

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 **October 17, 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=m485fba9b6686c27d62b70468893ed8fd>

Password: commission (26664774 from video systems)

Join by video system

Dial [25321667580@brownsvilletx.webex.com](tel:25321667580)

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: 253 216 67580

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)

Rio Grande Valley (RGV) Fishing Area and Waterway Cleanups (Commissioner L. C. Macias / Mayor J. Cowen, Jr.)

Breast Cancer Awareness Month (Commissioner B. L. Martinez / Commissioner T. Villarreal)

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) Cultural and Tourism Grant Funding Round 3 - American Rescue Plan Act (Grants & Community Development Department)

PRESENTATION(S)

City Manager's Update - Introducing Alan Guard, Deputy City Manager and Report on International City/County Management Association (ICMA), Texas Municipal League (TML) and YTexas Event.

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 October 03, 2023, City Commission Regular Meeting
- 2) Consideration and **ACTION** for the purchase and delivery of one (1) John Deere 5105M Utility Tractor and (1) John Deere FC15M Flex Wing from Deere & Company Tellus Equipment Solutions of Brownsville, Texas, through BuyBoard #706-23 in the amount of \$107,553.28, as budgeted. (Parks and Recreation Department)
- 3) Consideration and **ACTION** to approve **Resolution Number 2023-119** for the agreement between the Texas Department of Transportation (TxDOT) and the City of Brownsville to authorize the street closure(s) for the Southmost Veteran's Day Parade. (Multimodal Transportation Department)
- 4) Consideration and **ACTION** to execute a license agreement between the City of Brownsville and Penco RGV Enterprises, LLC., to allow a portion of a parking area to encroach within City property in exchange for construction of a 10' concrete bike trail. (Engineering and Public Works Department)
- 5) Consideration and **ACTION** to purchase two MTS Power Loads from Stryker Medical in the amount of \$92,793.02 as budgeted.(Fire Department)

- 6) Consideration and **ACTION** to adopt **Resolution Number 2023-123** denying Texas Gas Service Company, A Division of One Gas, Inc. ("Company"), statement of intent to increase rates filing; authorizing the hiring of Lloyd Gosselink Rochelle & Townsend; and requiring Company to reimburse the City's reasonable rate case expenses. (City Attorney's Office/City Manager's Office)

PUBLIC HEARING(S)

