1. AGENDA FOR APRIL 07, 2020
   Documents:
   
   A-04-07-2020.PDF

2. BINDER FOR APRIL 07, 2020
   Documents:
   
   Binder04-07-2020.PDF
NOTICE OF A PUBLIC MEETING OF THE
CITY COMMISSION OF THE CITY OF BROWNSVILLE

TELECONFERENCE OPEN MEETING

Pursuant to Chapter 551, Title 5, Section 551.041, of the Texas Government Code, the Texas Open Act, notice is hereby given that the City Commission of the City of Brownsville will conduct a Regular Meeting on Tuesday, April 07, 2020, at 5:00 P.M. via Zoom Teleconference Meeting by logging on at https://zoom.us/j/668843067 Meeting ID: 668 843 067

This Notice and Meeting Agenda, are posted online at: http://www.cob.us/AgendaCenter

The members of the public wishing to participate in the meeting hosted through Zoom Teleconference at the following numbers:

One tap mobile
+13462487799,,668843067# US (Houston)
+16699006833,,668843067# US (San Jose)

Dial by your location
+1 346 248 7799 US (Houston)
+1 669 900 6833 US (San Jose)
+1 301 715 8592 US
+1 312 626 6799 US (Chicago)
+1 929 205 6099 US (New York)
+1 253 215 8782 US
Meeting ID: 668 843 067

Members of the public who submitted a “Public Comment Form” will be permitted to offer public comments as provided by the agenda and as permitted by the presiding officer during the meeting.

A recording of the meeting will be made and will be available to the public in accordance with the Open Meetings Act.

CALL TO ORDER

a) Roll Call

b) Proclamation National Service Recognition Day (Commissioners R.M.Z. Gowen/J. Cowen, Jr.)

PUBLIC COMMENT PERIOD

- **Non-Agenda Items**: Kindly submit a “Public Comment Form” stating the City business or City policy you wish to speak to before the start of the scheduled meeting time with the City Secretary. Forms are not reserved for anyone nor may time be deferred to anyone. PowerPoint presentations may not be accommodated. This period is limited to five (5) speakers with a time limit of three (3) minutes per speaker.

- **Agenda Items**: Kindly submit a “Public Comment Form” stating which item(s) on the agenda you wish to speak to before the start of the scheduled meeting time with the City Secretary. Speakers will be allowed to address the Commission on the agenda item before it is to be considered. The speaker is limited to three (3) minutes.
• **Time Limits:** The City Commission shall have the discretion to modify its regulations regarding time limits on public comment if necessary. For example, the time limit may be shortened to accommodate a lengthy agenda or it could be lengthened to allow additional time for discussion on a complicated matter or if there is a need for an interpreter.

**WORK SESSIONS**

A) COVID-19 Updates (Public Health Department)

B) Presentation regarding amendments to Code of Ordinances, Chapter 18-Buildings and Building Regulations, and dealing with related matters. (Planning and Redevelopment Department)

**CONSENT AGENDA ITEMS**

The following are considered to be routine by the City Commission and will be approved by one motion. There will be no separate discussion of these items unless a City Commissioner so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.

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b) Consideration and **ACTION** to award a contract for Professional Engineering Services for West Brownsville Drainage Improvements to Hanson Professional Services Inc., in the amount of $150,000.00, as budgeted in Fiscal Year 2020 Capital Improvement Plan (CIP). (Engineering/Public Works Department)

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h) Consideration and ACTION to award task order to Raba Kistner for the City of Brownsville/Department of Public Safety Joint Tactical Training Center for Phase II Environmental Site Assessment, under current term contract for Geotechnical and Construction Material Testing Services, #QGC-26-0417, in the amount of $67,316. (Police Department)

i) APPROVAL on SECOND and FINAL READING on Ordinance Number 235-2019-064-S-MA-CO, to grant a major amendment allowing a restaurant, Medium Retail (3C) use, in Dwelling “A” (DA) for Lots 40 & 41, La Villita Unit No. 4 Subdivision, located at 313 Manzano Street, with a Conditional Overlay. (District 1) (Planning & Redevelopment Department)

j) APPROVAL on SECOND and FINAL READING on Ordinance Number 235-2020-005, to rezone from Dwelling “A” (DA) to Dwelling “G” (DG) for Lot 1, Block 1, Villa Del Rey Subdivision, Section II, located at 673 Rey Salomon Street. (District 2) (Planning & Redevelopment Department)

k) APPROVAL on SECOND and FINAL READING on Ordinance Number 235-2020-902, to rezone from Dwelling “A” (DA)/Dwelling “G” (DG)/Dwelling “Z” (DZ)/General Retail “G” (4CG)/Light Industrial “J” (7CJ) to General Retail “G” (4CG) for an approximate 60.85 acres comprised of all of Reserve Area “B”, Villa del Norte Subdivision; all of Blocks 7 to 11, Harrington Place Subdivision; 1.41 acres out of Blocks 1 to 4, Harrington Place Subdivision; a 1 acre tract out of Share 12, Espiritu Santo Grant; and a 4.5 acre tract out of 19.5 acres out of Block 1 & 2, R.A. Lieck Subdivision; save and except, 1.257 acres out of Reserve Area “B”, Villa del Norte Subdivision (O.R.C.C.T. Vol. 7537, Pg. 77), located near Stillman Road. (District 3) (Planning & Redevelopment Department)

PUBLIC HEARINGS

1. Public Hearing and ACTION on FIRST READING on Ordinance Number 2020-1569-B, concerning Chapter 102 of the Code of Ordinances entitled “Utilities” and which provides for Electric; amending Sections 102-199(B) and 102-204(A) of Chapter 102 to be consistent with resolutions of the Public Utilities Board recommending amendments to correct and conform non-rate provisions related to Municipal Street Lighting and Private Security Lighting Services; and providing a severability clause. (Finance Department/Brownsville Public Utilities Board (BPUB))

2. Public Hearing and ACTION on FIRST READING on Ordinance Number 2020-1485-E, amending the Code of Ordinances, Chapter 18-Buildings and Building Regulations, by repealing and replacing Article III. - Building Code, Section 18-116.-Adopted, Article VI. - Electricity, Section 18-301,- Adopted, Article VII.- Mechanical Code, Section 18-626.- Adopted, Article VIII.- Plumbing Code, Section 18-656.- Adopted, Article IX.- Gas Code, Section 18-686.- Adopted, and by creating Article XIII.- Existing Buildings; and dealing with related matters. (Planning and Redevelopment Department)
3. Public Hearing and ACTION and FIRST READING on Ordinance Number 2020-235.93, to amend the Code of Ordinances, Chapter 348-Zoning, Article VII-Supplementary District Regulations, by repealing and replacing Section 348-1381-Off-street Parking, and dealing with related matters. (Planning and Redevelopment Department)

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ITEMS FOR INDIVIDUAL CONSIDERATION

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EXECUTIVE SESSION

A) Closed session pursuant to Section 551.072 of the Tex. Gov’t Code regarding the lease of real property if deliberation in an open meeting would have a detrimental effect on the position of the City of Brownsville in negotiations with a third person; and pursuant to Section 551.087 of the Tex. Gov’t Code to deliberate financial or other incentives to a business prospect the City seeks to have locate within the City, in relation to the lease of land and provision of financial incentives for Project Alpha. (City Manager’s Office)

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

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By: Juan "Trey" Mendez III
Mayor of the City of Brownsville

I certify that a copy of the April 07, 2020, Agenda of items to be considered by the Brownsville City Commission was posted on the Bulletin Area at City Hall – Federal Building, on April 03, 2020. I further certify that the Agenda was posted on the City’s website and can be downloaded by accessing: http://www.cob.us/AgendaCenter

Griselda Rosas, Interim City Secretary
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Mayor of the City of Brownsville

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Griselda Rosas, Interim City Secretary
PROCLAMATION

National Service & Recognition Day
**AGENDA ITEM**  COMMISSION MEETING DATE 04/07/20

<table>
<thead>
<tr>
<th>Executive Session (City Attorney Only)</th>
<th>Presentation</th>
<th>Agenda</th>
<th>Ordinance</th>
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**Information:** Please include additional information/request.

COVID-19 Updates

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**Reviewing Departments:** Please review and forward to the next reviewing department in a timely manner.

