



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, October 03, 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=me4e3965b53417fdd754cca6bdb9b5f34>

The following members were present:

JOHN COWEN, JR.

Mayor

COMMISSIONERS:

TINO VILLARREAL

At-Large "A"

ROSE GOWEN

At-Large "B" (Virtual)

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/Police Chief

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, September 29, 2023.

Mayor John Cowen Jr. called the meeting to order at 5:02 p.m.

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

b) INVOCATION

Pastor/Minister Lance Hostetter 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 Municipal Court Week 2023 (Municipal Court) (Commissioner T. Villarreal / Commissioner B. L. Martinez)

The proclamation was read and presented by Commissioner Tino Villarreal.

Recognizing Head Start Awareness Month (Mayor J. Cowen, Jr. / Commissioner B. L. Martinez)

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

PUBLIC COMMENT PERIOD

Commissioner Roy De los Santos moved to suspend the rules to allow the nine (9) public comments received to speak. The motion was seconded by Commissioner Pedro Cardenas and carried unanimously.

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

Enrique Melguizo extended an invite to the Mayor and Commissioners to the inauguration of two historical markers at the original location of St. Joseph Academy.

Adhlemmy Sanchez expressed concern regarding environmental hazards in her residential area due to the Milwhite Inc.

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

Rosy Reyes expressed concern regarding the health impact of Milwhite Inc. in her neighborhood.

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

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

Genoveva Garza after voicing her concerns about the impact Milwhite Inc.

Jason Medina expressed concern regarding the bus shelters and asked the City Commission to use more local vendors for the City's needs.

PRESENTATION(S)

88th Legislative Session Recap (Intergovernmental Relations/City Manager's Office)

Rogelio Chanes introduced Ms. Louann Martinez from Martinez and Associates, who provided a summarized presentation of the 88th Texas Legislative Session. Ms. Martinez noted that Helen Ramirez, City Manager, and former Mayor Trey Mendez had the opportunity to testify before the Texas Legislature. Ms. Martinez further noted that what is next is two special sessions to address property tax reform and border security. A third session may be called in October to address school

vouchers, education savings accounts, or education tax credits. Governor Abbott has indicated that he may consider adding bills he vetoed during the regular session to a future special session. This could include the following bills opposed by the City of Brownsville: SB 1998 (Bettencourt) and SB 2035 (Bettencourt).

After-Hours Establishments Presentation (Police Department)

Commander James Paschall delivered the After-Hours Establishments presentation. Commander Paschall noted that the After-hours businesses are not licensed by the Texas Alcohol Beverage Commission (TABC) to sell alcohol, and therefore not subject to state laws that regulate businesses that sell alcohol. Commander Paschall further noted currently, there are three establishments that collectively have increased the Brownsville Police Department's call volume. The Police Department is proposing to establish an ordinance to regulate businesses not licensed by the TABC which allows patrons to bring their own alcoholic beverages onto the premises for consumption. The purpose of the ordinance is to provide the City of Brownsville with a tool for directly addressing public safety concerns.

Commissioner Roy De los Santos noted that the department should consider the exterior lighting of the establishments to have more visibility. Commissioner De los Santos also suggested that a town hall meeting be held and invite local businesses to express their concerns.

Update on Fiscal Year 2024 Unified Transportation Program (UTP) (Rio Grande Valley Metropolitan Planning Organization RGVMPPO)

Andrew Canon, RGVMPPO Executive Director, provided a brief update to the Commission regarding the 10-year Unified Transportation Program that was adopted by the Texas Department of Transportation (TxDOT) on August 16, 2023. Mr. Canon stated that TxDOT approved \$142 billion dollars for transportation and that 54% of the UTP was state funded.

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 7 and 9 through 15 were approved and Consent Agenda 8 was moved out of sequence for discussion and action.

8) Consideration and ACTION to award a term contract for multifunction copier service to the City of Brownsville Police Department in the amount of \$34,988.64, as budgeted. (Brownsville Police Department)

Commissioner Roy De los Santos noted for the record that the contract is a three-year term contract with the total amount \$104,965.92.

Upon motion by Commissioner Roy De los Santos, seconded by Commissioner Rose Gowen and carried unanimously, the contract for multifunction copier service to the City of Brownsville Police Department was approved with clarification.

