



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 14, 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=m963395fa23547155dae84a48886f33ba>

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 10, 2023.

Mayor John Cowen, Jr., called the meeting to order at 5:03 p.m.

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

Commissioner Pedro Cardenas joined the meeting in person at 5:16 p.m.

b) INVOCATION

Pastor Celia Halfacre 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)

Tree Planting Celebration (Brownsville Independent School District) (Mayor J. Cowen, Jr. / Commissioner R. Gowen)

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

Recognizing the University of Texas Rio Grande Valley (UTRGV) (Mayor J. Cowen, Jr. / Commissioner B. L. Martinez)

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

PUBLIC COMMENT PERIOD

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

PRESENTATION(S)

City Manager Update – American Planning Association 2023 Planning Excellence Award

Helen Ramirez, City Manager, noted that the City of Brownsville received for the first time the 2023 APATX Planning Excellence Award from the Texas Chapter of the American Planning Association. The breadth of the master plan's components, the degree of training and qualifications completed by Planning Commissioners and professional staff, and the conclusion of other planning-related projects are some of the evaluation criteria. Commissioner Bryan L. Martinez was in attendance at the APATX Conference.

CONSENT AGENDA ITEM(S)

Upon motion by Commissioner Roy De los Santos, seconded by Commissioner Rose Gowen, and carried unanimously, Consent Agenda Items 1 through 3 were approved.

- 1) Consideration and **ACTION** to award a construction contract in the amount of \$345,067.60 to Cornerstone Builders for the 32 Bus Shelter Improvement Project as budgeted. (Multimodal Transportation)
- 2) Consideration and **ACTION** for a term contract with Maxwell Asphalt, Inc. for the construction of airport improvements including Schedule I – Crack Seal, Seal Coat, and Paint Runway 13-31 and other incidental work at the Brownsville South Padre Island International Airport in the amount of \$721,706.25. (Airport Department)
- 3) **APPROVAL on SECOND and FINAL 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)

PUBLIC HEARING(S)

- 1) Public Hearing and ACTION on FIRST READING on Ordinance Number 235-2023-026-PD, to rezone from Residential Transition (R-3) to Commercial Corridor (CC-PD) 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) (Tabled October 17, 2023)**

Martin Vega, Planning & Redevelopment Assistant Director, noted that the property owner requests to rezone the subject property from a Residential Transition (R-3) to a Commercial Corridor (CC) for the purpose of establishing a commercial plaza. The City Commission tabled the item on October 17, 2023, and requested that staff work with the developer and concerned neighbors to find common ground on a site design. After having multiple meetings between the developer and the concerned parties, the following agreement/conditions were established:

- Allow the proposed setback of 10' along the western property line.
- Allow the proposed setback of 15' along the northern and eastern property lines.
- Allow the proposed setback of 20.42' along the southern property lines.
- Allow a maximum structural elevation of 20'.
- Limit the roof design along the property lines adjacent to existing single-family residences (northern and western property lines) to a sloped roof design.
- Installation of a 6' masonry wall along the property lines adjacent to existing single-family residences (northern and western property lines).
- Prohibit the view or exposure of mechanical equipment installed on the structure's roof.
- Require the installation of a vegetation buffer with a minimum height of 10' and a minimum depth of 6' to provide a visual screen between the proposed use and residential uses.
- Require that the proposed vegetative species be of accelerated growth.
- Require the installation of an irrigation system to maintain the required vegetation buffer.
- Prohibit the following uses: restaurants, bars, and any establishment that sells alcohol.

Roberto Ruiz, one of the concerned neighbors, noted that agreements were negotiated and would like to thank the city and the commission for honoring his opinion and consideration.

Syed Q. Jail, owner of the property, noted his agreement with the proposed conditions.

Upon motion by Commissioner Roy De los Santos, seconded by Commissioner Linda C. Macias and carried unanimously, Agenda Item was removed from table.

Upon motion by Commissioner Roy De los Santos, seconded by Commissioner Linda C. Macias and carried unanimously, the public hearing was closed.

Commissioner Roy De los Santos moved that Ordinance Number 235-2023-026-PD be approved at first reading with the added prohibition of also BYOB alcohol establishments. The motion was seconded by Commissioner Rose Gowen and carried unanimously.

- 2) Public Hearing and ACTION on FIRST READING on Ordinance Number 2023-1732, to annex into the City of Brownsville boundary limits a property described as being a 9.61 acre tract, composed of an 8.75 acre tract of land in Reserve "A", Medrano Subdivision, according to the map of plat recorded in Vol. 14, Pg. 67, and a 0.978 acre tract of land out of a 1.84 acre tract as recorded in Vol. 361, Pg. 458, Cameron County, Texas, Map Records of Cameron County, Texas, located on North Vermillion Road, Brownsville, Texas 78521, as shown in Exhibit "A". (Planning & Redevelopment Department)**

Martin Vega, Planning & Redevelopment Assistant Director, noted that CAMCO Builders, LLC., submitted a formal voluntary petition to annex the proposed property of 56-lots into the City of Brownsville boundary limits.

