

**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, August 15, 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 with the following members present:

<https://brownsvilletx.webex.com/brownsvilletx/j.php?MTID=m43e9edd1d8764c44980ce02f05d8e122>

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

ELIZABETH WALKER

Assistant City Manager (Virtual)

WILL TREVINO

City Attorney

JENNIFER AVENDAÑO

First Assistant City Attorney

YOLANDA G. GOMEZ

City Secretary

ABSENT:

**Felix Saucedo - Assistant City
Manager/Police Chief**

CALL TO ORDER

a) ROLL CALL

A quorum being present, Yolanda Galarza 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, August 11, 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 attended the meeting in person at 5:03 p.m.

Commissioner Pedro Cardenas attended the meeting in person at 5:07 p.m.

b) INVOCATION

Pastor Brad Burkes 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 South Texas Conjunto Association (Commissioner R. De los Santos/Commissioner B. L. Martinez)

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

Recognizing Border Workers United (Commissioner L. C. Macias/ Commissioner B. L. Martinez)

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

PUBLIC COMMENT PERIOD

Sophi San Roman was not present to address her concerns but did register her opinion on the public comment form that she submitted.

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

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

Esequiel Silva expressed concern regarding Ordinance Number 2023-736-Q.

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) Road Capital Improvement Program Workshop - City Commission Presentation. (Multimodal Transportation Department)

Joel Garza, Director for the Multimodal Transportation Department, introduced Mr. Eddie Haas. Eddie Haas, a consultant for Freese and Nichols Inc., provided a comprehensive overview of the Capital Recovery Program. The overview serves as both a technical demonstration as well as a gateway to understanding the impact the Capital Recovery Program will have on the City. The Capital Recovery Fee/Program involves imposing a fee on new residential and commercial developments. The collected fees will be directed towards enhancing infrastructure in specific designated zones. The initiative aims to ease the financial burden on the city when undertaking road improvements or constructing new roadways.

Brief discussion ensued amongst the Commission and City regarding the Capital Recovery Program proposed implementation timeline and collection rate. Mr. Eddie Haas shared that the Public Hearing on this item will be held on September 19, 2023.

2) Presentation on Fiscal Year 2024 Budget Workshop #2 (Financial Services Department)

Michael Delmore, Chief Financial Officer, presented the second Budget Workshop for the new Fiscal Year (FY) 2024. Mr. Delmore informed the Commission that the budget package is focused on two main initiatives which are employees and street improvements. The first proposed initiative for eligible City Employees includes the 3.5% COLA (\$1.2M), One-Time Stipend (\$1.2M), Compensation Adjustment Gap from Fiscal Year (FY) 2023 (\$431.2K) and Longevity Stipend (\$261K). The second type of initiative considered for Fiscal Year (FY) 2024 includes Street Improvements that are needed in our city (\$14.5M) for Design, Rebuild, and Repair for the following proposed Streets: Old HWY 77 (\$8M Total – of which \$4.5M coming from C.O.), Stagecoach Rd., Wild Rose Rd, East 14th St., Coffee Rd., and Old Alice Rd. Mr. Delmore continued with the presentation covering the 2023 Property Tax Valuation Mix, Sales Tax Revenue, General Fund Revenue Sources, Expenditures, Enterprise Funds, and other Budget 2024 details and C.O. Initiatives.

A brief discussion ensued amongst the Commission and City staff.

Helen Ramirez, City Manager, appreciated the work that was done towards the budget by the Budget Subcommittee and Department Directors.

Commissioner Tino Villareal asked what the main focus of the Fiscal Year (FY) 2024 budget for this year for the better understanding of all citizens.

Michael Delmore, Chief Financial Officer, noted that the focus includes providing citizens the best customer service possible at the most efficient cost. This includes streets where citizens have been waiting for years and the employees who have been waiting patiently for their salaries.

Helen Ramirez, City Manager, noted that the focus on infrastructure includes items such as trails, parks, and open space. It was added that the focus on personnel helps retain employees and provide for employee's different instruments such as longevity pay.

