At any time during the course of the posted meeting, the Brownsville City Commission may retire into Executive Session under Texas Government Code 551.071 to confer with legal counsel on any subject matter on this agenda in which the duty of the attorney to the City Commission under Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code. Further, at any time during this meeting, the City Commission may retire to deliberate on any subject slated for discussion at this meeting, as may be permitted under one or more exceptions to the Texas Open Meetings Act set forth in Title 5, Subtitle A, Chapter 551, Subchapter D of the Texas Government Code.

CALL TO ORDER

- a) ROLL CALL
- b) INVOCATION

PLEDGE OF ALLEGIANCE TO THE FLAGS OF THE UNITED STATES OF AMERICA AND STATE OF TEXAS

PROCLAMATION(S)

Recognizing Felicity Fox and Zeviel Pineda (Mayor J. Cowen, Jr. / Commissioner R. Gowen)

Recognizing Pan American Round Table (Commissioner L. C. Macias/ Mayor Cowen, Jr.)

Brownsville Cardinals Youth Flag Football Team (Commissioner R. De los Santos / Commissioner B. L. Martinez)

Proclamation recognizing Telecommunicators Ida Villarreal, Sarahi Benavides, Mary Blanco, and Officer Albert Buitureida (Mayor J. Cowen, Jr. / Commissioner L. C. Macias)

PUBLIC COMMENT PERIOD

- **Non-Agenda Items:** Kindly submit a “Public Comment Form” stating the City business or City policy you wish to speak to an hour before the start of the scheduled meeting time with the City Secretary. Forms are not reserved for anyone nor may time be deferred to anyone. PowerPoint presentations may not be accommodated. This period is limited to five (5) speakers with a time limit of three (3) minutes per speaker.
- **Agenda Items:** Kindly submit a “Public Comment Form” stating which item(s) on the agenda you wish to speak to an hour before the start of the scheduled meeting time with the City Secretary. Speakers will be allowed to address the Commission on the agenda item before it is to be considered. The speaker is limited to three (3) minutes.
- **Time Limits:** The City Commission shall have the discretion to modify its regulations regarding time limits on public comment if necessary. For example, the time limit may be shortened to accommodate a lengthy agenda or it could be lengthened to allow additional time for discussion on a complicated matter or if there is a need for an interpreter.

WORK SESSION(S)

As a governmental body, the City Commission will not vote or take any formal action on any items discussed in the work session portion of the agenda.

- 1) Update and discussion on Boards and Commission Appointment and Eligibility Policies. (Office of the City Attorney)
- 2) Hotel and Motel Tax Fund Applicants Presentation (Convention & Visitors Bureau)

CONSENT AGENDA ITEM(S)

The following are considered to be routine by the City Commission and will be approved by one motion. There will be no separate discussion of these items unless a City Commissioner so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.

- 1) Approval of the Minutes:
 - a) Minutes of July 11, 2023, Regular City Commission Meeting
- 2) Consideration and **ACTION** to approve a renewal of the current term contract for one (1) additional year for the Texas Alcohol and Drug Testing Services. TADTS provides drug and alcohol testing services for Pre-employment, random, post-accident, reasonable suspicion and promotional DOT & NON-DOT positions as budgeted. (Organizational Development and Human Resources Department)
- 3) Consideration and **ACTION** to approve a one (1) year renewal of a contract with Port Occupational and Medical Clinic for Department of Transportation & Non-Department of Transportation pre-employment and Civil Service promotional physicals, as budgeted. (Organizational Development and Human Resources Department)

