

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 in the Commission Chambers, on the Second Floor of the Brownsville City Hall – Old Federal Building, located at 1001 East Elizabeth Street, Brownsville, Cameron County, Texas, on **Tuesday, September 20, 2016, at 5:40 P.M., and 6:00 P.M.** with the following members present:

ANTONIO MARTINEZ)	MAYOR
		COMMISSIONERS
RICARDO LONGORIA, JR.)	District 1
JESSICA TETREAU)	District 2
DEBORAH PORTILLO)	District 3
JOHN VILLARREAL)	District 4
CESAR DE LEON)	At-Large “A”
ROSE M.Z. GOWEN, M.D.)	At-Large “B”
CHARLIE CABLER		CITY MANAGER
RUTH OSUNA		ASSISTANT CITY MANAGER
MARK E. SOSSI		CITY ATTORNEY
MICHAEL L. LOPEZ		ASSISTANT CITY MANAGER/ CITY SECRETARY
ABSENT:		NONE

A quorum being present, Mayor Antonio Martinez, asked Ms. Griselda Rosas, Assistant City Secretary, to read the call to consider the following matters as posted and filed for the record in The Office of the City Secretary on September 16, 2016.

EXECUTIVE SESSION: 5:40 P.M.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner John Villarreal and carried unanimously, the Executive Session convened at 5:40 p.m. to discuss the following items:

- A) Attorney consultation pursuant to Section 551.071, Texas Gov't. Code, to provide legal advice and counsel in connection with the City's rights, duties, privileges and obligations regarding collective bargaining negotiations with the Brownsville Fire Fighters Association, IAFF Local 970, and related matters.**

Upon conclusion of Executive Session Mayor Antonio Martinez, convened the Regular Meeting at 6:00 p.m. No action was taken in Executive Session.

Commissioners Rose Gowen and Deborah Portillo arrived during Executive Session.

REGULAR MEETING: 6:00 P.M.

PLEDGE OF ALLEGIANCE: UNITED STATES PLEDGE * TEXAS PLEDGE

The Pledge of Allegiance was led by Mayor Antonio Martinez and the Texas Pledge was led by Commissioner Ricardo Longoria, Jr.

INVOCATION:

The invocation was delivered by Pastor Brad Burkes, Embassy of the Spirits, from Brownsville, Texas.

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ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION:

- A) **Consideration and appropriate action, if any, to ratify a newly negotiated collective bargaining labor agreement between the duly recognized majority bargaining agent for the Brownsville firefighters and the City of Brownsville, Texas or, alternatively, consideration and appropriate action, if any, to adopt a Resolution to preserve the current compensation levels to the extent authorized under Chapter 143, Texas Local Gov't Code.**

Commissioner Cesar de Leon moved that the collective bargaining agreement, **be approved**, with the Firefighters tentatively agree to, at the negotiation table, subject to approval, of the Firefighters Association and **adopt** the resolution to preserve certain pay and benefits and that the Firefighters Association does not ratify the agreement. The motion was seconded by Commissioner Ricardo Longoria, Jr., and carried unanimously.

1. MAYOR'S ACTIVITY UPDATE:

Mayor Antonio Martinez, briefly informed the public that he had attended and accepted the 2016 U.S. Department of Transportation Mayors' Challenge Ladders of Opportunity Award at the 2016 Safer People, Safer Streets Summit held on Friday, September 16, 2016, at the U.S. Department of Transportation's headquarters in Washington, D.C.

2. COMMISSIONERS' ACTIVITY UPDATE:

Commissioner Ricardo Longoria, Jr., thanked Mr. John Bruciak, CEO Brownsville Public Utilities and his personnel, noting that the Southwaste Water Plant on East Avenue is 100% odor free complete.

3. CONSENT AGENDA ITEMS:

All consent Agenda Items listed were considered to be routine by the City Commission and were approved by one motion.

Upon motion by Commissioner John Villarreal seconded by Commissioner Ricardo Longoria, Jr., and carried unanimously, Consent Agenda Items "a through h" were **approved**.