Commissioner Tino Villareal requested further explanation in regard to the tax rate for the public's better understanding.

Michael Delmore, Chief Financial Officer, explained that there are two terms, no-new revenue and the next term is voter approved tax rate (where one takes the increased property tax valuations and get it to the highest level you can without going forward to voter approval). Even as this was done, Mr. Delmore explained that the tax rate was able to be dropped by 9 cents but by law the City needs to say that the tax rate increased because the revenue is going up but the City knows the actual rate is going down.

Commissioner Roy De los Santos pointed out that the packet that the Commission received and the presentation's slides that are available to the public were different and requested that the presentation be updated for the public's view.

Mayor John Cowen asked whether there might be an opportunity for the subcommittee to look at making adjustments to the percentage of sales tax that is used for the operations budget to help deploy funds instead of working towards a large budget amendment.

Commissioner Roy De los Santos reminded staff of his request from the previous meeting, to include the wish list from departments, what got funded and what did not, as well as Commissioners Gowen's request regarding the grants and see what could be covered by them. He also asked the staff to review what the city has applied for and why it has not applied, as well as the potential that the city has.

Helen Ramirez, City Manager, added that her understanding is also what possible projects can be funded by foundations (i.e. Library and Parks). She shared that if there is a foundation out there that can help assist with the capital cost that the City would be happy to accept the funding.

Commissioner Pedro Cardenas suggested that City staff start looking for another grant for airport improvements.

PRESENTATION(S)

1) Municipal Court Department Update (Presiding Judge Rene De Coss)

Rene de Coss, Presiding Judge, provided a brief update regarding the Municipal Court. The update included the improvement and transition of the Municipal Court within the last two (2) years, the trends for Municipal Courts across the State of Texas, fines and fees collected, budget performance, contract Judge program, staff updates and highlights of accomplishments within the Municipal Court. Judge De Coss furthermore, introduced the new Interim Assistant Director, Mirla Veronica Deaton.

A brief discussion ensued amongst the Commission and City staff.

Commissioner De los Santos asked a question regarding the fines and fees collected. It was noted that out of the monies retained by the City and what goes to State, it seems that only 31% of additional revenue is going to the City.

Judge De Coss shared that there are a lot of costs the city is not able to capture, that in many cases the outcome eliminates the fine component; one example is with moving violations for drivers 25 and under and juvenile offenders where dismissal is allowed (by law) depending on the case to help with driver's license record. Other examples include indigent defendants with deferred disposition.

Commissioner De los Santos commented that with the contract Judges, he knows that the Court is doing a good job and asked where the Court is with having candidates being promoted to Associate Judges.

Judge De Coss noted that the City Manager is reviewing recommendations. The City Manager confirmed and also added that they are looking at opening up a position.

Commissioner De los Santos asked if due to the addition of Saturday sessions and looking at night court if there are any adverse effects on the budget.

Judge De Coss shared that the Court completed robust cross training of clerks and have more flexibility to complete weekend hours without affecting overtime.

Commissioner De los Santos noted that he didn't see in the presentation the contracting out of collections for aged fines and fees.

Judge DeCoss responded that the clerks are physically able to review 1-2 years of collections but the challenge includes 3-14 years of collections therefore a collection agency to review these older files is needed.

City Manager, Helen Ramirez, shared that the Purchasing Department issued request for bids. Those interested are encouraged to visit the city's website, the collections services bid is open until August 30th.

2) Brownsville/South Padre Island International Airport – Airport Advisory Board update/report. (Commissioner R. De los Santos/Commissioner P. Cardenas)

Bryant Walker, Airport Director, introduced Ed Rivera, Chair, Javier Villareal, Vice-Chair, and Board Member Patricia Guillermo from the Airport Advisory Board. The Airport Board presented updates and proposals to the City Commission.

Ed Rivera, Airport Advisory Board Chair, provided a brief summary of the Valley airports market share data and introduction of the aviation industry including the competitive positions in the valley as well as the expectation that the Brownsville Airport is proposing for the future. The Chair also covered the benefits of having an airport authority.