1) Approval of the Minutes:

a. Minutes of September 19, 2023, City Commission Regular Meeting

2) Consideration and ACTION on Resolution Number 2023-118 to adopt new remote, short and long-term parking rates for Brownsville South Padre Island International Airport (Airport Department)

- 3) Consideration and **ACTION** for the execution of a contract with Public Consulting Group LLC for reimbursement services pertaining to the Ambulance Services Supplemental Payment program (ASSPP). #ASC-118-0823. (Fire Department)
- 4) Consideration and **ACTION** for the City of Brownsville to renew the contract with the Town of Rancho Viejo to furnish Fire Services. (Fire Department)
- 5) Consideration and **ACTION** to reimburse the Brownsville Public Utilities Board (BPUB) for the Wastewater Improvement Project related the Cannery Public Market Project in the amount of \$248,658.85, as budgeted. (Internal Services Department)
- 6) Consideration and **ACTION** to accept FAA Grant 3-48-059-2023 for the Aircraft Rescue and Firefighting (ARFF) Vehicle Acquisition and Runway 13-31 Preservation projects in the amount of \$1,405,716. (Airport Department)
- 7) Consideration and **ACTION** to award a subcontract agreement to Raba Kistner, Inc., for Environmental Information Document (EID) for the Culverts and Drainage Improvement Project at Various Locations throughout the City of Brownsville's Resacas, Brownsville, Cameron County, Texas. Funded by the Texas Water Development Board (TWDB) in the amount of \$74,842.52 (#010-24-EPW). (Engineering & Public Works Department)
- 9) **APPROVAL on SECOND and FINAL READING on Ordinance Number 235-2023-020**, to rezone from Residential Transition (R-3) and Light Industrial (LI) to Commercial Corridor (CC) to allow a commercial plaza and multi-family development for Lots 2 and 3, Block 2, Dana Eight-O-Two Subdivision, Section 2, Cameron County, Texas, located at 3271 Ruben M. Torres, Brownsville, Texas 78526, as shown in Exhibit "A". (District 2) (Planning & Redevelopment Department)
- 10) **APPROVAL on SECOND and FINAL READING on Ordinance Number 235-2023-021-S**, to request a Specific Use Permit to allow a freight terminal in Agricultural (AG) zoning designation for 6.8 acres out of Lot 4, Block "A", Barreda Gardens Subdivision, Cameron County, Texas, located at 554 Runnels Road, Olmito, Texas 78575, as shown in Exhibit "A". (District 4) (Planning & Redevelopment Department)
- 11) **APPROVAL on SECOND and FINAL READING on Ordinance Number 235-2023-022-S**, to request a Specific Use Permit to allow a used car lot in a Traditional Neighborhood-Corridor (TN-C) zoning designation for Lots 6, 7, 22, & 23, Block 64, Harden's Addition to the City of Brownsville, Cameron County, Texas, located at 1236 South Expressway, Brownsville, Texas 78520, as shown in Exhibit "A". (District 3) (Planning & Redevelopment Department)
- 12) **APPROVAL on SECOND and FINAL READING on Ordinance Number 235-2023-023**, to rezone from Agricultural (AG) to Residential Transition (R-3) and Commercial Corridor (CC) to allow a multi-family development and commercial plaza for 18.62 acres out of El Jardin Resubdivision, Lots 17 to 32, Block 116, Share 29, Espiritu Santo Grant, Cameron County, Texas, located on FM 511, Brownsville, Texas 78526, as shown in Exhibit "A". (District 3) (Planning & Redevelopment Department)
- 13) **APPROVAL on SECOND and FINAL READING on Ordinance Number 235-2023-025**, to rezone from Residential Suburban (R-2) to Commercial Corridor (CC) to allow a general retail store for Lots 1, 2, & 3, Block 1, Palmetto Grove Subdivision, Cameron County, Texas, located at 7954 Southmost Road, Brownsville, Texas 78521, as shown in Exhibit "A". (District 1) (Planning & Redevelopment Department)

- 14) Consideration and **ACTION to RESCIND** an award of a contract, WDI-37-0123, with Mor-Wil LLC in the amount of \$1,399,405.03 for the West Brownsville Drainage Improvement Projects. (Engineering & Public Works Department)
- 15) Consideration and **ACTION** to approve a cooperative purchase from SHI Government Solutions, Inc. to strengthen our Cyber Defense with CrowdStrike for three years in the amount of Year 1: \$288,453.50; Year 2: \$266,151.90; Year 3: \$266,151.90, #702-241-776, as budgeted. (Enterprise Applications Department)