ITEMS No. "a" through "h"

- a) Approval of the Minutes of the Regular Meeting of September 06, 2016.
- b) Approval of the Minutes of the Regular Meeting of September 12, 2016.
- c) Approval of the Minutes of the Regular Meeting of September 13, 2016.
- d) To acknowledge the following individuals to incur travel expense:

<u>Employee</u>	<u>Department</u>	<u>Destination</u>	<u>Date</u>
David Licon	Engineering	Oklahoma City, OK	Oct. 01-06, 2016
Anali Ybarra	Grants	Philadelphia, PA	Sept. 27-Oct. 01, 2016
Erika Mata	Grants	Philadelphia, PA	Sept. 27-Oct. 01, 2016
Mark Lund	MPO	Austin, TX	Oct. 04-07, 2016
Alfonso Vallejo	MPO	Fort Worth, TX	Oct. 24-28, 2016
Joe Villarreal	Police	Burnett, TX	Sept. 21-25, 2016
Reynaldo Ordonez	Police	San Antonio, TX	Sept. 27-29, 2016
Gregorio Rodriguez	Police	San Antonio, TX	Sept. 27-29, 2016
Eric Castillo	Police	Corpus Christi, TX	Oct. 02-06, 2016
John B. Puckett	Police	Corpus Christi, TX	Oct. 02-06, 2016
Julio Briones	Police	Corpus Christi, TX	Oct. 02-06, 2016
Joe D. Flores	Police	Corpus Christi, TX	Oct. 02-06, 2016

- e) **Consideration and ACTION to authorize the City Manager to accept and execute a grant awarded by the Texas Department of Transportation under the 5311 (f) Intercity Bus Program.**
- f) **APPROVAL on SECOND and FINAL READING of Ordinance Number 2016-898-CC, to amend Chapter 74 "Parks and Recreation", of the City Code of Ordinances by adding Section 74-18 "Local Standards of Care for the City Parks and Recreation Department's Children's Recreation Programs", and dealing with related matters.**
- g) **Consideration and ACTION to award a contract for sidewalk improvements for Avenida Rancho Viejo Boulevard.**
- h) **Consideration and ACTION to request authorization to extend term contract for Procurement and Travel Card Services "PCard" through the State of Texas Comptroller of Public Accounts to CitiBank.**

BOARDS AND COMMISSIONS:

- 4. **Consideration and ACTION on Resolution Number 2016-043, to appoint or re-appoint a Board member to the Cameron Appraisal District Board of Directors.**

Commissioner Ricardo Longoria, Jr., moved that Resolution Number 2016-043, be **approved** and **Mr. Vicente Mendez** be **re-appointed** as a Board member to the Cameron Appraisal District Board of Directors. The motion was seconded by Commissioner Jessica Tetreau and carried unanimously.

PUBLIC HEARINGS:

- 5. **Public Hearing and ACTION on Ordinance Number 2016-1619, an ordinance supplementing Ordinance Number 2013-1582 relating to the issuance of the City of Brownsville, Texas Utilities System Commercial Paper Notes, Series A; authorizing the substitution of the credit facility related thereto; resolving other matters incident and**

related to the replacement of the Credit Facility, including the approval, execution and delivery of the reimbursement agreement, bank fee letter, and approving an offering memorandum in connection therewith; resolving other matters related thereto; and providing an effective date.

Mr. Leandro Garcia, Brownsville Public Utilities Board Chief Financial Officer, gave a brief explanation of the ordinance.

Upon motion by Commissioner Rose Gowen seconded by Commissioner John Villarreal and carried unanimously, the public hearing was **closed**.

Commissioner Rose Gowen moved that Ordinance Number 2016-1619, an ordinance supplementing Ordinance Number 2013-1582 relating to the issuance of the City of Brownsville, Texas Utilities System Commercial Paper Notes, Series A; authorizing the substitution of the credit facility related thereto; resolving other matters incident and related to the replacement of the Credit Facility, including the approval, execution and delivery of the reimbursement agreement, bank fee letter, and approving an offering memorandum in connection therewith; resolving other matters related thereto; and providing an effective date, be **approved**. The motion was seconded by Commissioner Deborah Portillo and carried unanimously.