- 1) Public Hearing and **ACTION** on 2023 Brownsville Roadway Capital Recovery Fee and signed recommendation letter from the Capital Improvement Advisory Committee (CIAC) on specifications regarding Land Use Assumptions, Capital Improvement plans for roads and calculated cost per service area, and maximum collection rate per service unit. (Multimodal Transportation Department)
- 2) Public Hearing and **ACTION** on **FIRST READING** on **Ordinance Number 235-2023-026**, to rezone from Residential Transition (R-3) to Commercial Corridor (CC) to allow a commercial plaza for 0.7487 acres of Lot 3, Block 1, Diamond Point II Subdivision, Cameron County, Texas, located at 3201 West Alton Gloor Boulevard, Brownsville, Texas 78526, as shown in Exhibit "A". (District 4) (Planning & Redevelopment Department)
- 3) Public Hearing and **ACTION** on **FIRST READING** on **Ordinance Number 235-2023-027**, to rezone from Commercial Corridor (CC) to Regional Center (RC) to allow a plasma center for Lot 3, Block 1, Re-plat of Lots 1, 3 and 5, Strawberry Square Subdivision, Cameron County, Texas, located at 2921 Boca Chica Boulevard, Brownsville, Texas 78521, as shown in Exhibit "A". (District 2) (Planning & Redevelopment Department)
- 4) Public Hearing and **ACTION** on **FIRST READING** on **Ordinance Number 235-2023-028**, to rezone from Residential Transition (R-3) to Commercial Corridor (CC) to allow a commercial plaza for 2.01 acres out of Lot 32, containing 18.34 acres, more or less, of the El Jardin Subdivision of the Brownell Tract Subdivision, Share 28, Espiritu Santo Grant, Cameron County, Texas, located on North Minnesota Avenue, Brownsville, Texas 78521, as shown in Exhibit "A". (District 2) (Planning & Redevelopment Department)
- 5) Public Hearing and **ACTION** on **FIRST READING** on **Ordinance Number 235-2023-029**, to rezone from Residential Estate (RE) to Residential Transition (R-3) to allow a multi-family development for a 2.389-acre tract out of Lots 122, 121, and part of Boulevard Lot 120, a portion of abandoned Guerra Boulevard, and a portion of the Resaca de la Guerra, Brownsville Land and Improvement Company Subdivision, Cameron County, Texas, located at 221 Wild Rose Lane, Brownsville, Texas 78520, as shown in Exhibit "A". (District 4) (Planning & Redevelopment Department)
- 6) Public Hearing and **ACTION** on **FIRST READING** on **Ordinance Number 235-2023-030**, to rezone Residential Estate (RE) to Commercial Corridor (CC) to allow an administrative office for an electric business, Lot 10, Jose Almaraz Subdivision, Cameron County, Texas, located at 1420 West Alton Gloor Boulevard, Brownsville, Texas 78520, as shown in Exhibit "A". (District 4) (Planning & Redevelopment Department)
- 7) Public Hearing and **ACTION** on **FIRST READING** on **Ordinance Number 235-2023-031**, to rezone from Agriculture (AG) to Residential Single-Family (R-1) to allow a Single-Family Development for a 21.64-acre tract, more or less, out of a 568.83-acre tract, Espiritu Santo Grant, Share 14, Cameron County, Texas, located at Summerhill Boulevard, Olmito, Texas 78575, as shown in Exhibit "A". (District 4) (Planning & Redevelopment Department)

ITEMS FOR INDIVIDUAL CONSIDERATION(S)

- 1) Consideration and **ACTION** to approve **Resolution Number 2023-121**, the Cultural and Tourism Grant Fund Round 3 policy and COVID19 map (Grants & Community Development Department).

- 2) Consideration and **ACTION** on **Resolution Number 2023-120**, adopting procedures for review of Billboard applications. (Tabled on October 3, 2023)(Planning & Redevelopment Department)
- 3) Consideration and possible **ACTION** to adopt **Resolution Number 2023-124** to adopt a policy requiring that no later than February 1, 2024, all boards that require financial reporting of their members under Chapter 38 be required to broadcast their meetings live and make the recordings of those meetings available to the public as quickly as the technology which is used for the live broadcast will allow. (Commissioner R. De los Santos/Commissioner B. L. Martinez)
- 4) Consideration and **ACTION** on the Ethics Advisory Commission Recommendation in Decision EAC#2022-09-02. (Ethics Advisory Commission/Office of the City Attorney)

BOARD APPOINTMENT(S)

- 1) Consideration and **ACTION**, if any, to approve **Resolution Number 2023-104A** to appoint, reappoint, and/or remove member(s) of the Transit Advisory Committee. (Multimodal Transportation Department)

EXECUTIVE SESSION

- 1) Closed session pursuant to Tex. Gov't Code Sections 551.071 (Consultation with Attorney) regarding Project Ecosystem (Office of the City Attorney)
- 2) Closed session pursuant to Tex. Gov't Code Sections 551.071 (Consultation with Attorney) regarding policy on employee investigations (Office of the City Attorney)
- 3) Closed session pursuant to Tex. Gov't Code Section 551.071 (Consultation with Attorney, including Contemplated or Pending Litigation and/or Settlement Offer) related to *EISG v. City of Brownsville*. (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.

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 **October 17, 2023**, Agenda of items to be considered by the Brownsville City Commission was posted on the Bulletin Area at City Hall – Federal Building, on October 13, 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