

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 **November 7, 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=mc77409b40129c227b132aac8fb6c5533>

Password: commission (26664774 from video systems)

Join by video system

Dial [25375988678@brownsvilletx.webex.com](tel:25375988678)

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: 253 759 88678

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)

The International/Southmost Choice Neighborhood Ambassadors (Commissioner B. L. Martinez / Commissioner R. Gowen)

Housing Authority of the City of Brownsville-85th Anniversary (Commissioner B. L. Martinez / Mayor J. Cowen, Jr.)

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.

PRESENTATION(S)

Citywide Grant Updates (Grants & Community Development Department)

Brownsville Animal Regulation and Care Center (BARCC) Annual Update (Public Health Department)

City Manager Update, Mayor John Cowen, Jr., appointed Vice-Chair to the Rio Grande Valley Metropolitan Planning Organization (RGVMPO)

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 17, 2023, Regular City Commission Meeting
- 2) **APPROVAL on SECOND and FINAL 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)
- 3) **APPROVAL on SECOND and FINAL 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)
- 4) **APPROVAL on SECOND and FINAL 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)

- 5) **APPROVAL** on **SECOND** and **FINAL 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)
- 6) **APPROVAL** on **SECOND** and **FINAL 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)
- 7) **APPROVAL** on **SECOND** and **FINAL READING** on **Ordinance Number 2023-1724** adopting City Board Policies. (Office of the City Attorney)
- 8) Consideration and **ACTION** to approve an Interlocal Agreement with the City of Harlingen for Fire Inspection Services. (City Manager's Office)
- 9) Consideration and **ACTION** to adopt **Resolution Number 2023-117**, reviewing, amending and readopting all of the provisions listed in the documents titled, "City of Brownsville, Texas Amended Investment Policy" and "City of Brownsville, Texas, Amended Investment Strategy Statement". (Financial Services)
- 10) Consideration and **ACTION** to approve the proposal from SCS Engineers to assist in the preparation of a Request for Proposal (RFP) in implementing a landfill gas-to-energy (LFGE) project using gas produced by the City of Brownsville Landfill in the amount of \$62,500. #LES-63-0703 (Engineering and Public Works Department)
- 11) Consideration and **ACTION** to authorize the United States Department of the Interior U.S. Geological Survey Amendment of Joint Funding Agreement for Water Sources Investigation. The purpose of this amendment is to extend the period of performance. (Engineering and Public Works Department)
- 12) Consideration and **ACTION** to approve **Resolution Number 2023-125** for the agreement between the Texas Department of Transportation (TxDOT) and the City of Brownsville to authorize the street closure(s) for the Christmas Parade. (Engineering & Public Works Department)
- 13) Consideration and **ACTION** to employ Vector Airport Systems, LLC.'s PLANEPASS Automated Aircraft Fee Billing and Collections Solution through a 3-year agreement at a cost of 25% of landing fees collected. (Airport Department)
- 14) Consideration and **ACTION** to approve **Resolution Number 2023-129** to purchase a Fire Engine and Rear Mount Platform Truck with associated equipment for the Brownsville Fire Department to be paid with the issuance of future Certificates of Obligation. (Fire Department)
- 15) Consideration and **ACTION** for the purchase of two (2) remounted ambulances from Classic Chevrolet Fleet & Commercial in the amount of \$474,875 as budgeted in the fiscal year 2023 Capital Improvement Program (CIP). Contract #029-24-FIR-SA (Fire Department)
- 16) Consideration and **ACTION** to approve **Resolution Number 2023-130** to purchase a Spartan/SVI Heavy Rescue Fire Apparatus for the Brownsville Fire Department to be paid with the issuance of future Certificates of Obligation. (Fire Department)
- 17) Consideration and **ACTION** to pay Tyler Technologies for annual maintenance and support fees in the amount of \$59,885.98, as budgeted. (Municipal Court Department)

- 18) Consideration and **ACTION** to approve Free Fare for citizens to honor all Veterans and to transport any and all citizens wishing to attend the Veterans Job Fair and free fare for everyone wishing to attend the H-E-B Feast of Sharing Event. (Multimodal Transportation)
- 19) Consideration, and **ACTION**, if any, on the Second and Final Reading of **Ordinance Number 2023-1716** related to Paul Seales/Port Isabel/Laguna Vista v. Brownsville. (Office of the City Attorney)
- 20) Consideration and **ACTION** to approve a renewal of the Professional Services Agreement for Healthcare Consulting Services with Higginbotham and authorize a not-to-exceed contingent fee amount of \$150,000, as budgeted. (Organizational Development and Human Resources Department)

PUBLIC HEARING(S)

- 1) Public Hearing and **ACTION** on **FIRST READING** on **Ordinance Number 2023-1701-A**, amending Chapter 102 Utilities, Article III Rates and Charges, Section 102-81, of the Code of Ordinances to cancel scheduled adjustments to the Resaca Fee; setting a Public Hearing thereon; and providing a severability clause and effective date. (Brownsville Public Utilities Board)

ITEMS FOR INDIVIDUAL CONSIDERATION(S)

- 1) Consideration and **ACTION** on **Resolution Number 2023-126**, authorizing the replacement of Computershare Trust Company, N.A., as paying Agent/Registrar for the City of Brownsville's outstanding debt obligations and the appointment of a successor paying Agent/Registrar for such debt obligations. (Financial Services Department)
- 2) 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).
- 3) Consideration and **ACTION** to acknowledge the Letter of Notification to Commissioner Roy De los Santos in response to Ethics Advisory Commission Recommendation in Decision EAC#2022-09-02 (Office of the City Attorney).

BOARD APPOINTMENT(S)

- 1) Consideration and **ACTION** on **Resolution Number 2023-127** to appoint, reappoint, and/or remove member(s) to the Capital Improvement Advisory Committee (CIAC). (Multimodal Transportation Department)
- 2) Consideration and **ACTION**, if any, to approve **Resolution Number 2023-104B** 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 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)
- 2) 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: *H20 v. City of Brownsville*. (Office of the City Attorney)
- 3) Closed session pursuant to Tex. Gov't. Code Sections 551.071 (Consultation with Attorney), 551.072 (Real Property Deliberation), and 551.087 (Economic Development Deliberation) related to Project Fresh. (Office of the City Attorney/City Manager's Office)
- 4) Closed session pursuant to Tex. Gov't. Code Sections 551.071 (Consultation with Attorney), 551.072 (Real Property Deliberation), and 551.087 (Economic Development Deliberation) related to Project Emerald. (Office of the City Attorney/City Manager's Office)

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 *EISG v. City of Brownsville*. (Office of the City Attorney)
- 2) Consideration and **ACTION**, if any, related to *H20 v. City of Brownsville*. (Office of the City Attorney)
- 3) Consideration and **ACTION**, if any, related to Project Fresh. (Office of the City Attorney/City Manager's Office)
- 4) Consideration and **ACTION**, if any, related to Project Emerald. (Office of the City Attorney/City Manager's Office)

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 **November 7, 2023**, Agenda of items to be considered by the Brownsville City Commission was posted on the Bulletin Area at City Hall – Federal Building, on November 3, 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