6. Public Hearing and ACTION on FIRST READING on Ordinance Number 235-2016-042, to rezone from Dwelling “Z” (DZ) to General Retail “G” (4CG) for 2.3 acres of Block 2 and 3 of R.B. Rentrfo located near FM 802 and Chachalaca Drive. (District 4) [TABLED 09-06-2016]

Mr. Ramiro Gonzalez, Assistant Planning Director of Operations, gave a brief explanation of the proposed ordinance, noting that the applicant would agree with the conditions as requested by the citizens around the area.

Upon motion by Commissioner Rose Gowen seconded by Commissioner Cesar de Leon and carried unanimously, the public hearing was **closed**.

Commissioner Ricardo Longoria, Jr., moved that Ordinance Number 235-2016-042, be **adopted** at first reading, to rezone from Dwelling “Z” (DZ) to General Retail “G” (4CG) for 2.3 acres of Block 2 and 3 of R.B. Rentrfo located near FM 802 and Chachalaca Drive. (District 4) The motion was seconded by Commissioner Cesar de Leon and carried unanimously.

7. Public Hearing and ACTION on FIRST READING on Ordinance Number 235-2016-058, to rezone from Dwelling “Z” (DZ) to General Retail “G” (4CG) for 0.480 acres for Lots 4, 5, & 6, Block 8 of Villanueva Subdivision located at 3095 US Military 281. (District 4)

Mr. Ramiro Gonzalez, Assistant Planning Director of Operations, gave a brief explanation of the proposed ordinance.

Ms. Lupita Garza a concerned citizen expressed opposition of the ordinance.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner John Villarreal and carried unanimously, the public hearing was **closed**.

Commissioner Ricardo Longoria, Jr., moved that Ordinance Number 235-2016-058, be **adopted** at first reading, to rezone from Dwelling “Z” (DZ) to General Retail “G” (4CG) for 0.480 acres for Lots 4, 5, & 6, Block 8 of Villanueva Subdivision located at 3095 US Military 281. (District 4) The motion was seconded by Commissioner John Villarreal and carried unanimously.

8. Public Hearing and ACTION on FIRST READING on Ordinance Number 235-2016-073, to rezone from Dwelling “Z” (DZ) to General Retail “G” (4CG) for .6248 acres for Lots 9, 10, 11 & 12 of Block 107 of Olmito Original Townsite located near Expressway 77/83 and Hargill Street.

Mr. Ramiro Gonzalez, Assistant Planning Director of Operations, gave a brief explanation of the proposed ordinance.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner Rose Gowen and carried unanimously, the public hearing was **closed**.

Commissioner Rose Gowen moved that Ordinance Number 235-2016-073, be **adopted** at first reading, to rezone from Dwelling “Z” (DZ) to General Retail “G” (4CG) for .6248 acres for Lots 9, 10, 11 & 12 of Block 107 of Olmito Original Townsite located near Expressway 77/83 and Hargill Street. The motion was seconded by Commissioner John Villarreal and carried unanimously.

9. Public Hearing and ACTION on FIRST READING on Ordinance Number 235-2016-074-CO, to rezone from Dwelling “Z” (DZ) to Apartment “H” (AH) for 6.65 acres for Blocks 3 & 4 of Rentfro Subdivision located at 950 W. FM 802.

Mr. Ramiro Gonzalez, Assistant Planning Director of Operations, noted that the applicant, if rezoning of the property was approved, 70 apartment units were to be built and a 30 ft. buffer along the Resaca, with a 30’ ft. Resaca setback for the entire width of the property from the water’s edge, a 32’ ft. building setback line for a length of 140’ ft. from the water’s edge, additionally any construction within the 140’ ft. would be restricted to one-story buildings.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner John Villarreal and carried unanimously, the public hearing was **closed**.