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<tr>
<th>Department</th>
<th>Date Reviewed:</th>
<th>By:</th>
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**City Commission**

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**Assistant City Manager**

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**Deputy City Manager**

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**City Manager’s Approval**

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City Attorney

Date Reviewed:

By:

Comments:

Finance Department

Date Reviewed:

By:

Comments:

City Commission

Approved: [ ] Yes [ ] No

Date:

Initials: Date:

Assistant City Manager

Approved: [ ] Yes [ ] No

Date:

Initials:

Deputy City Manager

Approved: [ ] Yes [ ] No

Date:

Initials:

City Manager's Approval

Signature:

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<tr>
<td>Action Item:</td>
<td></td>
<td>Contract</td>
<td>Second Reading</td>
</tr>
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<td></td>
<td></td>
<td>Grant</td>
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<td>Action</td>
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<tr>
<td></td>
<td></td>
<td>Consent</td>
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</tr>
</tbody>
</table>

Information: Please include additional information/request.

Consideration and Action to award a contract for the Palo Alto Battlefield Trail Material Testing Services to Millennium Engineers Group, Inc., in the amount of $43,189.52, as budgeted.

The scope of this PO will included Material Testing for the duration of the Palo Alto Battlefield Ph. 2 Project. Testing will include sub grade compaction testing, concrete slump testing, concrete application requirement testing, and concrete core testing.

Funding for this is available under 45-8228-765 Battlefield Trail Ext. Professional Services BID#QGC-26-0417

<table>
<thead>
<tr>
<th>Reviewing Departments: Please review and forward to the next reviewing department in a timely manner.</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Attorney</td>
</tr>
<tr>
<td>Comments:</td>
</tr>
<tr>
<td>Finance Department</td>
</tr>
<tr>
<td>Comments:</td>
</tr>
</tbody>
</table>

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<tr>
<th>City Commission</th>
<th>Assistant City Manager</th>
<th>Deputy City Manager</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approved:</td>
<td>Approved:</td>
<td>Approved:</td>
</tr>
<tr>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Date</td>
<td>Initials:</td>
<td>Initials:</td>
</tr>
</tbody>
</table>

City Manager's Approval

Signature: Date:

Revised 3/2019
To: Mayor and City Commission
Through: Noel Bernal, City Manager
From: Armando Gutierrez, P.E. Engineering and Public Works Director
Date: April 2, 2020
Agenda: Consideration and ACTION to award contract for the Palo Alto Battlefield Trail material testing services to Millennium Engineers Group, Inc., in the amount of $43,189.52, as budgeted. (Engineering and Public Works Department)

Summary:
This scope of this contract will be to conduct material testing for the extent of this project. The material testing will include sub grade compaction testing, concrete slump testing, concrete application requirement testing, and concrete core testing.

Funding for this is available under 45-8228-765 Battlefield Trail Ext. Professional Services using grant funds from the Legacy Foundation.

The Engineering and Public Works department recommends approval.
March 9, 2020

Mr. Doroteo Garcia Jr./Engineering
City of Brownsville – Finance Department
P.O. Box 911
Brownsville, Texas 78520
(956) 541-1012
doro@cob.us

Subject: Construction Materials Testing Services
City of Brownsville Palo Alto Battlefield Trail
Brownsville, Cameron County, Texas
MEG Proposal No. 01-20-171M – (Re: Work Order No. 74)

Dear Mr. Garcia,

Millennium Engineers Group, Inc. (MEG) is pleased to submit this proposal for the subject project to offer our services for Construction Materials Testing as outlined below. This proposal, our proposed scope of services, and the estimated item quantities are based upon the project information provided to us by the CLIENT and/or authorized representative.

The estimated cost for services on this project is $43,189.52

The estimate provided is preliminary in nature and is based upon our understanding of the project information provided to us. The cost is estimated without an understanding of the general contractor’s construction schedule, construction sequence, scheduling, and changes in weather. Since it is difficult to provide an overall cost estimate for testing as indicated, we have provided a schedule of fees based upon the hourly and unit prices for our services. If there is any change in the project requirements provided to us from those mentioned below, please notify us of the changes and the estimate can be revised accordingly.

We appreciate the opportunity of submitting this proposal and look forward to working with you on the construction phase of this project. If there are any questions regarding the proposed scope of work please contact us at (956) 702-8500. Upon your authorization we will begin immediately on the services that you have requested. Please complete the attached Project Information Sheet in order for us to timely setup the project, prepare testing reports, and process monthly invoices.

Sincerely,

MILLENNIUM ENGINEERS GROUP, INC.
TBPE Firm No. F-3913

[Signature]

Andres Palma, P.E.
Materials Testing Manager
PROJECT INFORMATION

We understand that the proposed plans are to make improvements to City of Brownsville Palo Alto Battlefield Trail located in Brownsville, Cameron County, Texas. Our understanding is that our services will be needed for Construction Materials Testing Services. Our involvement in the project is anticipated to include providing field and/or laboratory construction materials observation and testing during the duration of the project.

SCOPE OF SERVICES

MEG will provide materials observation and testing services that are in general accordance with the project plans and specifications. The quantity of services required for construction materials testing during the construction phase of the project will be affected by the general contractors scheduling, sequencing, progress, and performance. Therefore, our fee for construction material testing services will be based upon the provided unit and hourly rates. MEG’s anticipated scope of services is as follows:

- Laboratory evaluation of Soils
- Field density and moisture evaluation of Soils
- Field observations and testing of Concrete
- Field observations of Reinforcing Steel
- Field observation of Reinforcing Steel Construction, including Bolting and Welding

Experienced inspectors and laboratory personnel will be provided for construction material testing services. All services will be performed under the direction of a Registered Professional Engineer in the State of Texas. Field testing and laboratory reports will be processed on an on-call basis by personnel that have been authorized to schedule testing and observation by our CLIENT. All service reports will be transmitted electronically to the project distribution list as directed by our CLIENT on the Project Information Sheet. An original copy of the report will be sent on a monthly basis along with the project invoice.

PROJECT ESTIMATE

The fees presented in this proposal and outlined in the Unit Rate Sheet section are based on prompt payment for services. Late fees will be charged if payment is not received in accordance with the terms as outlined in the Provisions section of this proposal. The estimated fee for providing the above services on the project is as follows:
**SOILS** (47 trips for subgrade and flexible base testing at proposed sidewalk, driveway, footings, end-walls at boardwalk, and double leaf gates)

<table>
<thead>
<tr>
<th>Task</th>
<th>Qty.</th>
<th>Unit Rate</th>
<th>Estimated Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>CMT SERVICES – (Plasticity Index)</td>
<td>8</td>
<td>70.69</td>
<td>$552.00</td>
</tr>
<tr>
<td>(each)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CMT SERVICES – Sieve Analysis</td>
<td>8</td>
<td>70.13</td>
<td>$561.04</td>
</tr>
<tr>
<td>(each)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>GEOTECH LAB SRVS – Wet Ball Mill</td>
<td>1</td>
<td>238.06</td>
<td>$238.06</td>
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<tr>
<td>(each)</td>
<td></td>
<td></td>
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<tr>
<td>CMT SERVICES – Standard Proctor</td>
<td>8</td>
<td>200.25</td>
<td>$1,602.00</td>
</tr>
<tr>
<td>(Moisture-Density Relationship)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(each)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CMT SERVICES – In-place Density Tests</td>
<td>118</td>
<td>33.38</td>
<td>$3,938.84</td>
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<tr>
<td>(each)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ENGINEERING SERVICES – Technician</td>
<td>150</td>
<td>46.88</td>
<td>$7,032.00</td>
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<tr>
<td>(hourly)</td>
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<td></td>
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<tr>
<td>CMT SERVICES – Trip Charge</td>
<td>47</td>
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<td>$1,568.86</td>
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<tr>
<td>(each)</td>
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<tr>
<td><strong>Sub-Total (Soils)</strong></td>
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<td>$15,492.80</td>
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</table>

