



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 12, 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=m55e8a90c2822687c3fe479247432fa8d>

The following members were present:

JOHN COWEN, JR.

Mayor

COMMISSIONERS:

TINO VILLARREAL
BRYAN L. MARTINEZ
LINDA C. MACIAS
ROY DE LOS SANTOS
PEDRO CARDENAS

At-Large "A"
District 1
District 2
District 3
District 4

HELEN RAMIREZ

City Manager

ALAN GUARD

Deputy City Manager

FELIX SAUCEDA

Assistant City Manager/Chief of Police

WILL TREVINO

City Attorney

YOLANDA G. GOMEZ

City Secretary

ABSENT:

Commissioner Rose Gowen – At-Large "B"
Elizabeth Walker – Assistant City Manager

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 08, 2023.

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

Mayor John Cowen Jr., Commissioner Tino Villarreal, 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 5:09 p.m.

b) INVOCATION

Alicia Justilian 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)

Honoring Consul Juan Carlos Cue (Mayor J. Cowen, Jr. / Commissioner R. De los Santos)

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

Recognizing Tad Hasse (Commissioner R. De los Santos / Mayor J. Cowen, Jr.)

The proclamation was read and presented by Commissioner Roy De los Santos.

PUBLIC COMMENT PERIOD

Lawrence Fernandez submitted a Public Comment Form and did not wish to address the Commission.

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

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

Terry Avalos noted the concerns regarding the apartment building located at 1305 Barnard Street, which is located at Barnard and Boca Chica, and the absence of public notice given to the residents. Ms. Avalos hand-delivered opposition letters to the City Secretary's office.

CONSENT AGENDA ITEM(S)

Upon motion by Commissioner Roy De los Santos seconded by Commissioner Bryan L. Martinez and carried unanimously, Consent Agenda Items were approved.

- 1) Consideration and **ACTION** to approve a contract, #EAP-122-0923, with Curalinc, LLC, at a rate of \$1.56 per covered employee per month, for the Employee Assistance Program (EAP). (Organizational Development and Human Resources)
- 2) Consideration and **ACTION** to approve Task Order No. 1 for our on-call consultant Garver, LLC., under contract PES-63-0523 for the design and special services for the terminal building improvement project, in the amount of \$174,800, as budgeted. (Airport Department)
- 3) Consideration and **ACTION** to award a term contract to G&T Paving, LLC for Stagecoach Trail Paving & Drainage Improvements Project, in the amount of \$1,456,135.16, #011-24-EPW-IFB (Engineering & Public Works Department)
- 4) Consideration and **ACTION** for a Cooperative Purchase Agreement, 044-24-FR-SA, with Galls, LLC. for the purchase of Uniforms, as budgeted. (Fire Department)
- 5) Consideration and **ACTION** for a Cooperative Purchase Agreement with Metro Fire Apparatus Specialists, Inc. for the purchase of two (2) Arctic Compressors #023-24-FIR-CP, in the amount of \$123,086.00, as budgeted. (Fire Department)

- 6) Consideration and **ACTION** for a Cooperative Purchase Agreement with North America Fire Equipment Co., Inc. dba NAFECO for the Purchase of Turnout Gear and VersaPro from Lion items #033, FIR-CP-24, as budgeted. (Fire Department)
- 7) Consideration and **ACTION** on **Resolution Number 2023-136** supporting Cameron County's Resolution 2023R04017 in support of the United States Postal Service name designation of Starbase for the unincorporated area of the County where SpaceX conducts operations and authorizing the Mayor to submit a Letter of Support to the U.S. Geological Survey. (City Managers Office)

Commissioner Linda Macias left the City Commission meeting and did not vote on the Consent Agenda Items; Commissioner Linda Macias joined the meeting virtually at 5:35 pm.