Commissioner John Villarreal moved that Ordinance Number 235-2016-074-CO, be **adopted** at first reading, to rezone from Dwelling “Z” (DZ) to Apartment “H” (AH) for 6.65 acres for Blocks 3 & 4 of Rentfro Subdivision located at 950 W. FM 802. The motion was seconded by Commissioner Ricardo Longoria, Jr., and carried unanimously.

10. Public Hearing and ACTION on FIRST READING on Ordinance Number 235-2016-076, to rezone from Dwelling “A” (DA) General Retail “A” (4CA) for 1.96 acres for Lots 1, 2, 3 and 4 of Block 1 of Los Ebanos Properties Subdivision Lots S. Resubdivision located at 950 Paredes Line Road.

Mr. Ramiro Gonzalez, Assistant Planning Director of Operations, gave a brief explanation of the proposed ordinance.

Upon motion by Commissioner Rose Gowen seconded by Commissioner John Villarreal and carried unanimously, the public hearing was **closed**.

Commissioner Ricardo Longoria, Jr., moved that Ordinance Number 235-2016-076, be **adopted** at first reading, to rezone from Dwelling “A” (DA) General Retail “A” (4CA) for 1.96 acres for Lots 1, 2, 3 and 4 of Block 1 of Los Ebanos Properties Subdivision Lots S. Resubdivision located at 950 Paredes Line Road. The motion was seconded by Commissioner John Villarreal and carried unanimously.

11. Public Hearing and ACTION on FIRST READING on Ordinance Number 235-2016-077-CO, to rezone from Dwelling “A” (DA) to Apartment “A” (AA-CO) for 6.38 acres for Lots 7, 8, and 9 of Block U of Brownsville Land & Improvement Company Subdivision located at 454 Los Ebanos & 504 Los Ebanos.

Mr. Ramiro Gonzalez, Assistant Planning Director of Operations, gave a brief explanation of the proposed ordinance.

Mr. Pat Pace, Jr., representing the Stovall Creek Homeowners Associations as well as all the forty (40) or so property owners in the Los Ebanos, Honeydale, Honey Dr. and Rosemond expressed concern and were opposed to the proposed ordinance.

Brief discussion ensued amongst the Commission.

Upon motion by Commissioner Rose Gowen seconded by Commissioner Cesar de Leon and carried unanimously, the public hearing was **closed**.

Upon motion by Commissioner Rose Gowen seconded by Commissioner Ricardo Longoria, Jr., and carried unanimously, this item was **tabled**.

12. Public Hearing and ACTION on FIRST READING on Ordinance Number 235-2016-078, to rezone from Professional Office “G” (ICG) to Dwelling “G” (DG) for Lot 9 of Block 1 of Acacia Lake Subdivision located at 524 Billy Mitchell Boulevard.

Mr. Ramiro Gonzalez, Assistant Planning Director of Operations, gave a brief explanation of the proposed ordinance.

Upon motion by Commissioner Ricardo Longoria, Jr., seconded by Commissioner John Villarreal and carried unanimously, the public hearing was **closed**.

Commissioner Ricardo Longoria, Jr., moved that Ordinance Number 235-2016-078, be **adopted** at first reading, to rezone from Professional Office “G” (ICG) to Dwelling “G” (DG) for Lot 9 of Block

1 of Acacia Lake Subdivision located at 524 Billy Mitchell Boulevard. The motion was seconded by Commissioner John Villarreal and carried unanimously.

- 13. **Public Hearing and ACTION on FIRST READING on Ordinance Number 2016-1217-D, amending Ordinance Number 2009-1217-C of April 21, 2009 by (A) adopting the maximum allowable and actual water and wastewater impact fees; (B) providing for certain qualified exemptions; (C) providing for severability; and (D) providing for an effective date.**

Mr. Ramiro Gonzalez, Assistant Planning Director of Operations, introduced Mr. Richard Campbell, whom delivered a PowerPoint presentation regarding the Water & Wastewater Impact Fee Results.

Mr. Rafael Chacon, Developer expressed concern regarding the impact fees and how it affects developers.

Upon motion by Commissioner Cesar de Leon seconded by Commissioner John Villarreal and carried unanimously, the public hearing was closed.