**CONCRETE** (20 concrete pour inspections at proposed sidewalk, driveway, footings, gates, end-walls and fence railing)

<table>
<thead>
<tr>
<th>Task</th>
<th>Qty.</th>
<th>Unit Rate</th>
<th>Estimated Cost</th>
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<tbody>
<tr>
<td>CMT SERVICES – Compressive Strength</td>
<td>75</td>
<td>29.00</td>
<td>$2,175.00</td>
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<tr>
<td>Concrete Cyl (Incl. tech time, Min. 4)</td>
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<tr>
<td>ENGINEERING SERVICES – Technician</td>
<td>131</td>
<td>46.88</td>
<td>$6,141.28</td>
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<tr>
<td>(hourly)</td>
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<td></td>
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<tr>
<td>CMT SERVICES – Trip Charge</td>
<td>20</td>
<td>33.38</td>
<td>$667.60</td>
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<tr>
<td>(each)</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>CMT SERVICES – Cylinder pick-up trip</td>
<td>20</td>
<td>60.50</td>
<td>$1,210.00</td>
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<tr>
<td>charge (each)</td>
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<td><strong>Sub-Total (Concrete)</strong></td>
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<td></td>
<td>$10,193.88</td>
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</tbody>
</table>

**ENGINEERING SERVICES** (36 trips for proposed professional structural, reinforcing and welding inspections at wood pilings, fence railings, end walls, double-leaf gates, mechanical fasteners-bolts, structural composite blocking/reinforcing)

<table>
<thead>
<tr>
<th>Task</th>
<th>Qty.</th>
<th>Unit Rate</th>
<th>Estimated Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prof. Inspection (Reinforcing, Structural</td>
<td>108</td>
<td>94.94</td>
<td>$10,253.52</td>
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<tr>
<td>and Welding) (hourly)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CMT SERVICES – Trip Charge</td>
<td>36</td>
<td>33.38</td>
<td>$1,201.68</td>
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<tr>
<td>(each)</td>
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<tr>
<td><strong>Sub-Total (Concrete)</strong></td>
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<td>$11,455.20</td>
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**PROJECT MANAGEMENT AND ADMINISTRATION**

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<th>Estimated Cost</th>
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<td>Fee (hourly)</td>
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<td>ENGINEERING SERVICES – P.E.</td>
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<td>141.25</td>
<td>$3,460.63</td>
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<tr>
<td>(hourly)</td>
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<td></td>
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<tr>
<td>ENGINEERING SERVICES – Clerical</td>
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<td>$1,490.13</td>
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<tr>
<td>(hourly)</td>
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<tr>
<td><strong>Sub-Total (Mgmt. &amp; Admin.)</strong></td>
<td></td>
<td></td>
<td>$6,047.64</td>
</tr>
</tbody>
</table>

**Sub-total Estimated Cost** $43,189.52
The following assumptions were used in preparing the proposal:

- MEG's proposal is dependent on the duration of construction days and additional compensation may be required if the construction sequence is slower or faster than typical construction.
- MEG's proposal is dependent on the construction sequence that is used by the General Contractor. Estimated quantities herein are based on the most efficient scheduling the General Contractor can use to combine our services when applicable. Standby time, weather, and cancellations have not been factored into the proposal.
- The Contractors on the site will work a single shift, on a 5 days per week schedule.
- Construction Material Testing Services will be scheduled with 24 hours notice.
- Services provided outside of regular business hours as outlined in the Provisions section of this proposal, or services provided on Saturday, Sunday, or Holidays will be invoiced at 1.5 times the applicable unit rate.
- Minimum three (3) hour charge for engineering technician per trip. Minimum three (3) density tests per trip.
- Upon request for services by owner, representative of owner, and/or construction team, MEG will assume that our proposal is authorized and will proceed with services, to not delay project. If these terms are not agreeable, please provide MEG written documentation prior to the request for services.
- When invoices need to be delivered to a third party for review, the client shall notify MEG of this request, prior to the request for services. If this is not disclosed before the request for services, MEG shall charge administrative time to prepare, send, and deliver to the third party.
- Unless otherwise notified, MEG assumes that the owner will be responsible for all of the project's invoices. If retests and/or cancellations are to be billed to another party, the owner shall notify MEG before the request for services. An administrative fee will incur with the separation of invoices.
- Invoices are due and payable on receipt. Interest at the rate of 1½% per month will be charged on all past-due amounts, unless not permitted by law.
SCHEDULE

We request that our office be contacted at 956/702-8501 at least 24 hours prior to the time our services are needed to allow for scheduling. Calls for scheduling services will need to be made by 5pm of the previous day when service requests are needed. Cancellation of service requests will need to be made at least 2 hours before the scheduled service request time. Cancellation of services that are scheduled to be performed before 8am (early morning) will need to be made prior to 5pm of the previous day. Our services will be performed as directed by the CLIENT, at the rates presented herein.

The contractor is responsible for performing the work in accordance with the plans and specifications. Our testing & observations of the work does not relieve the contractor of their responsibility to perform the work properly and in accordance with industry standards. Prior to the start of construction and our services, we do request one (1) set of approved project plans and specifications with addendums when applicable. We also request the contact information of the general contractor so cancellations, re-testing, or additional testing when required because of the contractor can be billed to the contractor. The project information form and invoicing instructions form will need to be submitted to our office within 5 days of the authorization date. Failure to do so will require MEG to furnish additional administrate support for this project and will be subject to additional administrative charges as required. In addition, an on-site pre-construction meeting with all involved parties is highly recommended to our CLIENT to clearly specify the expectations, scope, and responsibilities of all involved parties.

GENERAL COMMENTS

This proposal may be executed by signing the Authorization for Professional Services and returning a copy to MEG. Project initiation and set up may be expedited by emailing or faxing a copy of the signed Authorization for Professional Services to (956) 702-4180. The terms, conditions, and limitations stated in the Provisions section and section of this proposal incorporated therein, shall constitute the exclusive terms and conditions and services to be performed for this project. This proposal is valid only if authorized within 60 days from the proposal date. Please contact our office if you have any questions or comments about the proposal that has been prepared for your project.

PLEASE SIGN THE FOLLOWING SHEET AND RETURN FOR AUTHORIZATION OF SERVICES AND PROJECT SETUP.

_________________________________________________________________________
AUTHORIZATION FOR PROFESSIONAL SERVICES

Millennium Engineers Group, Inc. and CLIENT hereby agree to the terms and conditions of this proposal and have caused this agreement to be executed by their duly authorized officers and made effective as of the day and year of this agreement.

Client: City of Brownsville

Consultant: Millennium Engineers Group, Inc.

Signature: __________________________ Signature: __________________________

Name/Title: __________________________ Name/Title: Andres Palma, P.E./ Manager

Date: __________________________ Date: 03/09/2020

Please address invoices to: Please address deliverables and notices to:

Same as invoices: Yes / No, address to:

ATTN: __________________________

ATTN: __________________________

All service reports will be transmitted electronically to the project distribution list as directed by our CLIENT on the attached Project Information Sheet. The Authorization for Professional Services does not relieve the signatory party of their responsibility to pay invoices as stated due upon receipt. The authorization of this form does not relieve the signatory party of their responsibility to pay MEG and proceed with their payment to MEG with no obligations, commitments, payment and/or review by another responsible party. It is the responsibility of the CLIENT to discuss these terms with MEG prior to the execution of this proposal. This proposal may be executed by signing the Authorization for Professional Services and returning a copy to MEG. Project initiation and set up may be expedited by emailing a copy to (meg@megengineers.com) or faxing a copy of the signed Authorization for Professional Services to (956) 702-4180.

Please mail original copies to:
Millennium Engineers Group, Inc., PO Box 4569, Edinburg, Texas 78540-4569.

PLEASE SIGN AND RETURN THIS SHEET FOR AUTHORIZATION OF SERVICES AND PROJECT SETUP.
MILLENNIUM ENGINEERS GROUP, INC., PROFESSIONAL SERVICES AGREEMENT

PROVISIONS

1. AUTHORIZATION TO PROCEED
Signing this form shall be construed as authorization by CLIENT for MILLENNIUM ENGINEERS GROUP, INC. (MEG) to proceed with the work, unless otherwise provided for in the authorization.

2. TECHNICIAN SERVICES
MEG will charge overtime at the rate of 1.5 applicable for technician services performed before 7 AM and after 6 PM on Monday through Friday, after 8 continuous hours on the Client’s project and on Saturday, Sunday and holidays. Laboratory testing performed after normal work hours of 7 AM to 6 PM on Monday through Friday, Saturday, Sunday and Holidays will be billed the test rate plus applicable overtime hourly charges. Hours billed will be from our office at 5804 N. Gumwood, Pharr, Texas, portal to portal. Fractions of hours will be billed as whole hours.