- 4) Consideration and **ACTION** to approve the cooperative purchase of heavy equipment, in the amount of \$2,121,624.57, as part of the Fiscal Year 2023 Heavy Equipment Replacement Plan through the following competitive contracts: Romco Equipment Co (Buyboard Contract #685-22), Briggs Equipment Co (Buyboard Contract #685-22), Caldwell Country Chevrolet LLC, Inc (Buyboard Contract #601-19), Doggett Freightliner of South Texas, LLC (Buyboard Contract #601-19), Doggett Heavy Machinery Services, LLC (Sourcewell #032119-JDC), Crafcro, Inc (Sourcewell #080521-CFC), and TYMCO Inc (HGAC #SW04-20). Equipment is for Brownsville Airport, Internal Services, Parks, and Engineering & Public Works Departments, as budgeted. (Internal Services Department)
- 5) Consideration and **ACTION** to approve the proposal from ERO Architects for the Architecture and Engineering Services for the City of Brownsville New Sanitation Department Shop, Phase 1 in the amount of \$75,000.00, and Phase 2 in the amount of \$150,000.00 for a total amount of \$225,000.00. #ASC-41-0719 as budgeted (Engineering and Public Works Department)
- 6) Consideration and **ACTION** to approve the proposal from SCS Field Services for the Replacement of Landfill Gas Lateral Piping, Variable Frequency Drive, and Additional Non-Routine Services at the City of Brownsville Landfill in the amount of \$106,914.00. #LES-63-0703 as budgeted. (Engineering and Public Works Department)
- 7) Consideration and **ACTION** to approve Airport's Marketing and Advertising services contract, MAS-52-0819, by the allowable 25% increase of \$56,250 as budgeted. (Airport Department)
- 8) Consideration and **ACTION** to approve the replacement of aging point-of-sale at Central and Southmost Brownsville Libraries. The initial term is 3-years with automatic renewals in 1-year increments. Year 1: \$45,085; Year 2: \$43,852; and Year 3: \$43,852. The total amount for the 3-year contract is \$132,789 as budgeted. (Brownsville Library)
- 9) Consideration and **ACTION** to award authorization to replace and install LED lighting technology to American Electric Power Texas. (Engineering & Public Works Department)
- 10) Consideration and **ACTION** to award a three-year contract with two one-year options to Crawford, Murphy and Tilly, Inc (CMT) to provide Air Service Development Consulting Services for the Brownsville South Padre Island International Airport (BRO) for an average amount of \$99,461.36 as budgeted. (Airport Department)
- 11) Consideration and **ACTION** to purchase necessary furniture, fixtures, and equipment (FF&E) for the Communications and Marketing Department Renovation Project at 1312 Adams Street in the amount of \$162,477.34 as budgeted. (Communications and Marketing Department)
- 12) Consideration and **ACTION** to award a three-year contract with two one-year renewals to Baker & Taylor under contract number LMS-70-0523 to furnish library books and audio-visual material for public use, including, but not limited to, hardcover books, digital resources, e-books, e-audiobooks, and electronic information devices, as well as supporting services for staff, to the Brownsville Public Library System, in an annual amount not to exceed \$700,000 as budgeted. (Library Department)
- 13) **APPROVAL** on **SECOND** and **FINAL READING** on **Ordinance Number 235-2023-013**, to rezone from Residential Single-Family (R-1) to Residential Suburban (R-2) to allow a duplex subdivision on 2.048 acres of land in Block 39, Share 27, El Jardin Subdivision, Cameron County, Texas, located at 290 North Central Avenue, Brownsville, Texas 78521, as shown in Exhibit "A". (District 2) (Planning & Redevelopment Department)
- 14) Consideration and **ACTION** to award a subcontract agreement to Ambiotec Civil Engineering Group Inc., for the Professional Engineering and Surveying Services for the Drainage Improvement Project at Villa Los Pinos, Brownsville, Texas, in the amount of \$77,300.00. #DVP-127-0724, as budgeted. (Engineering & Public Works)

PUBLIC HEARING(S)