Mr. Walker noted that the airport is improving and noted that since Fiscal Year 2022, the airport is using operational grant funds and is not using taxpayer money. Javier Villareal, Airport Advisory Board Vice-Chair, provided a proposal to the city commission for the improvement of the airport, recommending empowering the Airport Advisory Board by establishing an Administrative Airport Board to address urgent matters of business. Mr. Villarreal further noted that the Commission should consider appointing members to the Airport Advisory Board with knowledge of airport expertise as well as with the capacitation to operate the board effectively.

Commissioner Linda C. Macias stated that she would like to see more improvements on the implementation of new airlines.

Mr. Walker provided a brief explanation of the process in implementing a new airline to the City of Brownsville.

Ms. Helen Ramirez, City Manager, added that the City Commission's involvement, City Management Office, Finance Department, and Attorney's Office, in coordination with the Airport, were instrumental in recruiting and providing incentive to the new airline.

Commissioner De los Santos commented that there is definitely the opportunity for a more efficient process and structure and wants to ensure that whatever structure is being considered that flexibility is maintained. The Commissioner noted that the City Manager excels in Economic Development and that includes creative ways in working with prospective tenants and business deals that creates a greater impact with the City of Brownsville.

A brief discussion ensued amongst the Commission and City staff.

Commissioner Gowen appreciated the Board providing the presentation and noted that it was the first time she heard from the board in her fourteen years. She shared that she sees room for a hybrid model working with the board and City Management to maximize efficiency and ridership. Commissioner Gowen asked that the Board should provide what the qualifications should be for the Board members.

Commissioner De los Santos noted that the numbers that were shown were through June and July and added that the traffic from Avelo is not reflected yet. The Commissioner asked if trends continue would that assist with the Airport not depending on grant money. The City Manager noted invoices were received and will need to return some MRG. Airport Director, Bryant Walker, shared that the answer is yes to the Commissioner's question, that there are indirect funds that come from increased traffic as well as other sales revenue and parking revenues and entitlement funding.

Mayor John Cowen shared he fully supports the board being more agile working towards a more efficient structure and shared that he understands that the Airport encompasses an industrial park. The Mayor asked if it would be something they would oversee as well. The Board Chair answered yes as long as they have the agility and authority.

3) Water Conservation & Drought Contingency Plan (Brownsville Public Utilities Board (BPUB)/City of Brownsville)

Rene Mariscal, Brownsville Public Utilities Board (BPUB) Water Resource Manager, provided a brief presentation regarding the Water Conservation and Drought Contingency Plan. The purpose of the proposed plan is to conserve and limit the demand of water during water emergencies to minimize the adverse impacts of water supply shortages or other emergencies to manage the available water resources.

Commissioner Roy De los Santos asked if BPUB has any setup for a customer to opt in to either receive emails, text alerts regarding any notices such as service interruptions that need to go out to the public.

A brief discussion ensued amongst the Commission and City staff.

CONSENT AGENDA ITEM(S)

Upon motion by Commissioner Rose Gowen seconded by Commissioner Bryan L. Martinez and carried unanimously, Consent Agenda Items were approved.

Commissioner Roy De los Santos noted that he would like to move Consent Agenda Items 1a and 1b, out of sequence for discussion and action.

Commissioner Pedro Cardenas noted that he would like to move Consent Agenda Item 14 out of sequence, for discussion and action.

Commissioner Rose Gowen amended her motion to approve Consent Agenda Items 2 through 13, and 15 through 19. Consent Agenda Items 1a, 1b and 14 were moved out of sequence for discussion and action. The motion was seconded by Commissioner Roy De los Santos and carried unanimously.

1) Approval of the Minutes:

a) Minutes of July 25, 2023, Special Workshop City Commission Meeting

b) Minutes of August 1, 2023, Regular City Commission Meeting

Commissioner Roy De los Santos noted the corrections that needed to be made for the minutes of July 25, 2023, and August 1, 2023.

A 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, minutes for July 25, 2023, and August 1, 2023, were approved with corrections.

