



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 on Tuesday, November 07, 2023, at 5:00 P.M. at the City Commission Chambers, located at 1001 East Elizabeth Street and via Webex Teleconference Meeting by logging on at:

<https://brownsvilletx.webex.com/brownsvilletx/j.php?MTID=m485fba9b6686c27d62b70468893ed8fd>

The following members were present:

JOHN COWEN, JR.

Mayor

COMMISSIONERS:

TINO VILLARREAL

At-Large "A"

ROSE GOWEN

At-Large "B"

BRYAN L. MARTINEZ

District 1

LINDA C. MACIAS

District 2

ROY DE LOS SANTOS

District 3

PEDRO CARDENAS

District 4

HELEN RAMIREZ

City Manager

ALAN GUARD

Deputy City Manager

ELIZABETH WALKER

Assistant City Manager

FELIX SAUCEDA

Assistant City Manager

WILL TREVINO

City Attorney

YOLANDA G. GOMEZ

City Secretary

CALL TO ORDER

a) ROLL CALL

A quorum being present, Yolanda G. Gomez, 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 Friday, November 3, 2023.

Mayor John Cowen, Jr., called the meeting to order at 5:01 p.m.

Mayor John Cowen, Jr., Commissioner Rose Gowen, Commissioner Bryan L. Martinez, and Commissioner Roy De los Santos attended the meeting in person.

Commissioner Linda C. Macias joined the meeting in person at 5:05 p.m.

Commissioner Pedro Cardenas joined the meeting in person at 5:11 p.m.

Commissioner Tino Villarreal joined the meeting in person at 6:19 p.m.

b) INVOCATION

Pastor Jared Hernandez delivered the invocation.

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

The Pledge of Allegiance to the United States Flag and the Texas Flag was led by Mayor John Cowen, Jr., and the City Commission.

PROCLAMATION(S)

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

The proclamation was read and presented by Commissioner Bryan L. Martinez.

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

The proclamation was read and presented by Mayor John Cowen Jr.

PUBLIC COMMENT PERIOD

Reba Cardenas was not present to address her concerns but registered her opinion on the public comment form that she submitted.

Yolanda Speece expressed concern regarding the City of Brownsville Police Department.

PRESENTATION(S)

Citywide Grant Updates (Grants & Community Development Department)

Commissioner Rose Gowen expressed her gratitude to Stephanie Reyes and John Rodriguez, former City staff and first grant writers who provided an improvement to the City of Brownsville looking for new grants to develop a better city. Commissioner Gowen further noted the importance of having a Grants & Community Development Department.

Efren Trujillo, Grants & Community Development Department Director, Eryka Duberney, Grant Analyst, and Samantha Cienfuegos, Grant Writer, provided an overview of the overall grant funding received by all City departments for FY 2022 – 2023. Mr. Trujillo pointed out that the summary also includes details regarding the funds the division has been awarded since 2009, with a focus on the awards the division requested for FY 2022–2023. The Grants Division has assisted in receiving \$7,306,484.20 for FY 2022 – 2023 and is still pending notification of award on several applications submitted. Mr. Trujillo noted that the city has received \$24,572,196.43 overall for FY 2022 – 2023.

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

Dr. Antonio Caldwell, Deputy Director of Animal Services, and Taylor Leafy, Manager of Operation with Best Friends Animal Society, provided a brief update of the Brownsville Animal Regulation and Care Center. Dr. Caldwell noted that the shelter received donated surgical equipment and the standard care increased. The Mayor and Commission expressed appreciation for the dedication of the Animal Shelter.

At this time, Commissioner Bryan L. Martinez presented and read a proclamation to the Brownsville Animal Regulation and Care Center.

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

Helen Ramirez, City Manager, provided a brief update to Commission regarding the selection of Mayor John Cowen, Jr. as the newly appointed Vice-Chair of the Rio Grande Valley Metropolitan Planning Organization (RGVMPO). Currently, Ms. Ramirez yielded the floor to Commissioner Linda C. Macias and presented a plaque to the City, on behalf of the Texas Sports Organization based in Dallas, Texas. Commissioner Macias also conveyed her gratitude to Alan Guard, Deputy Manager, and the Parks and Recreation staff for their commitment and cooperation in organizing the youth sport event that took place in October at the Brownsville Sports Park.

CONSENT AGENDA ITEM(S)

At this time, Mayor John Cowen, Jr., and Commissioner Roy De los Santos requested that Consent Agenda Items 1a, 7, and 19, be moved out of sequence for discussion and action.

Commissioner Roy De los Santos moved to approve Consent Agenda Items 2 through 6, 8 through 18, and 20. Consent Agenda Items 1a, 7 and 19 were moved out of sequence for discussion and action. The motion was seconded by Commissioner Bryan L. Martinez and carried unanimously.

1) Approval of the Minutes:

a) Minutes of October 17, 2023, Regular City Commission Meeting

Commissioner Roy De los Santos noted the corrections that needed to be made for the minutes of October 17, 2023.

Upon motion by Commissioner Roy De los Santos seconded by Commissioner Rose Gowen and carried unanimously, the minutes of October 17, 2023, were approved with corrections.

7) APPROVAL on SECOND and FINAL READING on Ordinance Number 2023-1724 adopting City Board Policies. (Office of the City Attorney)

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)

Upon motion by Commissioner Roy De los Santos, seconded by Commissioner Rose Gowen and carried unanimously, Consent Agenda Items 7 and 19, were tabled.

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)
- 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)
- 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)**

Mark Dombroski, Assistant General Manager and Chief Operating Officer of the Brownsville Public Utilities Board, provided a brief overview of the Resaca Restoration Program Funding and a request to amend Section 102-81 by cancelling scheduled adjustments to the Resaca Fee.