3. PROJECT MANAGEMENT
Project management will be billed for coordination and management of project and personnel.

4. SCOPE OF SERVICES
The scope of services is outlined in the Proposal, which along with these provisions, constitutes the agreement. “Services” meaning the specific analysis, testing, observation, or other service to be performed by MEG as set forth in MEG’s proposal, CLIENT’s acceptance thereof and these Provisions. The CLIENT has sole responsibility for determining whether the scope of MEG’s services is adequate and sufficient based on the CLIENT’s needs and budgetary constraints. The verbal or written ordering of services of MEG shall constitute acceptance of the terms of MEG’s proposal and these Provisions, regardless of the terms of any subsequently issued document. MEG will perform all standard tests, inspections, and observations in general accordance with referenced standards and makes no representation regarding compliance with any other standards. MEG has no right or responsibility to approve, accept, reject, or stop work of any agent or the CLIENT. Any services not noted in this proposal are excluded from the scope of services.

5. OUTSIDE SERVICES
When technical or professional services are furnished by an outside source, when approved by CLIENT, an additional amount shall be added to the cost of these services for MEG’s administrative costs, as provided on the previous page of the authorization.

6. COST ESTIMATES
Any cost estimate provided by MEG will be on a basis of experience and judgment, but since it has no control over the construction process, construction methods, construction sequence, construction scheduling and weather conditions MEG cannot and does not warrant that actual costs for services performed will not vary from these cost estimates.

7. PROFESSIONAL STANDARDS
MEG shall be responsible, to the level of competency presently maintained by other practicing professional engineers in the same type of work in the same locale and under similar circumstances at the time that the services are performed for the professional and technical soundness, accuracy, and adequacy of all design, drawings, specifications, and other work and materials furnished under this Authorization. Upon notice to MEG and by mutual agreement between the parties, MEG will without additional compensation, correct those services not meeting such a standard. MEG makes no other warranty, expressed or implied.

8. TERMINATION
Either CLIENT or MEG may terminate this authorization by giving 30 days’ written notice to the other party. In such event CLIENT shall forthwith pay MEG in full for all work previously authorized and performed prior to effective date of termination. If no notice of termination is given, relationships and obligations created by this Authorization shall be terminated upon completion of all applicable requirements of this Authorization.

9. LEGAL EXPENSES
Legal expenses will be handled as stated in “Legal Expenses” clause of the Owner-Engineer Agreement.

10. PAYMENT TO MILLENNIUM ENGINEERS GROUP, INC. / INTEREST ON PAST DUE AMOUNTS
Monthly invoices will be issued by MEG for all work performed under the terms of this authorization. Invoices are due and payable on receipt. Interest at the rate of 1½% per month will be charged on all past-due amounts, unless not permitted by law. Any interest charged or collected in excess of the highest legal rate will be applied to the principal amount owing to MEG, and if such interest exceeds the principal balance of CLIENT’s indebtedness to MEG will be returned to the CLIENT. It is the intent of MEG and CLIENT to abide by all applicable laws regulating the maximum amount of interest, which may be charged. To the greatest extent allowed by applicable law, CLIENT and MEG agree that in the event CLIENT and MEG enter into any compromise or settlement calling for the payment of past due principal and accrued and unpaid interest on any past due invoice, MEG may charge and CLIENT agrees to pay interest on such combined past due principal and accrued and unpaid interest amount (the “New Principal Balance”) at the rate of 1½% per month or the highest rate allowed by law, subject, as provided herein, to MEG’s agreement to credit excess interest or return same to CLIENT after the New Principal Balance is paid.

11. LIMITATION OF LIABILITY
MEG’s total cumulative liability to the CLIENT of MEG, its subconsultants and subcontractors, and all of their respective shareholders, directors, officers, employees and agents (collectively “MEG Entities”) arising from services under this agreement, including attorney’s fees due under this agreement, will not exceed the limits of the professional liability of MEG. This limitation applies to all lawsuits, claims or actions that allege errors and omissions in MEG’s services, whether alleged to arise in tort, contract, warranty or other legal theory.

12. ADDITIONAL SERVICES
Services in addition to those specified in Scope will be provided by MEG if authorized in writing by the CLIENT. Additional services will be paid for by the CLIENT as indicated in the Letter of Proposal, Task Authorization, or such other document as deemed appropriate by CLIENT and MEG, and which is referenced under Compensation.

13. SALES TAX
In accordance with the State Sales Tax Codes, engineering services are non-taxable at the present time. If the State of Texas, at any time, changes the State Sales Tax Code and engineering services become taxable, the applicable sales tax will be included for the services rendered. Sales tax, if applicable, will be indicated on invoice statements.

14. TERMINATION FOR NON-PAYMENT OF FEES
MEG may terminate this contract by giving written notice if any MEG invoice remains unpaid for more than sixty (60) days. MEG’s right to terminate this contract shall not be waived by MEG’s continued performance during any period of investigation by MEG to determine the reasons for CLIENT’s nonpayment.
15. **INDEMNIFICATION**

Indemnification will be handled as stated in the “Indemnification” clause of the Owner-Engineer Agreement.

16. **DELAYS AND FORCE MAJEURE**

If site or other conditions prevent or inhibit performance of Services or if unrevealed hazardous materials or conditions are encountered, Services under this Authorization may be delayed. CLIENT shall not hold MEG responsible for damages or delays in performance caused by acts or omissions of CLIENT, its subcontractors, governmental authorities, regulatory agencies, civil or labor unrest, acts of God, nature, or terror, disruptions of the internet, MEG’s electronic telecommunications or hosting services or any other events that are beyond the reasonable control of MEG. In the event of such delays, the contract completion date shall be extended accordingly and the CLIENT shall pay MEG for Services performed to the delay commencement date plus reasonable delay charges. Delay charges shall include personnel and equipment rescheduling and/or reassignment adjustments and all other related costs incurred including but not limited to, labor and material escalation, and extended overhead costs, attributable to such delays.

17. **DATA AND INFORMATION**

CLIENT shall provide MEG all reports, data, studies, plans, specifications, documents and other information which are relevant to the Services. MEG shall be entitled to rely upon the Project Information provided by the CLIENT or others and MEG assumes no responsibility or liability for the accuracy or completeness of such. CLIENT waives any claim against MEG, and agrees to defend, indemnify and hold MEG harmless from any claim or liability for injury or loss allegedly arising from errors, omissions, or inaccuracies in the Project Information. MEG will not be responsible for any interpretations or recommendations generated or made by others, which are based, whole or in part, on MEG’s data, interpretations or recommendations.

18. **INTELLECTUAL PROPERTY**

MEG shall own all Intellectual Property associated with the Services and the MEG Products, together with any modifications, updates or enhancements to said Intellectual Property. MEG grants no right or license to such Intellectual Property to CLIENT except as expressly provided in this Agreement. CLIENT conveys to MEG any interest in any such Intellectual Property rights that notwithstanding or foregoing, would otherwise be deemed by law to vest in CLIENT.

19. **INFORMATION MANAGEMENT**

CLIENT acknowledges that electronic media is susceptible to unauthorized modifications, deterioration, and incompatibility and therefore CLIENT cannot rely upon the electronic media versions of the Documents. In the event of any discrepancy, MEG’s hardcopy shall prevail.

20. **ON-SITE RESPONSIBILITIES AND RISKS**

Unless otherwise agreed, CLIENT will furnish right of entry and obtain permits as required for MEG to perform the fieldwork. MEG will take reasonable precautions to minimize damage to land and other property caused in MEG’s operations, but MEG has not included in the fee the cost of restoration of damage that may occur. If CLIENT desires MEG to restore the site to its former conditions and if MEG agrees to do so, MEG will undertake the repairs and add the cost to the fee.