14) APPROVAL on SECOND and FINAL READING on Ordinance Number 2023-736-Q, an Ordinance of the City Commission of the City of Brownsville Repealing and Replacing Chapter 98 – Traffic and Vehicles, in its entirety, of the City of Brownsville's Code of Ordinances; and providing for a penalty clause not to exceed \$500; and providing for an effective date. (Office of the City Manager)

Commissioner Pedro Cardenas noted that he would just like to make sure that we listen to what we are being told about the parking, not to oversell and figure out how many parking spaces we can have included and what the price should be. Commissioner Cardenas noted that he does not want it to be set in stone regarding a specific number (number of permits sold vs. spaces available).

Commissioner Roy De los Santos noted that if it is identified that there is still a greater need (that we are not able to address and aside from the permits we are willing to sell for those

reserved lots for those specific lots), then the Commissioner would like for staff to consider opening up at possibly a higher price or a permit to park in downtown just in general.

Helen Ramirez, City Manager, noted the establishing of a fee schedule and shared that staff would come back and provide a survey.

Upon motion by Commissioner Roy De los Santos seconded by Commissioner Pedro Cardenas and carried unanimously Ordinance Number 2023-736-Q, was approved.

- 2) Consideration and **ACTION** to enter into a two-year agreement to upgrade the Zoll Data System software for \$168,258.75 as budgeted. (Fire Department)
- 3) Consideration and **ACTION** to approve and enter into a Memorandum of Agreement (MOA) with The Lower Rio Grande Valley Texas Pollutant Discharge Elimination System (TPDES) Stormwater Task Force Partnership Inc. (Engineering & Public Works Department)
- 4) Consideration and **ACTION** to award Tequila Group Integrated Marketing Communications the contract for the Small Community Air Service Development Grant (SCASDP) in the amount of \$275,000 to market the new destinations in Orlando, Florida, and Burbank/Hollywood, California. (Airport Department)
- 5) Consideration and **ACTION** to approve the acquisition of two PIL-MO2 Automated Exit Lane Corridors by Dormakaba for \$220,840. (Airport Department)
- 6) Consideration and **ACTION** to approve roof repairs for La Plaza Administration facility via OMNIA Contract #180901-TX-643 via Diverse Roofing contractor for the amount of \$80,852.00 as budgeted. (Multimodal Transportation Department)
- 7) **APPROVAL on SECOND and FINAL READING on Ordinance Number 235-2023-014**, to rezone from Agricultural (AG) to Residential Suburban (R-2) to allow a duplex subdivision on a 30.67-acre tract of land out of Block 4, Chicago Gardens Subdivision, Cameron County, Texas, located on South Minnesota Avenue, Brownsville, Texas 78521, as shown in Exhibit "A". (District 1) (Planning & Redevelopment Department)
- 8) **APPROVAL on SECOND and FINAL READING on Ordinance Number 235-2023-015**, to rezone from Agricultural (AG) to Residential Single-Family (R-1) to allow a single-family residence on a 0.333-acre tract of land, out of Lot 1, Block 1, Villa Nueva Subdivision, Cameron County, Texas, located at 2893 Old Military Road, Brownsville, Texas 78520, as shown in Exhibit "A". (District 4) (Planning & Redevelopment Department)
- 9) **APPROVAL on SECOND and FINAL READING on Ordinance Number 235-2023-016**, to rezone from Residential Single-Family (R-1) to Residential Suburban (R-2) to allow a duplex subdivision on 23.136 acres out of Block 148, El Jardin Subdivision, Espiritu Santo Grant, Cameron County, Texas, located on the intersection of Robindale Road and Morrison Road, Brownsville, Texas 78526, as shown in Exhibit "A". (District 2) (Planning & Redevelopment Department)
- 10) **APPROVAL on SECOND and FINAL READING on Ordinance Number 235-2023-017**, to rezone from Residential Estate (RE) to Residential Transition (R-3) to allow a multi-family development on a 7.62-acre tract out of Block 180, El Jardin Subdivision Shares 19 & 27, Espiritu Santo Grant, Cameron County, Texas, located 2400 Dr. Hugh Emerson Road, Brownsville, Texas 78526, as shown in Exhibit "A". (District 3) (Planning & Redevelopment Department)
- 11) **APPROVAL on SECOND and FINAL READING on Ordinance Number 235-2023-905**, to rezone from Residential Suburban (R-2) to Residential Single-Family (R-1) to allow a single-family subdivision for El Naranjal Subdivision, Sections 1 to 6, Cameron County, Texas, located on Boca Chica Boulevard, Brownsville, Texas 78521, as shown in Exhibit "A". (District 1) (Planning & Redevelopment Department)