PUBLIC HEARING(S)

- 1) **Public Hearing and ACTION on Ordinance Number 2023-1582-A, supplementing and amending Ordinance Number 2013-1582 relating to the issuance of the City of Brownsville, Texas Utilities System Commercial Paper Notes, Series A; authorizing replacement of the dealer for such notes, including execution and delivery of a dealer agreement, and approving an offering memorandum in connection therewith; and resolving other matters related thereto. (Brownsville Public Utilities Board BPUB)**

Mike Perez, Brownsville Public Utilities Board (BPUB) Chief Financial Officer, noted that in connection with the establishment and authorization of the BPUB Commercial Paper Notes Program, the City Commission previously authorized the execution of a Dealer Agreement dated November 15, 2013, with Citigroup Global Markets Inc. Since the term of the Dealer Agreement with Citigroup ends on November 21, 2023, the BPUB Board has determined that it is in the best interest to enter into a replacement dealer agreement for the Commercial Paper Notes with J.P. Morgan Securities LLC.

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 2023-1582-A 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 235-2023-024, to rezone from Agricultural (AG) to Residential Single-Family (R-1) to allow a single-family development for a 32.43-acre tract consisting of 32.41 acres out of Block 9, J.C. Bennett Subdivision; and 0.02 acres being all out of Reserve #1, Abelardo Estates Subdivision, Cameron County, Texas, located at Abrego Road, Brownsville, Texas 78520, as shown in Exhibit "A". (District 3) (Planning & Redevelopment Department)**

Martin Vega, Planning & Redevelopment Assistant Director, noted that the proposed rezoning of the property is to allow a single-family development for a 32.43-acre tract. The predominant land use in the surrounding area is undeveloped land. The property is located within the Central Emerging District. There was verbal opposition at the Planning and Zoning Commission meeting on September 7, 2023. Neighboring property owners expressed concerns regarding traffic generated by the proposed subdivision and the use of Abelardo Drive for through traffic. The Planning and Zoning Commission denied this rezoning from Agricultural (AG) to Residential Single Family (R-1). The applicant submitted a formal request to appeal the denial of the case on September 14, 2023.

Maricela Garcia, Maribel Martinez, April Harter, Chris Harter, Lina Romero, Jose Luis Martinez, Olga Longoria, Samuel Luna, and Ruby Gacia, residents of Abelardo Drive, expressed their concern regarding how traffic will impact the neighborhood area. Olga Longoria delivered a petition form against the approval of Ordinance Number 235-2023-024 to the Office of the City Secretary, opposing the ordinance as follows: no street lighting on Abelardo Estates, no pedestrian walkways, the entrance

and exit to Abelardo Dr. does not allow a high volume of traffic and the street does not have proper drainage. The residents further expressed that the commission should consider their concerns before approving any additional development projects.

Jorge De Pau, developer of Raluz Properties, agreed with concerns of the property owners but noted that the property was purchased with full compliance with any existing city ordinances necessary for accessing Aberlardo Drive and the proposed rezoning should proceed with the guidelines. Mr. De Pau asked that the Commission consider allowing him to move forward with the proposed ordinance and as a developer he would try to address any concerns from the property owners.

Commissioner Roy De los Santos noted that there is no legal obligation for the developer to do anything and there is also nothing that would prohibit the developer from doing something to improve Abelardo Drive for the neighbors. Since the area has always been intended for development, it is about ensuring the infrastructure to meet the needs of the future and currently the area does not have the necessary infrastructure to cover the needs of the development, he does not support the rezoning of the proposed ordinance.

Commissioner Rose Gowen thanked the residents of Abelardo Drive for coming forward to express their concerns and informed the residents that there are three (3) Commissioners, besides Commissioner Roy De los Santos, District 3, Commissioner Tino Villarreal, At-large “A” and herself as Commissioner At-large “B”. Commissioner Gowen noted that she would always advocate for residents to be able to walk, ride bikes, or jog on their streets in front of their houses safely.

Commissioner Tino Villarreal noted that his commitment is to assist the residents of Brownsville in any capacity possible.

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 235-2023-024 be denied. The motion was seconded by Commissioner Bryan L. Martinez and carried unanimously.

