



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, December 05, 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=m498955456bf28635381eb394efcc8c9f>

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 (Virtual)

FELIX SAUCEDA

Assistant City Manager/Chief of Police

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, December 01, 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, Commissioner Linda C. Macias, and Commissioner Roy De los Santos attended the meeting in person.

Commissioner Tino Villarreal joined the meeting in person at 5:09 p.m.

Commissioner Pedro Cardenas joined the meeting in person at 5:38 p.m.

b) INVOCATION

Rev. Joel R. Flores 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)

Recognizing and Honoring Cole Mata (Commissioner R. Gowen / Commissioner T. Villarreal)

The proclamation was read and presented by Commissioner Rose Gowen.

Recognizing Dalilah Garcia (Commissioner L. C. Macias / Commissioner B. L. Martinez)

The proclamation was read and presented by Commissioner Linda C. Macias.

PUBLIC COMMENT PERIOD

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

Mauro Garza was not present to address his concerns but did register his opinion on the public comment form that he submitted.

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) Proposed Capital Recovery Fee Public Feedback Debrief (Multimodal Transportation Department)

Eddie Haas, Consultant with Freese and Nichols Inc., provided a brief presentation noting the feedback that was conducted with a series of Workgroup Sessions from the development and realtor community. These sessions served as a platform for open dialogue, allowing participants to express their comments and concerns regarding various aspects of the proposed Capital Recovery Fee program. Eddie Haas also included recommendations to be considered for refining the Capital Recovery Fee Program based on community input and proposed the next steps for ongoing collaboration. The workshops aimed to provide transparency, communication, and community engagement, providing an opportunity for City Commission to ask questions and for community members to actively contribute their ideas for the proposed Capital Recovery Fee (CRF) program.

Helen Ramirez, City Manager, shared appreciation of the engagement process including with the Board of Realtors. She also noted that some of the confusion with the development and realtor community was the fixing of the roads; these would include the new future roads but also expanding existing roads.

Director Joel Garza shared that the staff recommendation is to reduce the residential from \$2,000 to \$1,000 and for commercial reduce from 25% to 10%.

Commissioner Roy De los Santos provided feedback on the structure of the presentation (slides) for future Work Sessions. He added that the slides had good information.

Mayor Cowen asked regarding if meetings have taken place with those who have reached out. City Manager Helen Ramirez responded that they have been reaching out and continual efforts include sessions in January.

Commissioner Villarreal asked regarding financing models.

Brief discussion ensued amongst the Commission and City staff.

PRESENTATION(S)

1) City of Brownsville Fiscal Year 2023 Notable Accomplishments (City Manager's Office)

Helen Ramirez, City Manager, provided a brief presentation highlighting the City of Brownsville's Fiscal Year 2023 Notable Accomplishments.

2) City Manager's Update-BTX Health Grand Opening

Dr. Art Rodriguez, Public Health & Wellness Director, noted that through the support of the City Manager's Office and Public Health staff, the BTX Health Center facility aims at taking care of city employees through different programs. Dr. Rodriguez further noted that some of the programs are funded through grants.

The City Commission acknowledged the efforts of the Health Department and invited employees and citizens to make use of the city's community services and events.

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 5 and 7 through 14 were approved and Consent Agenda 6 was removed from the agenda.

6) Consideration and ACTION to approve the Memorandum of Understanding between Cameron County and the City of Brownsville in order to receive the county's financial support to provide public transportation to disadvantaged areas. (Multimodal Transportation Department)

The agenda item was removed from the agenda.