- 12) **APPROVAL on SECOND and FINAL READING on Ordinance Number 235-2023-906**, to rezone from Traditional Neighborhood (TN) and Traditional Neighborhood-Mixed Use (TN-MU) to Light Industrial (LI) to allow the expansion of an existing laboratory facility on Lots 1, 2, 10, 11, & 12, Block 71-A, Stillman Extension Subdivision, located at 305 West Levee Street, Brownsville, Texas 78520, as shown in Exhibit "A". (District 4) (Planning & Redevelopment Department)
- 13) **APPROVAL on SECOND and FINAL READING on Ordinance Number 2023-1723**, to amend the Code of Ordinances, by repealing and replacing, Article V. – Unsafe, Dilapidated Buildings and Structures, Division 2 – Building and Standards Commission, Section 18-238 – Appointment and Term, Subsection (a), to establish that the Building and Standards Commission shall be composed of seven (7) regular board members and four (4) alternate board members, all with the same powers and duties; and dealing with related matters, as shown in Exhibit "A". (Planning & Redevelopment Department)
- 15) Consideration and **ACTION** to extend the term contract for Procurement Card Services “P-Card” through State of Texas Comptroller of Public Accounts to Citibank. PCS-130-0823. (Financial Services Department)
- 16) Consideration and **ACTION** to authorize the City Manager to execute the Technical Assistance Agreement with the North American Development Bank (NAD Bank) to help fund the Feasibility and Planning Study for a Bus Rapid Transit (BRT) system in Brownsville in the amount of \$180,000 as budgeted. (Multimodal Transportation Department)
- 17) Consideration and **ACTION** to authorize the City Manager to enter into a Master Service Agreement with LCT Software (Avolve Software Company) for DigEplan subscription to provide a fully integrated electronic plan review solution. (Planning & Redevelopment Department)
- 18) Consideration and **ACTION** on **Resolution Number 2023-109**, to confirm the appointment of members to the Civil Service Commission. (Organizational Development & Human Resources)
- 19) Consideration and **ACTION** on **Resolution Number 2023-111**, to approve One Region, One Voice and supporting the RGV Partnership. (City Manager's Office)

PUBLIC HEARING(S)

- 1) **Public Hearing and ACTION on FIRST READING on Ordinance Number 235-2023-018-S**, to request a Specific Use Permit to allow a used car lot in Traditional Neighborhood-Corridor for Lot 3, Block 66, Enrique Subdivision, Cameron County, Texas, located at 1416 Filmore Street, Brownsville, Texas 78520, as shown in Exhibit "A". (District 1) (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.

A brief discussion ensued amongst the Commission and City staff.

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 235-2023-018-S, be adopted at first reading. The motion was seconded by Commissioner Bryan L. Martinez and carried unanimously.

2) Public Hearing and ACTION on FIRST READING on Ordinance Number 235-2023-019, to rezone from Residential Estate (RE) to Commercial Corridor (CC) to allow the expansion of an existing medical office for Lot 12, Jose Almaraz Subdivision, Cameron County, Texas, located at 3125 West Alton Gloor Boulevard, Brownsville, Texas 78520, as shown in Exhibit "A". (District 4) (Planning & Redevelopment Department)

Martin Vega, Planning & Redevelopment Assistant Director, noted that the property owner is requesting to change the zoning designation for Lot 12, to expand the existing structure to run the financial operations of an already existing medical office.