Brief discussion ensued amongst the Commission and City staff that this reflects a pause in the resaca fees.

Upon motion by Commissioner Roy De los Santos, seconded by Commissioner Pedro Cardenas and carried unanimously, the public hearing was closed.

Commissioner Pedro Cardenas moved that Ordinance Number 2023-1701-A, be adopted at first reading. The motion was seconded by Commissioner Roy De los Santos and carried unanimously.

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)**

Lupe Granado, Financial Services Director, noted that Estrada Hinojosa & Company, Inc., had been contacted for assistance in requesting informal quotes for the payment of registration and agent services. Mr. Granado further noted the criteria used to evaluate the proposals and after review, it was concluded that UMB Bank was the best option for the service in terms of cost and experience.

Commissioner Roy De los Santos moved that Resolution Number 2023-126 be approved. The motion was seconded by Commissioner Rose Gowen and carried unanimously.

Commissioner Bryan L. Martinez stepped away during the discussion of the agenda item and did not vote on Item #1 under Items for Individual Consideration.

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).

Efren Trujillo, Grants & Community Development Director, provided a brief overview of the funds that the City received from the American Rescue Plan Act (ARPA), and how the funds had been distributed. Mr. Trujillo further noted that the Grants Department had revised the policy to encompass all of Brownsville applicants, who had not received grant assistance, and give those businesses priority even if they do not fall within the Qualified Census Tract (QCT) or the COVID-19 map. The policy also adjusted the gross revenue from \$3 million to \$1.5 million to target smaller businesses/non-profits; the application period will be open 30-days.

Commissioner Pedro Cardenas noted that the policy should specify whether a company is eligible if it operated continuously from 2019 to 2023.

Upon motion by Commissioner Pedro Cardenas, seconded by Commissioner Roy De los Santos and carried unanimously, the agenda item was removed from the table.

Commissioner Roy De los Santos moved to approve Resolution Number 2023-121. The motion was seconded by Commissioner Rose Gowen and carried unanimously.

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).

Will Trevino, City Attorney, recommended that the Mayor and Commissioners move the agenda item to executive session for discussion.

Agenda Item #3 under Items for Individual Consideration was discussed in executive session.

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)

Resolution Number 2023-127 was approved as follows:

Commissioner Pedro Cardenas moved to appoint *Dennis Sanchez* to the Capital Improvement Advisory Committee (CIAC). The motion was seconded by Commissioner Roy De los Santos and carried unanimously.

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)

Resolution Number 2023-104B was approved as follows:

Commissioner Rose Gowen moved to appoint *Juliana Diaz* to the Transit Advisory Committee. The motion was seconded by Commissioner Bryan L. Martinez and carried unanimously.

EXECUTIVE SESSION

Upon motion by Commissioner Roy De los Santos, seconded by Commissioner Bryan L. Martinez and carried unanimously, the Executive Session and Item #3 for Individual consideration convened at 6:21 p.m. to discuss the following items:

- 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)**

ITEMS FOR INDIVIDUAL CONSIDERATION:

- 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).**

All items listed in Executive Session, including Agenda Item #3, under Items for Individual Consideration, were discussed during the Executive Session, and a certified agenda was kept.

Upon conclusion of Executive Session, Mayor John Cowen, Jr., convened the Regular meeting at 7:27 pm. There was no action taken in the 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.

- 1) **Consideration and ACTION, if any, related to EISG v. City of Brownsville. (Office of the City Attorney)**

Commissioner Roy De los Santos moved to authorize the City Manager to execute a settlement and proceed as discussed in Executive Session. The motion was seconded by Commissioner Pedro Cardenas and carried unanimously.

- 2) **Consideration and ACTION, if any, related to H20 v. City of Brownsville. (Office of the City Attorney)**

Commissioner Roy De los Santos moved to authorize the City Manager to execute a settlement and proceed as discussed in Executive Session. The motion was seconded by Commissioner Bryan L. Martinez and carried unanimously.

3) Consideration and ACTION, if any, related to Project Fresh. (Office of the City Attorney/City Manager's Office)

No action taken.

4) Consideration and ACTION, if any, related to Project Emerald. (Office of the City Attorney/City Manager's Office)

No action taken.

4) 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).

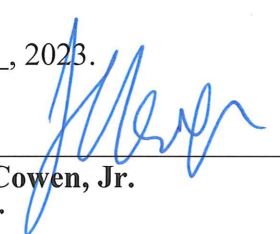
Mayor John Cowen, Jr., noted that in an effort to dispel any presumptions of inconsistency regarding statements made at the previous meeting, he issued a public statement for the record stating that none of the organizations referenced in the complaints, including the Mitte Foundation, Mitte Cultural District, and Camille Playhouse, were deemed to have violated Chapter 38, Code of Ethics.

Upon motion by Commissioner Roy De los Santos, seconded by Commissioner Rose Gowen and carried unanimously, the agenda item was tabled.

ADJOURNMENT

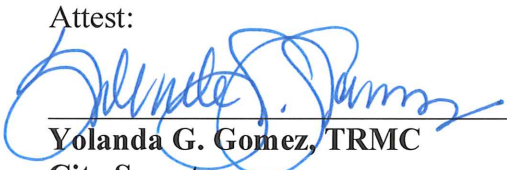
There being no further business to come before the Commission, upon duly made motion the meeting adjourned at 7:30 p.m.

Approved this 12 day of December, 2023.



John Cowen, Jr.
Mayor

Attest:



Yolanda G. Gomez, TRMC
City Secretary

Respectfully submitted by:
Blanca E. Gonzalez, Administrative Specialist
Office of the City Secretary