- 1) Public Hearing and **ACTION** on **FIRST READING** of **Ordinance Number 2023-1724** adopting City Board Policies. (Office of the City Attorney)
- 2) Public Hearing and **ACTION** on **FIRST READING** on **Ordinance Number 235-2023-014**, to rezone from Agricultural (AG) to Residential Suburban (R-2) to allow a duplex subdivision on a 30.67-acre tract of land out of Block 4, Chicago Gardens Subdivision, Cameron County, Texas, located on South Minnesota Avenue, Brownsville, Texas 78521, as shown in Exhibit "A". (District 1) (Planning & Redevelopment Department)
- 3) Public Hearing and **ACTION** on **FIRST READING** on **Ordinance Number 235-2023-015**, to rezone from Agricultural (AG) to Residential Single-Family (R-1) to allow a single-family residence on a 0.333-acre tract of land, out of Lot 1, Block 1, Villa Nueva Subdivision, Cameron County, Texas, located at 2893 Old Military Road, Brownsville, Texas 78520, as shown in Exhibit "A". (District 4) (Planning & Redevelopment Department)
- 4) Public Hearing and **ACTION** on **FIRST READING** on **Ordinance Number 235-2023-016**, to rezone from Residential Single-Family (R-1) to Residential Suburban (R-2) to allow a duplex subdivision on 23.136 acres out of Block 148, El Jardin Subdivision, Espiritu Santo Grant, Cameron County, Texas, located on the intersection of Robindale Road and Morrison Road, Brownsville, Texas 78526, as shown in Exhibit "A". (District 2) (Planning & Redevelopment Department)
- 5) Public Hearing and **ACTION** on **FIRST READING** on **Ordinance Number 235-2023-017**, to rezone from Residential Estate (RE) to Residential Transition (R-3) to allow a multi-family development on a 7.62-acre tract out of Block 180, El Jardin Subdivision Shares 19 & 27, Espiritu Santo Grant, Cameron County, Texas, located 2400 Dr. Hugh Emerson Road, Brownsville, Texas 78526, as shown in Exhibit "A". (District 3) (Planning & Redevelopment Department)
- 6) Public Hearing and **ACTION** on **FIRST READING** on **Ordinance Number 235-2023-905**, to rezone from Residential Suburban (R-2) to Residential Single-Family (R-1) to allow a single-family subdivision for El Naranjal Subdivision, Sections 1 to 6, Cameron County, Texas, located on Boca Chica Boulevard, Brownsville, Texas 78521, as shown in Exhibit "A". (District 1) (Planning & Redevelopment Department)
- 7) Public Hearing and **ACTION** on **FIRST READING** on **Ordinance Number 235-2023-906**, to rezone from Traditional Neighborhood (TN) and Traditional Neighborhood-Mixed Use (TN-MU) to Light Industrial (LI) to allow the expansion of an existing laboratory facility on Lots 1, 2, 10, 11, & 12, Block 71-A, Stillman Extension Subdivision, located at 305 West Levee Street, Brownsville, Texas 78520, as shown in Exhibit "A". (District 4) (Planning & Redevelopment Department)
- 8) Public Hearing and **ACTION** on **FIRST READING** on **Ordinance Number 2023-1723**, to amend the Code of Ordinances, by repealing and replacing, Article V. – Unsafe, Dilapidated Buildings and Structures, Division 2 – Building and Standards Commission, Section 18-238 – Appointment and Term, Subsection (a), to establish that the Building and Standards Commission shall be composed of seven (7) regular board members and four (4) alternate board members, all with the same powers and duties; and dealing with related matters, as shown in Exhibit "A". (Planning & Redevelopment Department)
- 9) Public Hearing and **ACTION** on **FIRST READING** on **Ordinance Number 2023-736-Q**, an Ordinance of the City Commission of the City of Brownsville Repealing and Replacing Chapter 98 – Traffic and Vehicles, in its entirety, of the City of Brownsville's Code of Ordinances; and providing for a penalty clause not to exceed \$500; and providing for an effective date. (City Managers Office)

ITEMS FOR INDIVIDUAL CONSIDERATION(S)

- 1) **APPROVAL** on **SECOND** and **FINAL READING** on **Ordinance Number 2022-235.102**, to amend the Unified Development Code (UDC), Sec. 5.3 - Signs, and dealing with related matters, as shown in Exhibit "A". (Planning & Redevelopment Department)
- 2) Consideration and **ACTION** on **Resolution Number 2023-108** to set a Public Hearing date for Capital Recovery Fees. (Multimodal Transportation Department)
- 3) Consideration and **ACTION** on **Resolution Number 2023-107**, to approve the presentation of the City of Brownsville's Allocation of the Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), and Emergency Solutions Grant (ESG) funding by the U.S. Department of Housing and Urban Development (HUD) for the 2023-2024 One Year Action Plan. (Grants & Community Development Department)
- 4) Consideration and **ACTION** to acknowledge the Cameron Appraisal District Chief Appraiser's Certification of the City of Brownsville's 2023 tax roll. (Financial Services Department)
- 5) Consideration and **ACTION** to acknowledge the collector's certification of the estimated ad valorem tax debt collection rate for tax year 2023, and the excess debt tax collections for tax year 2022. (Financial Services Department)
- 6) Consideration and **ACTION** to acknowledge the Finance Director's calculation of the City's No-New-Revenue and Voter-Approval tax rates for the tax year 2023 or fiscal year 2024. (Financial Services Department)
- 7) Consideration and **ACTION** to discuss a possible ad valorem tax rate increase and to authorize a public hearing on August 15, 2023, to discuss the proposed ad valorem tax rate that will exceed the No-New-Revenue tax rate. (Financial Services Department)