PUBLIC HEARING(S)

- 1) **Public Hearing 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), and Amending the City's Master Fee Schedule to adopt annual permit and inspection fees, and other related matters. (Police Department) (Tabled December 5, 2023)**

Commander James Paschall noted that the proposed ordinance established regulations for commercial establishments that are not licensed by the Texas Alcoholic Beverage Commission but allow patrons to bring their alcoholic beverages onto the premises for consumption. Commander Paschall also noted the corrections and clarifications requested by the commission.

Rick Zayas, on behalf of the business Doghouse, expressed his concerns and proposed some amendments to the proposed ordinance.

Camilo Perez, a business owner, expressed his concerns and opposed the proposed ordinance.

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

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

Commissioner Roy De los Santos noted that in consideration and for those that need to wrap up commitments, does not have an objection to granting a grace period for the existing businesses to close, with the caveat, if approved by the Commission, if the police department has received two or three calls in one month to go to the establishment, the business will have to forfeit the grace period that had been granted.

Brief discussion ensued amongst the Commission and City staff.

Will Trevino, City Attorney, noted that the ordinance can be amended effective immediately and the enforcement can stay for 90 days for the existing establishments.

Commissioner Bryan L. Martinez noted to include the three strike incidents within the amendment.

Commissioner Pedro Cardenas noted that the leases of the businesses and 180 days should be considered.

Commissioner Roy De los Santos moved that Ordinance Number 2023-1733 be approved and as part of the second and final reading, to go into effect immediately, and for the existing business a grace period of 180 days with the stipulations that is at 4 a.m. during the grace period and if they have infractions that are reported to the police department the business can lose and forfeit the grace period.

Commissioner Pedro Cardenas noted that the Commission needed to elaborate more as to the type of infractions.

Assistant City Manager/Chief of Police Felix Saucedo noted that the ordinance has called for new guidelines so any of the guidelines that are violated that would constitute an immediate violation of the new ordinance and everything else that is governed by the Texas Alcoholic Beverage Commission (TABC) law.

The motion was seconded by Commissioner Bryan L. Martinez and carried unanimously.

Commissioner Macias signed off from her virtual connection after voting on Public Hearing #1.

ITEMS FOR INDIVIDUAL CONSIDERATION(S)

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

Will Trevino, City Attorney, noted that on July 11, 2023, the City Commission expressed concerns regarding outdated board and commission appointments and governance policies. Ordinance 2023-1724 would serve to codify and update the policies based on the direction given by the City Commission. The City Commission held its first reading on August 1, 2023, and offered additional guidance to staff. Mr. Trevino noted the changes as requested by the Commission.

Brief discussion ensued amongst the Commission regarding the inquiry of the board appointments taking place quarterly and fulfilling the unexpired term.

Mayor John Cowen, Jr., noted if the process would be helpful to have on the agenda the appointments already on the resolution to help streamline the process to come up as one agenda item.

Commissioner Roy De los Santos noted that it would be helpful if the information was provided at least two (2) weeks in advance to look for citizens within the districts that are willing to serve on the boards. Commissioner De los Santos further noted some corrections under letter g, if it should read rule or rule making; under letter j, regular meetings the section's structure does not accurately reflect the board's typical scheduling flexibility, Section 2-318 (d), noted that it does not mean they are not going to carry over and be on the board till the end of the term until another appointment happens, if the board member is in violation by not filing the Personal Financial Statement within 90 days, the seat will be automatically vacated.

City Attorney, Will Trevino, responded to Commissioner De los Santos' feedback including that clarification and additional language would be provided.

Commissioner Roy De los Santos moved to approve Ordinance Number 2023-1724 with the corrections as stated. The motion was seconded by Commissioner Tino Villarreal and carried unanimously.

2) Consideration and ACTION to acknowledge the Finance Director's financial statements and cash investment report for the City of Brownsville for the fourth quarter ended September 30, 2023. (Financial Services Department)

Lupe Granado, Finance Director, provided a brief presentation in regards to the FY 2023 Quarterly financial highlights, noting the General Fund revenues and transfers, expenditures, sales tax revenues, property tax collections, city landfill revenues generated, and the Veteran's Bridge payments from Cameron County.