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- 14. ***PUBLIC COMMENT PERIOD: PLEASE NOTE:***

No one signed up for Public Comment period.

ACTION ITEMS:

- 15. **Consideration and ACTION on Resolution Number 2016-048, in support of the Raul Alcala Fondo Challenge.**

Commissioner Rose Gowen moved that Resolution Number 2016-048, in support of the Raul Alcala Fondo Challenge, be **approved**. The motion was seconded by Commissioner Cesar de Leon and carried unanimously.

- 16. **Consideration and ACTION to accept a Routine Airport Maintenance Grant in the amount of \$50,000.00 from the Texas Department of Transportation (M1721BNVL) for projects at the Brownsville South Padre Island International Airport.**

Commissioner Ricardo Longoria, Jr., moved that a Routine Airport Maintenance Grant in the amount of **\$50,000.00** from the Texas Department of Transportation (M1721BNVL) for projects at the Brownsville South Padre Island International Airport, be **accepted** and **approved**. The motion was seconded by Commissioner John Villarreal and carried unanimously.

- 17. **Consideration and ACTION to authorize the City Manager to execute the FY 2017 Brownsville Sports Park Maintenance & Operations Agreement between the City of Brownsville and the Brownsville Community Improvement Corporation (BCIC).**

Commissioner Jessica Tetreau moved that the City Manager to execute the FY 2017 Brownsville Sports Park Maintenance & Operations Agreement between the City of Brownsville and the Brownsville

Community Improvement Corporation (BCIC), be **authorized** and **approved**. The motion was seconded by Commissioner John Villarreal and carried unanimously.

18. Consideration and ACTION to authorize the City Manager to execute the FY 2017 Administrative Service Agreement between the City of Brownsville and the Brownsville Community Improvement Corporation (BCIC).

Commissioner Rose Gowen moved that the City Manager to execute the FY 2017 Administrative Service Agreement between the City of Brownsville and the Brownsville Community Improvement Corporation (BCIC), be **authorized** and **approved**. The motion was seconded by Commissioner Jessica Tetreau and carried unanimously.

19. Discussion and ACTION regarding the City of Brownsville's participation in the development of a Disaster Recovery Housing Program.

Commissioner Rose Gowen moved that the City of Brownsville's participation in the development of a Disaster Recovery Housing Program be **approved** with the **acceptance** of a grant in the amount of **\$10,000.00**. The motion was seconded by Commissioner John Villarreal and carried unanimously.

20. Consideration and ACTION to adopt budget amendment Resolution Number 2016-047, to amend the Streetscape Fund expenditures budget, and to amend the budget for additional expenditures and revenues in the General Fund and Capital Projects Fund.

Commissioner Rose Gowen moved that a budget amendment Resolution Number 2016-047, to amend the Streetscape Fund expenditures budget, and to amend the budget for additional expenditures and revenues in the General Fund and Capital Projects Fund, be **adopted**. The motion was seconded by Commissioner Jessica Tetreau and carried unanimously.

21. Consideration and ACTION on Resolution Number 2016-044, to adopt the Lower Rio Grande Valley Active Transportation and Active Tourism Plan, The Active Plan, as a part of the imagine Brownsville Comprehensive Plan.

Commissioner John Villarreal moved that Resolution Number 2016-044, to adopt the Lower Rio Grande Valley Active Transportation and Active Tourism Plan, The Active Plan, as a part of the imagine Brownsville Comprehensive Plan, be **approved**. The motion was seconded by Commissioner Rose Gowen and carried unanimously.

22. Consideration and ACTION on Resolution Number 2016-045, to endorse and support the Development of a Hike and Bike trail through the Bahia Grande Unit of the United States Fish and Wildlife Service's Laguna Atascosa National Wildlife Refuge.

Commissioner Rose Gowen moved that Resolution Number 2016-045, to endorse and support the Development of a Hike and Bike trail through the Bahia Grande Unit of the United States Fish and

Wildlife Service's Laguna Atascosa National Wildlife Refuge, be **approved**. The motion was seconded by Commissioner Jessica Tetreau and carried unanimously.