21. **CONSTRUCTION OBSERVATION AND TESTING**

MEG does not guarantee the performance of, and shall have no responsibility for, the acts or omissions or health and safety procedures of any contractor, subcontractor, supplier, or any other entity furnishing materials or performing any work on the project. The CLIENT has not retained MEG to provide exhaustive or continuous project review and observation services. It is our understanding that testing will be scheduled by the CLIENT and MEG does not assume the responsibility for assuring all required tests are performed. The CLIENT understands that observation and testing are discrete sampling procedures, and that such procedures indicate conditions only found at the depth, location, and time the procedures were performed. The CLIENT understands that observation and testing are conducted to reduce and not eliminate project risk. The CLIENT agrees to the level or amount of testing performed and the associated risk. MEG shall not be responsible for the quality and completeness of CLIENT’s contractor’s work or their adherence to the project documents, and MEG’s performance of testing and observation services shall not relieve the CLIENT’s contractor in any way from its responsibility for defects discovered in its work, or create a warranty or guarantee.

In case any one or more of the provisions contained in this Authorization shall be held illegal, the enforceability of the remaining provisions contained herein shall not be impaired thereby.
Consideration and Action to award a contract for Professional Engineering Services for West Brownsville Drainage Improvements to Hanson Professional Services Inc. in the amount of $150,000.00, as budgeted in Fiscal Year 2020 Capital Improvement Plan.

The proposed Design Services will include the Design, and Construction Management of the TWDB Project 4: West Brownsville Drainage Improvement.

Funding is available through the following account:
803-8210-765-2017 C.O. Fund-TWDB CWSRF Project- Professional Services
BID#QES-25-0417
To: Mayor and City Commission
Through: Noel Bernal, City Manager
From: Armando Gutierrez, P.E. Engineering and Public Works Director
Date: April 2, 2020

Agenda: Consideration and ACTION to award a contract for Professional Engineering Services for West Brownsville Drainage Improvements to Hanson Professional Services Inc. in the amount of $150,000.00, as budgeted in Fiscal Year 2020 Capital Improvement Plan (CIP).

Summary:
The purpose of this contract will be for Design Services and Construction Management for the Texas Water Development Board (TWDB) Clean Water State Revolving Fund Project 4: West Brownsville Drainage Improvements.

The City of Brownsville is proposing to make improvements to the West Brownsville Drainage System. The improvements will increase the water flow through these crossings, alleviating increase in water levels and flood concerns during large rainfall events. The City is seeking to create a bypass culvert that will be placed between Old Military Hwy and the Garden Park Pump Station.

Staff is recommending Hanson Professional Services for the TWDB drainage projects to have a single engineering firm as point of contact. This will help with administrative efficiency and project oversight. The rotation list reflects them being bypassed for street work to enable this consolidation of services.

Funding for this is available through the 803-8210-765-Professional Services as part of the FY20 CIP. Engineering and Public Works staff recommends approval.
March 9, 2020

David Licon, Jr.
City of Brownsville
404 E. Washington St.
Brownsville, Texas 78521

Re: Professional Engineering Services for Culvert and Sensor Improvements
Hanson Professional Services Inc. Project No. 20L0028P

Mr. Licon:

On behalf of Hanson Professional Services Inc., we would like to thank you for this opportunity to assist the City of Brownsville on this very important project. Outlined below is our understanding of the proposed project and the required scope of work.

PROJECT DESCRIPTION

The City of Brownsville is proposing to make improvements to six (6) culverts at resaca crossings in various locations within the city. The improvements will increase the water flow through these crossings, alleviating increase in water levels and flood concerns during large rainfall events. The city is seeking to install eight (8) sensors to collect bidirectional flow, rainfall, depth, and velocity data at these crossings and at their outfall at the navigation district they will want to include water quality data. The sensors will become part of the USGS network.

Outlined below is our understanding of the required engineering services necessary for the completion for the proposed improvements.

Feasibility Study

- Hanson will prepare an engineering feasibility study providing a general description and purpose of the project, a map showing the location of the project areas, propose alternatives and reasons for selection of the project proposed, cost of the proposed project, and prepare a cost effectiveness analysis, and proposed project schedule.

Topographical Survey

- Make any necessary surveys of existing topography, utilities, or other field data required for the preparation of engineering design plans. Hanson shall conduct field surveys to collect information required for the design and complete related office
computations and drafting. This will also include establishing the necessary and appropriate level of horizontal and vertical control as needed during different phases of design and construction.

USACE Permit Coordination

- Desktop Review – Upon notice to proceed, Hanson will assemble a mapping collection for the project, including general location maps, USGS topographic maps, National Wetland Inventory (NWI) maps, floodplain maps, and aerial photographs in order to conduct preliminary reviews and identify potentially significant environmental features or concerns within the project area. Review will be assembled into exhibits for submission with U.S. Army Corps of Engineers (USACE) permit application.

- Site Visit/Wetland Determination – Hanson will conduct a site visit to observe existing site conditions, delineate potentially regulated waterways and wetlands, and identify any other potential environmental conditions within the culvert improvements at all eight described locations. The wetland determination will be conducted in accordance with the appropriate Regional Supplement to the Corps of Engineers Wetland Delineation Manual and the 1987 Corps Wetland Delineation Manual. This proposal assumes that all the listed expansion sites will be observed on one site visit. Although Hanson may identify potential wetlands and waterbodies, the USACE has the sole authority to determine what waters fall under their jurisdiction and to determine permitting and mitigation requirements.

- USACE Permit Application – Hanson will prepare an application for a USACE Section 404 permit for permanent and temporary impacts to waterbodies and wetlands, if any. Hanson will also prepare an application for Section 401 water quality certification, if needed. This proposal assumes one permit application package will be prepared for all culvert improvements. The actual permitting requirements will be determined during the project and are based on project design, site characteristics, results of the field surveys, project phasing, and agency requirements. Additional services that may be required for an individual Section 404 permit or an individual water quality certification are not included within this scope of work. Wetland or stream mitigation may be required; however, the type and extent of mitigation cannot be determined at this time. Mitigation credit fees, if any, are undetermined and are not included in this proposal.

- Agency Coordination – Following submittal of the permit applications, Hanson will coordinate with the USACE, Texas Commission on Environmental Quality (TCEQ), and other agencies throughout the permitting process and try to resolve any concerns, issues or additional information requests they may have regarding the project. This proposal assumes follow-up coordination will occur via phone conversations and e-mails. This proposal does not include additional site visits or submissions that may be requested by the City or the agencies.
Civil Engineering Design

- Conduct hydraulic analysis to size six (6) culverts.
- Prepare and submit application for culvert crossing permit to Cameron County for construction within their right-of-way.
- Prepare and submit application for culvert and/or sensor installations to Brownsville PUB, Brownsville Navigation District, and Brownsville Irrigation District.
- The Engineer shall complete the preparation of plans and specifications for the proposed culvert improvements at eight locations within Brownsville, Texas. The design shall be in compliance with requirements from appropriate Federal, State, and local agencies from which approval of the Project must be obtained.

Electrical Engineering Design

- The Engineer will provide electrical engineer plans and specifications in accordance to the National Electrical Code and National Fire Protection Association requirements.
- The Engineer will coordinate with the local utility company for a new 208/120-volt service to each site.
- The Engineer will provide power design for each actuator, instrumentation design for each level sensor including P&IDs, and SCADA system design with fiber communications.

Construction Management

- Assist the City with bidding phase by establishing dates for public advertisement, draft an Advertisement for Bidders to be used for solicitation of bids, address bidder’s questions during solicitation of bids, attend and conduct pre-bid and bid opening meetings, tabulate, analyze and review contractor’s bids for completeness and accuracy, and provide City with a bidder’s summary table accompanied by Hanson’s letter of recommendation for award of construction contract to the lowest responsible bidder.
- Provide construction management services including preparing and providing construction contract documents for execution by the City and Contractor, attend and conduct a pre-construction meeting, review of submittals, review Contractor’s application for payments, conduct a final inspection of the project for compliance with contract documents, and furnish the city with “Record Drawings.”

COMPENSATION

Hanson Professional Services Inc. proposes to perform tasks listed in basic services above for a total lump sum not to exceed price of $192,600 based on the following amounts:

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USACE Permit Coordination $ 26,400
Civil Engineering Design $ 77,700
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TOTAL: $ 192,600

The professional services that Hanson Professional Services, Inc. will provide under this Proposal include, and are limited to, those described above. All other services are specifically excluded. Additional services that may be mutually agreed to will be on the basis of time and materials expended plus reimbursable expenses incurred.