Maria Cristina Hoekema expressed concern regarding the proposed ordinance in regard to the flooding that occurs in the neighborhood area where the current existing business is located.

Doro Garcia, Public Works Director, noted that he will be in contact with Ms. Hoekema in regard to her concerns and see alternate solutions for the area.

A 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 235-2023-019, be adopted at first reading. The motion was seconded by Commissioner Pedro Cardenas and failed for lack of a majority as follows:

Ayes: Commissioners Martinez, De los Santos and Cardenas

Nays: Mayor Cowen, Commissioners Gowen, Villarreal and Macias

Commissioner Rose Gowen would like to see more information from staff before approving this zoning ordinance and see if the citizens' concerns have been addressed.

Martin Vega pointed out that the UDC mandates a one-year penalty if the decision-making results in the property being denied.

The City Commission requested City Attorney's advice as to how to proceed with the agenda item.

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

Upon motion by Commissioner Roy De los Santos seconded by Commissioner Rose Gowen and carried unanimously, Ordinance Number 235-2023-019, was tabled.

3) Public Hearing and ACTION on FIRST READING of Ordinance Number 2023-1725 of the City of Brownsville, Texas, to adopt the Fiscal Year 2024 Annual Budget. (Financial Services Department) (Roll Call Vote Required)

Michael Delmore, Chief Financial Officer, briefly explained the proposed budget ordinance for the Fiscal Year (FY) 2024 Annual Budget.

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

Commissioner Rose Gowen moved that Ordinance Number 2023-1725, of the City of Brownsville, Texas, to adopt the Fiscal Year (FY) 2024 Annual Budget, be adopted at first reading. The motion was seconded by Commissioner Roy De los Santos and carried as follows:

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

Nays: None

4) Public Hearing and ACTION on FIRST READING of Ordinance Number 2023-1726 to ratify the Fiscal Year 2024 budget that will raise more total property taxes than last year's budget. (Financial Services Department) (Roll Call Vote Required)

Michael Delmore, Chief Financial Officer, briefly explained that this Year's property tax levy would raise more revenue from property taxes than in the preceding year. The Local Government Code requires the governing body to hold a separate vote to ratify the property tax increase reflected in the budget; this vote is in addition to and separate from the vote to adopt budget or set the tax rate.

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 2023-1726, to ratify the Fiscal Year (FY) 2024 budget that will raise more total property taxes than last year's budget, be adopted at first reading. The motion was seconded by Commissioner Rose Gowen and carried as follows:

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

Nays: None

5) Public Hearing and ACTION on FIRST READING of Ordinance Number 2023-1728 levying ad valorem taxes for the Tax Year 2023 for the use and support of the Municipal Government of the City of Brownsville, Texas, for the Fiscal Year 2024, providing for the interest and sinking fund for the Fiscal Year 2024 City of Brownsville, Texas, General Obligation Bonds. (Financial Services Department) (Roll Call Vote Required)

Michael Delmore, Chief Financial Officer, noted that the proposed voter approved tax rate for Fiscal Year (FY) 2024 is 0.607987, it was noted that this is a decrease of 12.13% compared to the Fiscal Year (FY) 23 rate. This rate is the highest rate the city may adopt without holding an election to approve the rate.

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

Commissioner Rose Gowen moved to approve that the property tax rate be increased by the adoption of a tax rate of \$0.607987, which is effectively a 10.7% increase in the tax rate. The motion was seconded by Commissioner Roy De los Santos and carried as follows:

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

Nays: None

6) Public Hearing and ACTION on FIRST READING of Ordinance Number 2023-1729 to approve a budget amendment for Fiscal Year 2023. (Multimodal Transportation Department/Finance Department)

Gennie Garcia, Multimodal Transportation Assistant Director, noted that staff is requesting an amendment of the Fiscal Year (FY) 2023 budget for the proposed TIGER Yard Rehab Project to fund the remaining balance shortage of \$2,396,609.