PURCHASES/BIDS/CONTRACTS:

- 23. Consideration and ACTION to award Amendment number two (2) for architectural services for the Bus Maintenance Rehabilitation Project (Jose Colunga BMetro Maintenance Facility) BMR-66-0813.**

Commissioner Rose Gowen moved that Amendment number two (2) for architectural services for the Bus Maintenance Rehabilitation Project (Jose Colunga BMetro Maintenance Facility) BMR-66-0813, be **awarded** to **K+ Architect**, of **Brownsville, Texas**, in the amount of **\$77,000.00**, with a total architectural design in the amount of **\$135,000.00** (original amount plus amendment #1 and #2). The motion was seconded by Commissioner John Villarreal and carried as follow:

Ayes: Commissioners Gowen, Longoria, Jr., Villarreal, Portillo, Tetreau, and Mayor Martinez

Nays: Commissioner de Leon

- 24. Consideration and ACTION authorizing the City Manager to extend Brownsville Metro's Transit Fleet Maintenance Contract with First Transit for up to three (3) month beyond the current contract's term date of September 30, 2016.**

Commissioner Rose Gowen moved that the City Manager to extend Brownsville Metro's Transit Fleet Maintenance Contract with First Transit for up to three (3) months beyond the current contract's term date of September 30, 2016, be **authorized**. The motion was seconded by Commissioner John Villarreal and carried unanimously.

- 25. Consideration and ACTION on approval of real estate contract between University of Texas at Rio Grande Valley (UTRGV) and the City of Brownsville for the purchase of the Armory Complex located at 340 Porter Drive.**

Commissioner Ricardo Longoria, Jr., moved that a real estate contract between University of Texas at Rio Grande Valley (UTRGV) and the City of Brownsville for the purchase of the Armory Complex located at 340 Porter Drive, be **approved**. The motion was seconded by Commissioner Rose Gowen and carried unanimously.

- 26. Consideration and ACTION to request authorization to extend term contract for Commercial and Industrial Solid Waste Collections Services on a month to month term not to exceed six (6) months.**

Commissioner Ricardo Longoria, Jr., moved that the request of an extended term contract for Commercial and Industrial Solid Waste Collections Services on a month to month term not to exceed six (6) months, be **authorized**. The motion was seconded by Commissioner John Villarreal and carried unanimously.

27. **Consideration and ACTION to award a term contract for the purchase and delivery of Traffic Aluminum sign Blanks.**

Commissioner Rose Gowen moved that a term contract for the purchase and delivery of Traffic Aluminum sign Blanks, be awarded to **Vulcan Signs of Foley, Alabama** at the **stipulated prices**. The motion was seconded by Commissioner John Villarreal and carried unanimously.

28. **Consideration and ACTION to award a contract for refurbishment of three (3) ambulances for the Brownsville Fire & EMS Department.**

Commissioner John Villarreal moved that a contract for refurbishment of three (3) ambulances for the Brownsville Fire & EMS Department, be **approved**. The motion was seconded by Commissioner Rose Gowen and carried unanimously.

29. **Consideration and ACTION on Resolution Number 2016-046 ratifying acceptance of Grant Number 3-48-0031-044-2016 from the Federal Aviation Administration (FAA) in the amount of \$837,000.00 for various projects at the Brownsville South Padre Island International Airport.**

Commissioner Rose Gowen moved that Resolution Number 2016-046 **ratifying acceptance** of Grant Number 3-48-0031-044-2016 from the Federal Aviation Administration (FAA) in the amount of **\$837,000.00** for various projects at the Brownsville South Padre Island International Airport, be **approved**. The motion was seconded by Commissioner John Villarreal and carried unanimously.

ADJOURNMENT:

There being no further business to come before the Commission, upon duly made motion, the meeting adjourned at 7:53 p.m.

Approved this 11th day of October, 2016.

Antonio Martinez
Mayor

Attest:

Michael L. Lopez, MPA
City Secretary



Respectfully submitted by:
Yolanda Galarza-Gomez, Administrative Specialist II
Office of the City Secretary