The applicable permits and coordination efforts are based on the best information available at the time of proposal and may change as the project evolves or as state and federal regulations change. Although Hanson may identify potential wetlands and waterbodies, the USACE has the sole authority to determine what waters fall under their jurisdiction and to determine permitting and mitigation requirements. Costs associated with additional environmental surveys beyond the initial survey and wetland determination or agency meetings are not included in the cost estimate. The following services are not anticipated at this time and are not included in this proposal: local land use permitting, right-of-way acquisition services, formal consultation regarding threatened and endangered species, cultural resource investigations, wetland and/or stream mitigation design, and preparation of an alternative’s analysis. Stream relocations and large wetland impacts are typically processed as individual permits and require additional consulting work beyond the initial site assessment and permit application submittal. Additional services associated with individual permits are not included within this scope of work. This proposal does not include preparation or review of a flood zone Letter of Map Revision (LOMR) if required. Please note that these tasks and others may be required at the discretion of the regulatory agencies. If these or other tasks are required, adjustments to the scope and cost will be requested.

If this Proposal meets your approval, we will provide the City with a Professional Service Agreement and Task Order for these services and fees.

We appreciate the opportunity to perform these services and look forward to working with you on this important project.

Sincerely,

HANSON PROFESSIONAL SERVICES INC.

Paolina Vega, P.E.
Project Manager
## Hanson Professional Services
### Culverts and Sensor Improvements

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The City of Brownsville is proposing to make improvements to six (6) culverts at resaca crossing in various locations within the city. The improvements will increase the water flow through these crossings, alleviating increase in water levels and flood concerns during large rainfall events. The city is seeking to install eight (8) sensors to collect bidirectional flow, rainfall, depth, and velocity data at these crossings and at their outfall at the navigation district they will want to include water quality data. The sensors will become part of the USGS network.

Funding is available through the following account- 803-8210-765-2017 C.O. Fund-TWDB CWSRF Project- Professional Services

BID#QES-25-0417
To: Mayor and City Commission
Through: Noel Bernal, City Manager
From: Armando Gutierrez, P.E. Engineering & Public Works Director
Date: April 2, 2020
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Engineering and Public Works staff recommend approval.
March 9, 2020

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City of Brownsville
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Project Manager
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FROM: Armando Gutierrez, P.E. Engineering/P.W. Director  
SUBJECT: MOU with Brownsville Irrigation District  
DATE: 3/26/2020  
THROUGH: Helen Ramirez, Deputy City Manager

AGENDA ITEM       COMMISSION MEETING DATE 04/07/20

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<td>Consent</td>
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</tr>
</tbody>
</table>

**Information:** Please include additional information/request.

Consideration and Action to authorize the City of Brownsville to establish a Memorandum of Understanding (MOU) between the City of Brownsville and the Brownsville Irrigation District for use of pump infrastructure.

The proposed MOU will enable the City of Brownsville to collaborate with BID in the utilization of strategic BID pump infrastructure during Storm Events to drain the eastern and southern portions of Brownsville.

Within the agreement, BID is requesting COB’s responsibility for the utility consumption of the pumps as well as an additional 20% of the costs for the Pump Maintenance.

**Reviewing Departments:** Please review and forward to the next reviewing department in a timely manner.

<table>
<thead>
<tr>
<th>City Attorney</th>
<th>Date Reviewed:</th>
<th>By:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
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<td>Comments:</td>
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<tr>
<th>Finance Department</th>
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<td>Comments:</td>
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<table>
<thead>
<tr>
<th>City Commission</th>
<th>Assistant City Manager</th>
<th>Deputy City Manager</th>
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<tbody>
<tr>
<td>Approved: Yes</td>
<td>Yes</td>
<td>Yes</td>
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<td>No</td>
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<td>No</td>
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<tr>
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<td>Initials:</td>
<td>Date:</td>
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</table>

**City Manager’s Approval**

<table>
<thead>
<tr>
<th>Signature:</th>
<th>Date:</th>
</tr>
</thead>
</table>
To: Mayor and City Commission
Through: Noel Bernal, City Manager
From: Armando Gutierrez, P.E. Engineering and Public Works Director
Date: April 2, 2020

Agenda: Consideration and ACTION to authorize the City of Brownsville to establish a Memorandum of Understanding (MOU) between the City of Brownsville and the Brownsville Irrigation District for use of pump infrastructure. (Engineering and Public Works Department)

Summary:
The City of Brownsville is requesting City Commission approval to establish into a Memorandum of Understanding (MOU) between the City of Brownsville (COB) and Brownsville Irrigation District (BID).

The proposed MOU will enable the City of Brownsville to collaborate with BID in the utilization of strategic BID pump infrastructure during Storm Events to drain the eastern and southern portions of Brownsville.

Within the agreement, BID is requesting COB’s responsibility for the utility consumption of the pumps as well as an additional 20% of the costs for the Pump Maintenance based on usage. The usage will be limited to storm events to alleviate the eastern and southern portion of the city. The MOU include the option to terminate with a 60-day notification by either party.

The Engineering and Public Works staff recommends approval.
INTERLOCAL AGREEMENT
BETWEEN THE CITY OF BROWNSVILLE (COB) AND BROWNSVILLE
IRRIGATION DISTRICT (BID)

STATE OF TEXAS
COUNTY OF CAMERON

The Agreement is made between BROWNSVILLE IRRIGATION DISTRICT (hereinafter “District”) and the CITY OF BROWNSVILLE, TEXAS, (hereinafter “City”) pursuant to the Texas Interlocal Cooperation Act, Chapter 791, Texas Government Code, as follows:

WHEREAS, District and City are political subdivisions of the State of Texas; and

WHEREAS, District operates and maintains two pumps located within the limits of City at a location designated “Unit 11” on Exhibit “A” attached hereto (“the Unit 11 pumps”) as well as other pumps shown on Exhibit “A”, to include Units 6, 12, 13; and

WHEREAS, during times of heavy rainfall and potential flooding of certain areas within the City, the District operates Units 6, 8, 11, 13, and/or Booster pumps as shown on Exhibit “A” to lower the level of the resacas adjoining Units 6, 8, 11, 13, and/or Booster pumps in order to prevent the overflow of the resacas and flooding of adjacent areas within the City; and

WHEREAS, City, in January of 2005, reimbursed District in the amount of $170,872.94 for the cost and installation of the Unit 11 pumps after the pumps had been purchased and installed by District for the purpose of lowering the level of the Resaca system and sending the water out the intake pipe of the District in the Rio Grande or divert the water to other areas to be drained to other drains; and

WHEREAS, City and District now wish to enter into an agreement regarding reimbursement of expenditures by District on behalf of City for the operation of Units 6, 8, 11, 13, and/or Booster pumps used to lower the resacas and drain the water out of the system in the event of an emergency related to a significant weather event in order to protect lives and property of Brownsville residents;

NOW THEREFORE, in consideration of the mutual promises and covenants of the parties and other good and valuable consideration, the receipt of which is hereby acknowledged,

IT IS HEREBY AGREED AS FOLLOWS:

1) Pumps to be operated and maintained by District. District hereby agrees to maintain Units 6, 8, 11, 13, and/or Booster pumps as shown on Exhibit “A” and operate them to lower the water level in the adjacent resacas, as hereinafter provided, during times of heavy rainfall and potential overflow of the said resacas.

2) Operation of pumps with mutual consent between the District and the City. The District and the City, upon mutual consent, shall coordinate and determine when Units 6, 8, 11, 13, and/or Booster pumps, as shown on Exhibit “A”, shall be operated to lower the water levels in the resacas. As soon as practicable, the District shall advise City through its City Manager, Public Works Director or City Engineer whenever Units 6, 8, 11, 13, and/or Booster pumps are brought into operation to lower the water levels in the resacas. And once City has determined that the levels of the resacas have been lowered sufficiently, they will notify the District, and the District will close the operation of the pumps used to lower the resacas pursuant to this agreement.
3) **Payment by City.** City agrees to reimburse District for the cost of operating Units 6, 8, 11, 13, and/or Booster pumps for the lowering of the resacas for the prevention of flooding. Upon presentation to City by District of an invoice(s) showing copies of original utility bills received by District, plus twenty (20%) percent of total utility bills for maintenance/operational cost for the lowering of the resacas, City shall reimburse District for such costs within thirty (30) days after receipt by City of the invoice(s).