A 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 2023-1729, be adopted at first reading. The motion was seconded by Commissioner Bryan L. Martinez and carried unanimously.

- 7) **Public Hearing and ACTION on FIRST READING on Ordinance Number 2023-1730, authorizing the issuance, sale, and delivery of up to \$31,000,000 in aggregate principal amount of "Combination Tax and Revenue Certificates of Obligation, Series 2023"; securing the payment thereof by authorizing the levy of an annual Ad Valorem Tax and a pledge of certain surplus revenues of the City's Municipal Landfill System; and approving and authorizing the execution of all instruments and procedures related thereto; delegating to certain city officials the authority to approve all final terms of the Certificates of Obligation; and declaring an effective date. (Financial Services Department)**

Noe Hinojosa, Estrada Hinojosa City Financial Advisor noted that the proposed ordinance is to allow them to negotiate on behalf of the City of Brownsville the best possible interest rates for Certificates of Obligation. J. Juarez, Bond Attorney, introduced himself and shared that this item only requires one reading regardless of what the Charter or any other law states.

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 2023-1730, be adopted at first reading. The motion was seconded by Commissioner Rose Gowen and carried as follows:

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

Nays: None

ITEMS FOR INDIVIDUAL CONSIDERATION(S)

- 1) **Consideration and ACTION to award a contract to Shirley & Sons Construction Company, INC from Cleveland, Texas, for Dean Porter Park IFB# DPP-30-1223, for the repairs and renovations of the retaining wall and boardwalk in the amount of \$737,486.85 plus the option for a 25% cost overrun maximum (\$184,371.71) to Shirley & Sons Construction Company, INC, as budgeted. (Parks & Recreation Department)**

Roy Reyes, Parks & Recreation Project Coordinator, briefly explained the proposed repairs and renovations for the Dean Porter Park retaining wall.

Commissioner Rose Gowen moved to award a contract to Shirley & Sons Construction Company for repairs and renovations to Dean Porter Park. The motion was seconded by Commissioner Roy De los Santos and carried unanimously.

- 2) **Consideration and ACTION to award Specific and Aggregate Stop Loss Medical Insurance coverage for plan year 2023-2024 to ISU Companion Life. (Organizational Development & Human Resources)**

Ivan Reyes, Organizational Development & Human Resources (OD&HR) Department Benefits & Compensation Manager, introduced Tommy Taylor representing Higginbotham. Mr. Taylor noted that the city was on a self-funded plan. Mr. Taylor shared that the offers proposed to the city are firm and require no additional underwriting if the applications are signed by the 16th of August. Upon receipt of the firm responses, the City and Higginbotham met to discuss contract terms, pricing, and lasers.

Commissioner Roy De los Santos moved to approve and award a Specific and Aggregate Stop Loss Medical Insurance. The motion was seconded by Commissioner Bryan L. Martinez and carried unanimously.

- 3) **Consideration and ACTION to approve Resolution Number 2023-110 nominating Columbia Valley Healthcare System, L.P., to the Office of the Governor Economic Development and Tourism through the Economic Development Bank for designation as a qualified business and enterprise project under the Texas Enterprise Zone Program under the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code. (Office of the City Manager)**

Marina Zolezzi, Chief of Staff, introduced Marla Sandoval, Director for Business Development with Valley Regional Medical Center and Omar Khan, with Ryan. Ms. Marina noted that the proposed resolution is asking for support in nominating Columbia Valley Healthcare System, L.P., (Valley Regional Medical Center) for designation as a qualified Enterprise Project under the Texas Enterprise Zone Act.

Omar Khan, with Ryan, briefly informed the Commission the proposed investments as an enterprise project. The investments will contribute significantly to the achievement of the plans of the City for development and revitalization of the area by way of an \$8M expansion/renovation of its cardiology department over the next five years and the creation of an additional ten (10) full-time positions as part of its anticipated investment.

Commissioner Roy De los Santos moved to approve Resolution 2023-110. The motion was seconded by Commissioner Bryan L. Martinez and carried unanimously.