1) Approval of the Minutes:

- a)** Minutes of November 7, 2023, City Commission Regular Meeting
- b)** Minutes of November 14, 2023, City Commission Regular Meeting

2) Consideration and ACTION to approve action required by Chapter 2254 of the Texas Government Code, for the City to provide a Written Statement and Finding of the City's Need for Specialized Contingent Fee Legal Services for Delinquent Tax Collection Services, and approval of a Second An amendment providing for a one-year renewal of a Delinquent Ad Valorem Tax Collection Services (a contingent fee contract) with Linebarger Goggan Blair & Sampson, LLP, as special counsel to perform all legal services necessary to collect delinquent property taxes; and authorize the execution of such renewal. (Office of the City Attorney)

3) 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. (Tabled November 7, 2023) (Office of the City Attorney)

- 4) Consideration and **ACTION** for a Cooperative Purchase Agreement with Silsbee Ford for the purchase of a 2024 Transit Van that will be used to transport animals at the Brownsville Animal Regulation and Care Center in the amount of \$63,934.40. (Health, Wellness and Animal Services Department)
- 5) Consideration and **ACTION** to approve a two-year professional services contract with Cirrus9 Solutions LLC. This contract is for the management of Systems Infrastructure and the integration of new technologies. The financial commitment for this contract is as follows: Year 1: \$572,000; Year 2: \$572,000; as budgeted. (Enterprise Applications Department)
- 7) Consideration and **ACTION** on Interlocal Cooperation Agreement between the City of Brownsville and the City of Harlingen, Texas for utilizing funds for the purchase of traffic control devices and equipment. (Multimodal Transportation Department)
- 8) Consideration and **ACTION** to award contract #PDL-135-0923 for the purchase and delivery of Limestone to the City for Brownsville. (Engineering & Public Works Department)
- 9) **APPROVAL on SECOND and FINAL 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)
- 10) **APPROVAL on SECOND and FINAL 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)
- 11) **APPROVAL on SECOND and FINAL 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)
- 12) **APPROVAL on SECOND and FINAL 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)
- 13) **APPROVAL on SECOND and FINAL 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)

- 14) Consideration and **ACTION** to approve an Interlocal Cooperation Agreement between Brownsville Public Utilities Board (BPUB) and the City of Brownsville, for the relocation and replacement of all utilities at the Owens Road Bridge Project Phase I. (Engineering and Public Works Department)

PUBLIC HEARING(S)

- 1) **Public Hearing and ACTION on FIRST READING on Ordinance Number 235-2023-032, to rezone from Residential Single-Family (R-1) to Residential Transition (R-3) to allow a multi-family development for Lot 2 & Reserve, Block 1, Krystal Subdivision, Cameron County, Texas, located at 2394 La Feria Road, Brownsville, Texas 78520, as shown in Exhibit "A". (District 4) (Planning & Redevelopment Department)**

Martin Vega, Planning & Redevelopment Assistant Director, noted that the applicant is requesting a zoning reclassification due to the current zoning (R-1) only allowing single-family residences on a minimum lot size of 5,000 square feet. A development consisting of 3 units, or more, is categorized as multi-family and requires a minimum zoning designation of (R-3). It is important to point out that the proposed zoning designation (R-3) may allow a density of up to 30 dwelling units per acre if all zoning and commercial requirements are met. At this time the applicant has submitted a proposal for a multi-family development that would consist of 18 units in total. It is also important to point out that the single-family residence will remain as such and will be part of the overall development. There was verbal opposition at the Planning and Zoning Commission meeting on November 2, 2023. Some concerns that were expressed were related to increased traffic and increased taxes for neighboring properties. The Planning and Zoning Commission denied this rezoning from Residential Estate (RE) to Residential Transition (R-3). On November 6, 2023, the applicant appealed the Planning & Zoning Commission's decision to deny the case. A super-majority vote will be required from the City Commission to approve the item.

Eric Garza, property owner noted that the proposed zoning reclassification is to develop the area since there are not too many duplexes in the area.

Jeremy Bernard with Costal Realty noted his support for the proposed ordinance.

Ray Garza, owner of the house that is located inside the property noted that there would be enough space for the 9 units (18 apartments).

Brief discussion ensued amongst the Commission and City staff.