ITEMS FOR INDIVIDUAL CONSIDERATION(S)

- 1) Consideration and ACTION on Resolution Number 2023-115 to adopt BTX Mobility Plan to help guide efficient, safe, and effective transportation for the health, safety, and welfare of the City of Brownsville. (Multimodal Transportation).**

Ed Elum, Representative of Alliance Transportation Group, noted that the BTX Mobility Plan encapsulates emerging mobility, smart city programs, transit plans, the Capital Improvement Plan, the thoroughfare plan, and policy recommendations with the aim of improving mobility for the City of Brownsville. ATG Alliance collaborated with Brownsville’s Multimodal Transportation Department, Public Works, Traffic, and other departments to gather City insight on current infrastructure. This plan developed with input from stakeholders and citizens, outlines strategies for future transportation modes, including roadways, transit, rail, bicycles, pedestrians, and aviation infrastructure, along with a substantial capital improvement plan exceeding \$1 billion. This capital plan includes specific projects that may lead to the adoption of a capital recovery fee program and allows for future amendments based on evolving conditions and technologies.

Joel Garza, Multimodal Transportation Director, in response to Commissioners Gowen’s inquiry, noted that this plan was an addition to the current sidewalk trail master plan, which has a more robust protected bike lane improvement. Helen Ramirez, City Manager, noted that a modification needed to be made to reflect the protected bike lanes.

Commissioner Roy De los Santos moved to adopt Resolution Number 2023-115. The motion was seconded by Commissioner Pedro Cardenas and carried unanimously.

Commissioner Tino Villarreal stepped away during the discussion of the agenda item and did not vote on Item #1 for Individual Consideration.

2) Consideration and ACTION on Resolution Number 2023-120, adopting procedures for review of Billboard applications. (Planning & Redevelopment Department)

Prior to presenting the item, Commissioner Roy De los Santos stated that after reviewing the resolution and its supporting materials, he had some points that raised concern that he would like to visit with Legal Counsel for further discussion. Commissioner Pedro Cardenas requested the policy standardize the process to start with the City or TxDOT as appropriate.

Upon motion by Commissioner Roy De los Santos, seconded by Commissioner Linda C. Macias and carried unanimously, the agenda item was tabled for the next commission meeting on October 17, 2023.

EXECUTIVE SESSION

Upon motion by Commissioner Roy De los Santos, seconded by Commissioner Bryan L. Martinez and carried unanimously, the Executive Session convened at 6:38 p.m. to discuss the following items:

- 1) Closed session pursuant to Tex. Gov't Code Sections 551.071 (Consultation with Attorney) and 551.087 (Economic Deliberation) regarding Project First. (Office of the City Attorney/Office of the City Manager)**
- 2) Closed session pursuant to Tex. Gov't Code Sections 551.071 (Consultation with Attorney, including discussion of anticipated or pending litigation) regarding the Death Star Bill (HB 2127) and ETJ OPT-OUT BILL (SB 2038) (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 7:36 p.m. There was no action taken in the Executive Session.

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

NOTE: The City Commission of the City of Brownsville reserves the right to discuss any items in Executive Session whenever authorized under the Texas Open Meetings Act, Chapter 551 of the Texas Government Code.

- 1) Consideration and ACTION, if any, related to Project First. (Office of the City Attorney/Office of the City Manager)**

Commissioner Roy De los Santos moved to proceed as discussed in Executive Session. The motion was seconded by Commissioner Linda C. Macias and carried unanimously.

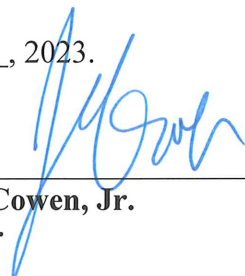
- 2) Consideration and ACTION, if any, related to Death Star Bill (HB 2127) and ETJ OPT-OUT BILL (SB 2038) (Office of the City Attorney)**

Commissioner Roy De los Santos moved to proceed 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 7:38 p.m.

Approved this 17 day of October, 2023.

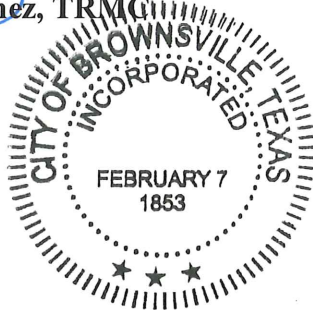


John Cowen, Jr.
Mayor

Attest:



Yolanda Galarza Gomez, TRMG
City Secretary



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