BOARD APPOINTMENT(S)

- 1) **Consideration and ACTION, if any, to approve Resolution Number 2023-104 to appoint, reappoint, and/or remove member(s) of the Transit Advisory Committee. (Multimodal Transportation Department) (Tabled from August 1, 2023)**

Joel Garza, Multimodal Department Director presented the item. Commissioner De los Santos requested clarification if what was discussed was supported by law.

Additional discussion ensued amongst Commission and City staff.

Upon motion by Commissioner Rose Gowen seconded by Commissioner Roy De los Santos and carried unanimously, Resolution Number 2023-104, was tabled.

- 2) **Consideration and ACTION, if any, to approve Resolution Number 2023-095-B to appoint, reappoint, and/or remove member(s) on the Animal Regulation and Care Advisory Committee. (Public Health and Wellness Department)**

Resolution Number 2023-095-B was approved as follows:

Commissioner Rose Gowen moved to appoint *Javier Parra* to the Animal Regulation and Care Advisory Committee. The motion was seconded by Commissioner Bryan L. Martinez and carried unanimously.

Commissioner Tino Villarreal moved to appoint *LaHoma M. Pederson* to the Animal Regulation and Care Advisory Committee. The motion was seconded by Commissioner Bryan L. Martinez and carried unanimously.

Commissioner Bryan L. Martinez moved to appoint *Mia Barraza* to the Animal Regulation and Care Advisory Committee. The motion was seconded by Commissioner Roy De los Santos 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 convened at 8:55 p.m. to discuss the following items:

- 1) Closed session pursuant to Tex. Gov't Code Sections 551.071 (Consultation with Attorney) and 551.076 (Deliberation Regarding Security Devices or Security Audits) regarding Migrant Influx Update. (Office of the City Attorney/Office of the City Manager)
- 2) Closed session pursuant to Tex. Govt Code Sections 551.071 (Consultation with Attorney), 551.072 (Real Property Deliberation), and 551.087 (Economic Development Deliberation) related to Project Glory. (Office of the City Attorney/Office of the City Manager)
- 3) Closed session pursuant to Tex. Govt Code Sections 551.071 (Consultation with Attorney), 551.072 (Real Property Deliberation), and 551.087 (Economic Development Deliberation) related to Project Ocean. (Office of the City Attorney/Office of the City Manager)
- 4) Closed session pursuant to Tex. Govt Code Sections 551.071 (Consultation with Attorney), 551.072 (Real Property Deliberation), and 551.086 (Competitive Matters) related to Project Spark. (Office of the City Attorney/Office of the City Manager)
- 5) Closed session pursuant to Tex. Govt Code Sections 551.071 (Consultation with Attorney), 551.072 (Real Property Deliberation), and 551.087 (Economic Development Deliberation) related to Project Straw. (Office of the City Attorney/Office of the City Manager)

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 10:09 p.m. There was no action taken in the Executive Session.

Commissioner Rose Gowen left the meeting after the executive session ended.

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 Project Glory.**

No action taken.

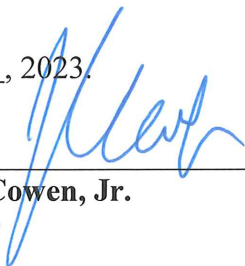
- 2) **Consideration and ACTION, if any, related to Project Straw.**

Commissioner Roy De los Santos moved to approve as discussed in Executive Session. The motion was seconded by Commissioner Bryan L. Martinez and carried unanimously.

ADJOURNMENT

There being no further business to come before the Commission, upon duly made motion the meeting adjourned at 10:10 p.m.

Approved this 05 day of September, 2023.

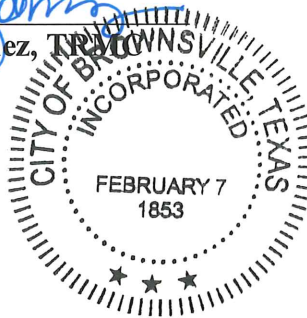


John Cowen, Jr.
Mayor

Attest:



Yolanda Galarza Gomez, TR
City Secretary



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