Brief discussion ensued amongst the Commission and City staff.

Commissioner Roy De los Santos moved that the Finance Director's financial statements and cash investment report be acknowledged. The motion was seconded by Commissioner Pedro Cardenas and carried unanimously.

3) Consideration and ACTION to approve the Brownsville Community Improvement Corporation's (BCIC) defeasance and redemption of outstanding obligations, and the resolution related thereto. (Office of the City Attorney)

Cori Pena, BCIC President & CEO, noted that the Board of Directors approved Resolution 2024-001 at a regular board meeting on November 30, 2023, to authorize the defeasance and redemption of the company's outstanding sales tax revenue bonds, Series 2010, Series 2012, and Series 2016. The available funds will be used to pay down debt on the BCIC's FY 2024 Budget, which was approved by the City Commission on September 5, 2023. This action is part of the company's ongoing efforts to improve its financial stewardship. BCIC intends to use excess cash to defease the current BCIC Revenue Bonds, removing any State or Federal Tax restrictions attached to these bonds. The defeasance of these bonds allows BCIC to consider selling, leasing, or developing the vacant land next to the sports complex.

Brief discussion ensued amongst the Commission and City staff.

Commissioner Roy De los Santos moved to approve the Brownsville Community Improvement Corporation's defeasance and redemption of outstanding obligations as provided in the resolution approved by the corporation's board on November 30, 2023. The motion was seconded by Commissioner Bryan L. Martinez and carried unanimously.

BOARD APPOINTMENT(S)

1) Consideration and ACTION on Resolution Number 2023-133, to appoint or reappoint three (3) members to the Bicycle & Pedestrian Advisory Committee (BPAC). (Multimodal Transportation)

No action taken.

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

Resolution Number 2023-118-A was approved as follows:

Brief discussion ensued amongst the Commission and City staff.

Mayor John Cowen, Jr., moved to appoint *Audria L. West* to the Brownsville Public Library System Advisory Board. The motion was seconded by Commissioner Bryan L. Martinez and carried unanimously.

Commissioner Linda C. Macias appointment was moved to the next scheduled meeting.

EXECUTIVE SESSION

Upon motion by Commissioner Bryan L. Martinez, seconded by Commissioner Roy De los Santos and carried unanimously, the Executive Session convened at 6:23 p.m. to discuss the following items:

1) Closed session pursuant to Tex. Gov't. Code Sections 551.071 (Consultation with Attorney) and 551.072 (Real Property Deliberation) related to bid(s) received from the Cameron County Tax Resale of November 7, 2023. (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 6:35 pm.

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.

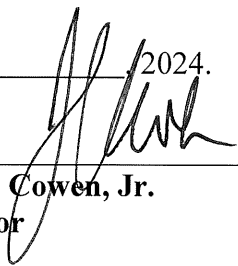
- 1) **Discussion and possible ACTION, if any, on Resolution Numbers 2023-137 through Resolution Number 2023-139, approving or rejecting the bid/offer(s) received on the Tax Resale Properties on November 7, 2023. (Office of the City Attorney)**

Commissioner Roy De los Santos moved to approve Resolution Number 2023-137, Resolution Number 2023-138, and Resolution Number 2023-139. The motion was seconded by Commissioner Pedro Cardenas and carried unanimously.

ADJOURNMENT

There being no further business to come before the Commission, upon duly made motion the meeting adjourned at 6:36p.m.

Approved this 2nd day of January 2024.

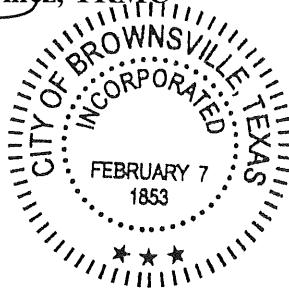


John Cowen, Jr.
Mayor

Attest:



Yolanda Galarza-Gomez, TRMC
City Secretary



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