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

Commissioner Roy De los Santos moved that Ordinance Number 235-2023-032, be denied. The motion was seconded by Commissioner Tino Villareal and carried as follows:

Ayes: Mayor Cowen Jr., Commissioner Villarreal, Commissioner Gowen, Commissioner Martinez, Commissioner Macias, and Commissioner De los Santos.

Nays: Commissioner Pedro Cardenas

- 2) **Public Hearing and ACTION on FIRST READING on Ordinance Number 235-2023-035-S, to rezone from Residential Suburban (R-2) to Commercial Corridor (CC) with a Specific Use Permit to allow a used car lot for the North 51.5 feet and the South 120 feet of Lot 28, Barrios Subdivision, Cameron County, Texas, located at 2557 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 proposed rezoning of the property with a Specific Use Permit is to allow a used car lot. Mr. Vega further noted that it is the

opinion of staff that the proposed request would not be adequate in the area. Furthermore, Mr. Vega provided the conditions to the development, if approved by the Commission. There were concerns expressed by the Planning and Zoning Commissioners at their board meeting on November 2, 2023. These concerns were related to increased traffic, overflow of inventory, and maintaining the neighborhood's residential character. The Planning and Zoning Commission denies this rezoning from a Residential Suburban (R-2) to a Commercial Corridor (CC) with a Specific Use Permit to allow a used car lot. On November 8, 2023, the applicant appealed the Planning & Zoning Commission's decision to deny the case. A super-majority vote will be required from the City Commission to approve the item.

Jonathan Tostado, owner of the property, noted that he is trying to move the car lots from the Southmost area since there is no more space in the area anymore.

Johanna Saldivar Tostado, wife of the owner, noted that the purpose of moving the car lot to a different location is to place it in an area where Brownsville can grow.

· Brief discussion ensued amongst the Commission and City staff.

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

Commissioner Roy De los Santos moved that Ordinance Number 235-2023-035-S, be denied. The motion was seconded by Commissioner Bryan L. Martinez and carried unanimously.

3) Public Hearing and ACTION on FIRST READING on Ordinance Number 2023-1673-B, amending Ordinance Number 2022-1673-A, the Master Fee Schedule of the City of Brownsville, Texas, to adopt the following fees: (i) advertising program fees for digital and static zones, (ii) luggage cart rental fee of \$1.00, and a refund of \$0.50 upon cart return, (iii) remote, short and long- term parking rates for Brownsville South Padre Island International Airport, and dealing with related matters. (Financial Services Department/Airport Department)

Christopher Hopkins, Assistant Airport Director, noted that the new remote parking daily rate remains at the legacy rate of \$5.00, with the first 30 minutes free, the next 30 minutes at a rate of \$1.00, and each additional hour at \$1.00, capping at a max daily rate of \$5.00. The new long-term daily rate will be \$8.00, starting at \$2.00 and increasing to the max daily rate of \$8.00. The new short-term daily rate will be \$12.00, with the first 30 minutes free, the next 30 minutes at a rate of \$2.00, and each additional hour at \$2.00, capping at a max daily rate of \$12.00. While the parking expansion is underway, the commingled parking lot rate will be set at \$8.00, the next 30 minutes free, then each additional hour at \$2.00, until construction is complete, and the parking lots segregated. The current remote monthly parking rate is \$10.00 (clerical error), and the new monthly parking rate being proposed is \$150.00 for a long-term lot and \$125 for a remote overflow parking lot. Finally, luggage cart rentals will be offered through an automated vending system for a fee of \$1.00. Upon a cart return to the system, a \$0.50 refund will be automatically processed.

Brief discussion ensued amongst the Commission and City staff.

Upon motion by Commissioner Rose Gowen seconded by Commissioner Pedro Cardenas and carried unanimously, the public hearing was closed.

Commissioner Roy De los Santos moved that Ordinance Number 2023-1673-B, be adopted at first reading. The motion was seconded by Commissioner Bryan L. Martinez and carried unanimously.