4) **Mediation.** In the event the parties are unable to resolve any dispute arising from the provisions of this Agreement, the parties shall engage in non-binding mediation prior to litigation. All claims or disputes arising out of this Agreement shall be subject to the courts of Cameron County, Brownsville, Texas; this Agreement shall be governed by the laws of the State of Texas. In this regard, the parties shall pay for their respective attorney’s fees.

5) **Notices.** Any and all notices or other communication required or permitted by this Agreement to be served on or given to either party to this Agreement by the other party hereto shall be in writing and shall be deemed duly served and given when deposited in the Brownsville Irrigation District at 6925 Coffee Port Road, Brownsville, Texas 78521 and to City at 1001 E. Elizabeth Street, Brownsville, Texas 78520. Either of the parties hereto may change a mailing address for the purpose of this paragraph by giving written notice of such change to the other party in the manner provided for in this paragraph.

6) **Liability.** City and District agree that both City and District shall each be responsible for their own negligent acts or omissions or other tortious conduct in the course of performance of this Agreement, without waiving any sovereign or governmental immunity available to either City or District under Texas law and without waiving any available defenses under Texas law. Nothing in this paragraph shall be construed to create or grant any rights, contractual or otherwise, in or to any third persons or entities.

7) **Sole agreement.** This agreement constitutes the sole and only agreement of the parties hereto and supersedes any prior understandings or written or oral agreements between the parties respecting the within subject matter.

8) **Assignment prohibited.** This Agreement may not be assigned by any party without the prior written approval of the other party. No party may assign any of the duties, obligations and activities contemplated to be conducted under this agreement without the prior written approval of the other party.

9) **Amendment.** No amendment, modification, or alteration of the terms hereof shall be binding unless the same be in writing, dated subsequent to the date hereof and duly executed by the parties hereto.

10) **Termination.** Either party may terminate this agreement upon 60 days written notice.

IN WITNESS WHEREOF, the undersigned execute this agreement effective __________, 2020.
AGENDA ITEM

EXECUTIVE SESSION (City Attorney Only)

TO: Mr. Noel Bernal, City Manager
FROM: Armando Gutierrez, P.E. Engineering/P.W. Director
SUBJECT: Street and Drainage Improvements on Ave. De La Plata, Elsa
DATE: 3/27/2020
THROUGH: Helen Ramirez, Deputy City Manager

AGENDA ITEM

EXECUTIVE SESSION (City Attorney Only)

Time Needed:
Action Item:

SELECT

AGENDA

Public Hearing
Contract
Grant
Action
Consent
First Reading
Second Reading

ORDINANCE

AGENDA ITEM

INFORMATION: Please include additional information/request.

Consideration and ACTION to award a contract for Street Rehabilitation for Avenida De La Plata, Elsa, Marvis and San Pedro, under Term Contract for Rotation List for Engineering and Surveying Services, Contract # QES-25-0417 with PlaGar Engineering LLC., Brownsville, TX for Task Order # 60 for a lump sum of $182,472.93 as budgeted in FY20 Capital Improvement Plan (CIP).

Project Name - Street and Drainage Improvement, Work Order #60

REVIEWING DEPARTMENTS: Please review and forward to the next reviewing department in a timely manner.

City Attorney

Date Reviewed: By:
Comments:

Finance Department

Date Reviewed: By:
Comments:

CITY COMMISSION

Approved: Yes No
Date: Initials: Date:

ASSISTANT CITY MANAGER

Approved: Yes No
Date: Initials: Date:

DEPUTY CITY MANAGER

Approved: Yes No
Date: Initials: Date:

CITY MANAGER’S APPROVAL

Signature: Date:

Revised 3/2019
To: Mayor and City Commission

Through: Noel Bernal, City Manager

From: Armando Gutierrez, P.E. Engineering and Public Works Director

Date: April 2, 2020

Agenda: Consideration and ACTION to award a contract for Street Rehabilitation for Ave. De La Plata, Elsa, Marvis and San Pedro, under Term Contract for Rotation List for Engineering And Surveying Services, Contract # QES-25-0417 with PlaGar Engineering LLC., Brownsville, TX for Task Order # 60 for a lump sum of $182,472.93 as budgeted in FY20 Capital Improvement Plan (CIP). (Engineering and Public Works Department)

Summary:
The City of Brownsville is recommending a contract for professional engineering and surveying services for street rehabilitation for Ave. De La Plata, Elsa, Marvis and San Pedro. This proposal is between PlaGar Engineering LLC and the City of Brownsville (COB, Owner).

The agreement is a term contract for Engineering, Surveying and other miscellaneous services on a rotation to provide professional engineering and related services necessary for the rehabilitation of Ave. De La Plata (Lincoln to end), Elsa St. (Southmont to Henrietta), Marvis Dr. (complete street) and San Pedro (Garcia Ln to end of street) in Electoral District #1- Brownsville, Texas.

Funding for this project is available as part of the FY20 CIP through accounts:

804-8200-9994-39 Marvis Dr.
804-8200-9994-40 San Pedro Ln
804-8200-9994-41 Elsa St
804-8200-9994-42 Avenida de la Plata

The Engineering and Public Works Department recommends approval.
<table>
<thead>
<tr>
<th>Agenda Date</th>
<th>Engineering Firm</th>
<th>Funding Source</th>
<th>Amount/Estimate</th>
<th>notes.</th>
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<tr>
<td>2/18/2020</td>
<td>Ambiotec</td>
<td>2020-CIP-District 3 (4-Streets)</td>
<td>$220,033.00</td>
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<td>3/3/2020</td>
<td>Halff Associates</td>
<td>2020-CIP-District 4 (4-Streets)</td>
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<td>4/7/2020</td>
<td>Plagar Engineering</td>
<td>2020-CIP-District 2 (4-Streets)</td>
<td>$182,472.93</td>
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<td>4/21/2020</td>
<td>Hanson Professional Services</td>
<td>West Brownsville Drainage / Storm Water Sensors</td>
<td>$342,600.00</td>
<td>$150,000/$192600</td>
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<td>Gonzalez Engineering &amp; Surveying</td>
<td>2020-CIP-District 1 (4-Streets)</td>
<td>$225,000.00</td>
<td>Estimate still reviewing scope of work.</td>
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* AGH and Mejia & Rose are pending proposal for Tiger & Texas Water Development Board Projects
City of Brownsville
Department of Engineering
Attn: Luis Alonso
404 E. Washington St.
Brownsville TX 78521

Re: Work Order # 60 – City Streets
Marvis St., Complete Street
San Pedro Ln., Garcia Ln. to Street end
Elsa St., Southmost to Henrietta
Avenida de la Plata., Lincoln to end.

February 5, 2020

Dear Mr. Alonso,

PlaGar Engineering LLC. is pleased to submit this proposal for design services for the above streets.

Scope of Work

- Perform topography survey of the streets from right of way to right of way.
- Prepare street reconstruction design plans and profiles.
- Assist in the bidding for contractors phase.
- Project monitoring during the construction phase.
- Project Close-out and Record Drawings.

Attached is the construction estimate per street and summary table indicating the engineering and survey fees per street. As per contract agreement design fee is at a 7.5 percent of construction estimate for projects from 1.0 mil to 3.0 mil. The design fee amount is $154,919.93. The topographic surveying fee for all of the four streets is $27,553.00. The total project engineering fees is $182,472.93. We estimate that the design plans can be completed in 90 days.

We can commence with the work as soon as authorization to proceed is given. Call should you have any questions.