Upon motion by Commissioner Rose Gowen, seconded by Commissioner Linda C. Macias and carried unanimously, the public hearing was closed.

Commissioner Roy De los Santos moved that Ordinance Number 2023-1732 be approved at first reading. The motion was seconded by Commissioner Linda C. Macias and carried unanimously.

- 3) Public Hearing and ACTION on FIRST READING on Ordinance Number 235-2023-033, to rezone from Agriculture (AG) to Residential Suburban (R-2) and Residential Transition (R-3) to allow a duplex and multifamily development for a 40.00-acre tract of land being Lot 8, Block 411, El Jardin Resubdivision, Cameron County, Texas, located on North Indiana Avenue, Brownsville, Texas 78521, as shown in Exhibit "A". (District 2) (Planning & Redevelopment Department)**

Martin Vega, Planning & Redevelopment Assistant Director, noted that the property owner requests to rezone from Agriculture (AG) to Residential Suburban (R-2) and Residential Transition (R-3) to establish a duplex and multi-family development. Commissioner Cardenas requested clarification of the process of Commission's notification of public opposition.

Upon motion by Commissioner Bryan L. Martinez, seconded by Commissioner Roy De los Santos and carried unanimously, the public hearing was closed.

Commissioner Bryan L. Martinez moved that Ordinance Number 235-2023-033 be approved at first reading. The motion was seconded by Commissioner Linda C. Macias and carried unanimously.

- 4) Public Hearing and ACTION on FIRST READING on Ordinance Number 235-2023-034-S, to request a Specific Use Permit to allow a used car lot in a Commercial Corridor (CC) zoning designation for a 0.15-acre tract out of the North half of Lot 3, Block 1, M. Samano Partition of a portion of the Wymore Tract, Cameron County, Texas, located at 7215 Paredes Line Road, Brownsville, Texas 78526, as shown in Exhibit "A". (District 3) (Planning & Redevelopment Department)**

Martin Vega, Planning & Redevelopment Assistant Director, noted that the property owner is requesting a Specific Use Permit to allow a used car lot.

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

Commissioner Roy De los Santos moved that Ordinance Number 235-2023-034-S be approved at first reading. The motion was seconded by Commissioner Pedro Cardenas and carried unanimously.

- 5) Public Hearing and ACTION on FIRST READING on Ordinance Number 235-2023-036, to rezone from Residential Estate (RE) to Residential Transition (R-3) to allow a multifamily development for the North 5.0 acres of land out of the South 15.0 acres of Block 143, El Jardin Subdivision, Shares 19 & 27, Cameron County, Texas, located on North Central Avenue, Brownsville, Texas 78526, as shown in Exhibit "A". (District 2) (Planning & Redevelopment Department)**

Martin Vega, Planning & Redevelopment Assistant Director, noted that property owner requests to rezone the subject property from Residential Estate (RE) to Residential Transition (R-3) to establish a multi-family development.

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

Commissioner Roy De los Santos moved that Ordinance Number 235-2023-036 be approved at first reading. The motion was seconded by Commissioner Linda C. Macias and carried unanimously.

Commissioner Bryan L. Matinez stepped away during the discussion of the agenda item and did not vote on Public Hearing #5.

6) Public Hearing and ACTION on FIRST READING on Ordinance Number 2023-1733, an Ordinance of the City Commission of the City of Brownsville amending Chapter 22 to add Article XIV - Establishments not licensed by the Texas Alcoholic Beverage Commission (TABC), amending the City's Master Fee Schedule to adopt annual permit and inspection fees, and other related matters. (Police Department)

Commander James Paschall noted that the proposed ordinance establishes regulations for commercial establishments that are not licensed by the Texas Alcoholic Beverage Commission but allow patrons to bring their own alcoholic beverages onto the premises for consumption (Bring Your Own Beverage or BYOB). The ordinance also will amend the City's Master Fee Schedule to adopt annual permit and inspection fees necessary to carry out the regulations. The fees proposed are as follows:

\$100.00: BYOB Permit Fee
\$466.00: BYOB Inspection Fee
\$350.00: BYOB Reinspection Fee

The proposed fees are in line with other jurisdictions that have similar BYOB regulations and reasonable which will recuperate staff time processing the permit applications and conducting inspections.

Will Trevino, City Attorney, in response to Commissioner De los Santos inquiry, provided a brief clarification of the proposed closing time of 2:15 a.m.

Upon motion by Commissioner Rose Gowen, seconded by Commissioner Linda C. Macias and carried unanimously, the public hearing was closed.

Commissioner Rose Gowen moved that Ordinance Number 2023-1733 be approved at first reading. The motion was seconded by Commissioner Linda C. Macias and carried unanimously.

At this time, Mayor John Cowen Jr., stepped out due to a conflict of interest and did not participate in Agenda Item # 1.

Helen Ramirez, City Manager, noted that for the record, Mayor Pro Tem Pedro Cardenas would be leading the meeting.