ITEMS FOR INDIVIDUAL CONSIDERATION(S)

- 1) **Consideration and ACTION on SECOND and FINAL 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)**

Commissioner Roy De los Santos moved that the agenda item be tabled and be placed for the City Commission meeting of December 12, 2023, as a Public Hearing. The motion was seconded by Commissioner Bryan L. Martinez and carried unanimously.

BOARD APPOINTMENT(S)

- 1) **Consideration and ACTION on Resolution Number 2023-132, to appoint or reappoint four (4) members to the Brownsville Community Improvement Corporation (BCIC) Board of Directors to fill existing vacancies. (City Managers Office)**

Resolution Number 2023-132 was approved as follows:

Mayor John Cowen, Jr., moved to reappoint *Murad Abusalim* to the Brownsville Community Improvement Corporation (BCIC) Board of Directors. The motion was seconded by Commissioner Pedro Cardenas and carried unanimously.

Commissioner Pedro Cardenas moved to reappoint *Cesar Lopez* to the Brownsville Community Improvement Corporation (BCIC) Board of Directors. The motion was seconded by Commissioner Rose Gowen and carried unanimously.

Commissioner Roy De los Santos moved to reappoint *Traci Wickett* to the Brownsville Community Improvement Corporation (BCIC) Board of Directors. The motion was seconded by Commissioner Tino Villarreal and carried unanimously.

Commissioner Linda C. Macias moved to appoint *Sergio Martinez* to the Brownsville Community Improvement Corporation (BCIC) Board of Directors. The motion was seconded by Commissioner Roy De los Santos and carried unanimously.

- 2) **Consideration and ACTION on Resolution Number 2023-118 to appoint three (3) members to the Brownsville Public Library System Advisory Board. (Library)**

Resolution Number 2023-118 was approved as follows:

Commissioner Pedro Cardenas to appoint *Alisha Hernandez* to the Brownsville Public Library System Advisory Board. The motion was seconded by Commissioner Tino Villarreal and carried unanimously.

Commissioner Linda C. Macias moved to appoint *Michael Gossage* to the Brownsville Public Library System Advisory Board. The motion was seconded by Commissioner Bryan L. Martinez.

After a brief discussion, Commissioner Linda C. Macias withdrew her motion.

Mayor John Cowen, Jr., held his appointment for the next scheduled meeting.

EXECUTIVE SESSION

Upon motion by Commissioner Roy De los Santos, seconded by Commissioner Linda C. Macias and carried unanimously, the Executive Session convened at 6:57 p.m. to discuss the following items:

- 1) Closed session pursuant to Tex. Gov't. Code Section 551.071 (Consultation with Attorney) related to Project Explore. (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) related to Milwhite, Inc. (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 8:00 pm. There was no action taken in the Executive Session.

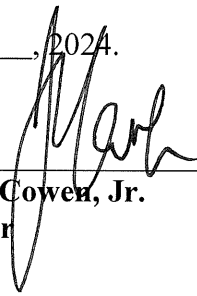
POSSIBLE ACTION ON ANY ITEM(S) AS DISCUSSED IN EXECUTIVE SESSION

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

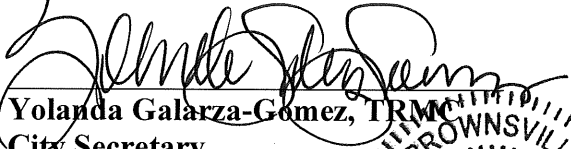
There being no further business to come before the Commission, upon duly made motion the meeting adjourned at 8:01 p.m.

Approved this 2nd day of January, 2024.

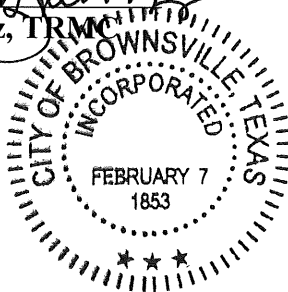


John Cowen, Jr.
Mayor

Attest:



Yolanda Galarza-Gomez, TRMC
City Secretary



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