BOARD APPOINTMENT(S)

- 1) Consideration and **ACTION** on **Resolution Number 2023-088**, appointing members to the Audit & Oversight Committee. (Commissioner R. De los Santos/Commissioner B. L. Martinez)
- 2) Consideration and **ACTION**, if any, to approve **Resolution Number 2023-095-A** to appoint, reappoint, and/or remove member(s) on the Animal Regulation and Care Advisory Committee. (Public Health and Wellness Department)
- 3) Consideration and **ACTION** on **Resolution Number 2023-054-A**, to appoint one member to the Ethics Advisory Commission. (Office of the City Secretary)
- 4) Consideration and **ACTION** on **Resolution Number 2023-084**, to appoint four Alternate Members to the Building and Standards Commission. (Planning & Redevelopment Department)
- 5) Consideration and **ACTION** on **Resolution Number 2023-083**, to appoint one (1) Regular and four (4) Alternate Members to the Board of Adjustment. (Planning & Redevelopment Department)
- 6) Consideration and **ACTION** on **Resolution Number 2023-104** to appoint 3 new members and reappointment of 3 current members to the Transit Advisory Committee. (Multimodal Transportation Department)
- 7) Consideration and **ACTION** on **Resolution Number 2023-096** to appoint 1 new member to the Bicycle Pedestrian Advisory Committee. (Multimodal Transportation Department)
- 8) Consideration and **ACTION** on **Resolution Number 2023-102**, to appoint one (1) member of the Commission to the Paseo De La Resaca Landscaping and Lightning Board. (Office of the City Secretary)

EXECUTIVE SESSION

- 1) Closed session pursuant to Tex. Gov't Code Sections 551.071 (Consultation with Attorney, including Contemplated or Pending Litigation and/or Settlement Offer) and 551.072 (Deliberation Regarding Property) related to Cause No. 2014-CCL-00700; *City of Brownsville, Texas v. 85 Jacaranda Limited Partnership a/k/a 85 Jacaranda Partnership*. (Office of the City Attorney)
- 2) Closed session pursuant to Tex. Gov't Code Sections 551.071 (Consultation with Attorney) and 551.072 (Deliberation Regarding Property) related to a certain 1.207 acre, more or less, tract of land located in Block "A", Chicago Gardens Subdivision, out of a 32.4 acre tract in Block "A", and a 13.5 acre tract in Block "B". (Office of the City Attorney)

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.

- 1) Consideration and **ACTION**, if any, related to Cause No. 2014-CCL-00700; *City of Brownsville, Texas v. 85 Jacaranda Limited Partnership a/k/a 85 Jacaranda Partnership*. (Office of the City Attorney)
- 2) Consideration and **ACTION**, if any, related to a certain 1.207 acre, more or less, tract of land located in Block "A", Chicago Gardens Subdivision, out of a 32.4 acre tract in Block "A", and a 13.5 acre tract in Block "B". (Office of the City Attorney)

ADJOURNMENT

NOTE: The City of Brownsville does not discriminate on the basis of disability in the admission of, access to, treatment of, or employment in its programs, activities, or public meetings. Any individual with a disability in need of an accommodation is encouraged to contact the Organizational Development & Human Resources Department at 956/548-6037 (voice or Relay TX) by Monday, no later than 12:00 P.M., to make proper arrangements.

By: John Cowen, Jr
Mayor of the City of Brownsville

I certify that a copy of the **August 1, 2023**, Agenda of items to be considered by the Brownsville City Commission was posted on the Bulletin Area at City Hall – Federal Building, on July 28, 2023. I further certify that the Agenda was posted on the City's website and can be downloaded by accessing: <https://brownsvilletx.gov/129/Agendas-Minutes>



Yolanda Galarza-Gomez, TRMC, City Secretary