ITEMS FOR INDIVIDUAL CONSIDERATION(S)

1) Consideration and ACTION on Resolution Number 2023-128, authorizing the sale of certain real property, pursuant to Project Replace; authorizing signatories; and dealing with related matters. (Greater Brownsville Incentives Corporation (GBIC))

Eleazar Rodriguez, Director of Industrial Park Development and Special Projects, noted that the project replacement was approved by the GBIC board of Directors on September 21, 2023, finalizing the sale of Lot 8 at the North Brownsville Industrial Park. The project consists of the construction of a new Industrial Building for a manufacturing company. They plan to construct a 20,000 SF building, with an approximate initial investment of \$1.5 Million and an estimated creation of 20 jobs.

Commissioner Roy De los Santos moved to adopt Resolution Number 2023-128. The motion was seconded by Commissioner Bryan L. Martinez and carried unanimously.

Mayor John Cowen, Jr., returned to the meeting, after action was taken on the agenda item.

2) Consideration and ACTION to approve the amendments to the Brownsville Community Improvement Corporation (BCIC) Bylaws. (Brownsville Community Improvement Corporation)

Cori Pena, Brownsville Community Improvement Corporation (BCIC) President & CEO, noted that as part of the Brownsville Community Improvement Corporation (BCIC) ongoing efforts to improve its governance practices proposes updates to BCIC's Bylaws, to make the them more efficient and to prevent premature loss of talented, productive board members, the BCIC Board of Directors proposes the following changes:

Section 1.01 – Principal Office

Section 3.02 – Number, Tenure, and Qualification

Section 12.01 – Amendments to the Bylaws

Commissioner Roy De los Santos moved to approve the amendments to the Brownsville Community Improvement Corporation (BCIC) Bylaws. The motion was seconded by Commissioner Rose Gowen and carried unanimously.

3) Consideration and ACTION to approve Alliance Transportation Group Contract Extension for additional scope and services not to exceed \$150,000. (Multimodal Transportation).

Joel Garza, Multimodal Transportation Director, noted that the City of Brownsville and Alliance Transportation Group, LLC, previously known as Alliance Transportation Group Inc., initially agreed on professional planning services in December 2021. The City of Brownsville has now requested an extension of the contract and an increase in scope and fees to cover the capital recovery fee program development. The modifications to the agreement include extending the contract period until February 29, 2024, and amending the scope with a total cost not exceeding \$150,000.

Commissioner De los Santos requested the Town Hall meeting be recorded and the Mayor requested the Board of Realtors be invited.

Commissioner Bryan L. Martinez moved to approve a contract extension with Alliance Transportation not to exceed \$150,000. The motion was seconded by Commissioner Rose Gowen and carried unanimously.

4) Consideration and ACTION to approve the adjusted fees submitted by the architectural firm GIGNAC, as stated in contract AIA Document B101-2017, for the Bus Yard Rehab Project in the amount of \$154,236.92. (Multimodal Transportation)

Gennie Garcia, Multimodal Deputy Director, noted that GIGNAC submitted an invoice with the adjusted fee as stipulated in their contract that the City Commission approved on June 18, 2019. The contract states that GIGNAC will be compensated 6.5% on the Basic Service (on projects over \$3 million) once the final work cost is submitted. The final cost for the project is \$7,489,682.34.

Commissioner Roy De los Santos moved to approve the adjusted fees submitted by the architectural firm GIGNAC in the amount of \$154,236.92. The motion was seconded by Commissioner Rose Gowen and carried unanimously.

BOARD APPOINTMENT(S)

- 1) **Consideration and ACTION on Resolution Number 2023-131, to appoint one (1) new member to the Greater Brownsville Incentives Corporation (GBIC) Board of Directors to fill existing vacancies. (City Manager's Office)**

Resolution Number 2023-131 was approved as follows:

Brief discussion ensued amongst the Commission and City Attorney regarding the transition plan.

Commissioner Tino Villarreal moved to appoint **Benjamin Pena** to the Greater Brownsville Incentives Corporation Board of Directors. The motion was seconded by Commissioner Bryan L. Martinez and carried unanimously.

EXECUTIVE SESSION

Upon motion by Commissioner Bryan L. Martinez, seconded by Commissioner Linda C. Macias and carried unanimously, the Executive Session convened at 6:18 p.m. to discuss the following items:

- 1) **Closed session pursuant to Tex. Gov't. Code Section 551.071 (Consultation with Attorney) related to Solid Waste Services. (Office of the City Attorney)**
- 2) **Closed session pursuant to Tex. Gov't. Code Section 551.071 (Consultation with Attorney) related to Bank Depository Services. (Office of the City Attorney)**

All items listed in Executive Session 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 7:34 pm. There was no action taken in the Executive Session.

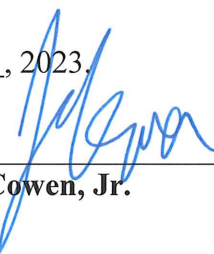
POSSIBLE ACTION ON ANY ITEM(S) AS DISCUSSED IN EXECUTIVE SESSION

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.

ADJOURNMENT

There being no further business to come before the Commission, upon duly made motion the meeting adjourned at 7:34 p.m.

Approved this 12 day of December, 2023.



John Cowen, Jr.
Mayor

Attest:



Yolanda Galarza Gomez, TRMC
City Secretary

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