Sincerely,

Placido J. Garcia, PE, MBA
Principal Engineer
CONSTRUCTION ESTIMATE TABLE
WORK ORDER #60
STREET AND DRAINAGE IMPROVEMENTS

<table>
<thead>
<tr>
<th>TYPE</th>
<th>STREET</th>
<th>ESTIMATE</th>
<th>DESIGN FEE</th>
<th>SURVEY FEE</th>
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<tr>
<td>Neighborhood- Collector</td>
<td>Ave De La Plata</td>
<td>$925,595.00</td>
<td>$69,419.63</td>
<td>$11,940.00</td>
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<td>Residential</td>
<td>Elsa</td>
<td>$328,780.50</td>
<td>$24,658.54</td>
<td>$3,835.00</td>
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<td>Residential</td>
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<td>$19,323.26</td>
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<td>Residential</td>
<td>San Pedro</td>
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<td>$41,518.50</td>
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<td><strong>Grand Total</strong></td>
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<td><strong>$2,065,599.00</strong></td>
<td><strong>$154,919.93</strong></td>
<td><strong>$27,553.00</strong></td>
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</table>

By: PlaGar Engineering LLC.
Name: Placido J. Garcia, PE MBA
Date: February 5, 2020
## CONSTRUCTION ESTIMATE
### STREET AND DRAINAGE IMPROVEMENTS

<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>DESCRIPTION</th>
<th>UNIT</th>
<th>QTY</th>
<th>UNIT COST</th>
<th>ESTIMATE TOTAL COST</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Remove existing asphalt and base all depths include existing speed humps, bus pads, etc. Bring to prop. Grade.</td>
<td>SY</td>
<td>11500</td>
<td>$7.00</td>
<td>$80,500.00</td>
</tr>
<tr>
<td>2</td>
<td>2 1/2 in. H.M.A.C. (Type D)</td>
<td>SY</td>
<td>11500</td>
<td>$15.50</td>
<td>$178,250.00</td>
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<tr>
<td>3</td>
<td>7&quot; Crushed Limestone Base</td>
<td>SY</td>
<td>11500</td>
<td>$15.00</td>
<td>$172,500.00</td>
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<tr>
<td>4</td>
<td>Prime Coat (0.22 Gal/SY)</td>
<td>GAL</td>
<td>2550</td>
<td>$6.00</td>
<td>$15,300.00</td>
</tr>
<tr>
<td>5</td>
<td>Geo-Grid Tensar Triax-5 (no substitute)</td>
<td>SY</td>
<td>11500</td>
<td>$5.50</td>
<td>$63,250.00</td>
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<tr>
<td>6</td>
<td>Proposed Reinforced Concrete Apron 7&quot; thick. Complete in Place.</td>
<td>SF</td>
<td>4200</td>
<td>$7.50</td>
<td>$31,500.00</td>
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<tr>
<td>7</td>
<td>Type A Drainage Inlet</td>
<td>EA</td>
<td>2</td>
<td>$4,500.00</td>
<td>$9,000.00</td>
</tr>
<tr>
<td>8</td>
<td>18 inch Dia. Conc. Pipe CL III</td>
<td>LF</td>
<td>190</td>
<td>$48.00</td>
<td>$9,120.00</td>
</tr>
<tr>
<td>9</td>
<td>Concrete Sidewalks to meet ADA stds</td>
<td>SF</td>
<td>5300</td>
<td>$5.75</td>
<td>$30,475.00</td>
</tr>
<tr>
<td>10</td>
<td>Proposed Speed-hump (Complete in Place)</td>
<td>EA</td>
<td>4</td>
<td>$2,500.00</td>
<td>$10,000.00</td>
</tr>
<tr>
<td>11</td>
<td>Remove &amp; Replace curb &amp; gutter. Complete in Place.</td>
<td>LF</td>
<td>7000</td>
<td>$17.50</td>
<td>$122,500.00</td>
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<tr>
<td>12</td>
<td>Proposed handicapped Ramps w/ detectable warnings. Complete in Place.</td>
<td>EA</td>
<td>31</td>
<td>$800.00</td>
<td>$24,800.00</td>
</tr>
<tr>
<td>13</td>
<td>Remove and replace existing driveway (saw &amp; cut as needed)</td>
<td>SF</td>
<td>17900</td>
<td>$6.50</td>
<td>$116,350.00</td>
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<tr>
<td>14</td>
<td>Remove &amp; Replace existing brick/stucco mail boxes as per C.O.B Representative. Complete in Place.</td>
<td>EA</td>
<td>34</td>
<td>$900.00</td>
<td>$30,600.00</td>
</tr>
<tr>
<td>15</td>
<td>Remove &amp; Replace existing wood/metal mail boxes as per C.O.B Representative. Complete in Place.</td>
<td>EA</td>
<td>49</td>
<td>$350.00</td>
<td>$17,150.00</td>
</tr>
<tr>
<td>16</td>
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<td>LS</td>
<td>1</td>
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<td>$2,000.00</td>
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<tr>
<td>17</td>
<td>Barricades, Signs &amp; Traffic Handing. Complete Project.</td>
<td>LS</td>
<td>1</td>
<td>$3,500.00</td>
<td>$3,500.00</td>
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<td>18</td>
<td>Erosion Control Plan (Complete Project)</td>
<td>LS</td>
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<td>$2,500.00</td>
<td>$2,500.00</td>
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<tr>
<td>19</td>
<td>Concrete Valley Gutter</td>
<td>SF</td>
<td>900</td>
<td>$7.00</td>
<td>$6,300.00</td>
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</table>

**SUBTOTAL**  
$925,595.00
# CONSTRUCTION ESTIMATE
## STREET AND DRAINAGE IMPROVEMENTS

<table>
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<th>UNIT COST</th>
<th>ESTIMATE TOTAL COST</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Remove existing asphalt and base all depths include existing speed humps, bus pads, etc. Bring to prop. Grade.</td>
<td>SY</td>
<td>3370</td>
<td>$7.00</td>
<td>$23,590.00</td>
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<tr>
<td>2</td>
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<td>SY</td>
<td>3370</td>
<td>$14.50</td>
<td>$48,865.00</td>
</tr>
<tr>
<td>3</td>
<td>7&quot; Crushed Limestone Base</td>
<td>SY</td>
<td>3370</td>
<td>$15.00</td>
<td>$50,550.00</td>
</tr>
<tr>
<td>4</td>
<td>Prime Coat (0.22 Gal/SY)</td>
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<td>741</td>
<td>$6.00</td>
<td>$4,446.00</td>
</tr>
<tr>
<td>5</td>
<td>Geo-Grid Tensar Triax-5 (no substitute)</td>
<td>SY</td>
<td>3370</td>
<td>$5.50</td>
<td>$18,535.00</td>
</tr>
<tr>
<td>6</td>
<td>Proposed Reinforced Concrete Apron 7&quot; thick. Complete in Place.</td>
<td>SF</td>
<td>1200</td>
<td>$7.50</td>
<td>$9,000.00</td>
</tr>
<tr>
<td>7</td>
<td>Concrete Sidewalks to meet ADA stds</td>
<td>SF</td>
<td>1600</td>
<td>$5.75</td>
<td>$9,200.00</td>
</tr>
<tr>
<td>8</td>
<td>Proposed Speed-hump (Complete in Place)</td>
<td>EA</td>
<td>1</td>
<td>$2,500.00</td>
<td>$2,500.00</td>
</tr>
<tr>
<td>9</td>
<td>Type A Drainage Inlet</td>
<td>EA</td>
<td>2</td>
<td>$4,500.00</td>
<td>$9,000.00</td>
</tr>
<tr>
<td>10</td>
<td>18 inch Dia. Conc. Pipe CL III</td>
<td>LF</td>
<td>299</td>
<td>$48.00</td>
<td>$14,352.00</td>
</tr>
<tr>
<td>11</td>
<td>Remove &amp; Replace curb &amp; gutter. Complete in Place</td>
<td>LF</td>
<td>2303</td>
<td>$17.50</td>
<td>$40,302.50</td>
</tr>
<tr>
<td>12</td>
<td>Proposed handicapped Ramps w/ detectable warnings. Complete in Place.</td>
<td>EA</td>
<td>6</td>
<td>$800.00</td>
<td>$4,800.00</td>
</tr>
<tr>
<td>13</td>
<td>Remove and replace existing driveway (saw &amp; cut as needed)</td>
<td>SF</td>
<td>8000</td>
<td>$6.50</td>
<td>$52,000.00</td>
</tr>
<tr>
<td>14</td>
<td>Remove &amp; Replace existing brick/stucco mail boxes as per C.O.B Representative. Complete in Place.</td>
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<td>13</td>
<td>$900.00</td>
<td>$11,700.00</td>
</tr>
<tr>
<td>15</td>
<td>Remove &amp; Replace existing wood/metal mail boxes as per C.O.B Representative. Complete in Place.</td>
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<td>50</td>
<td>$350.00</td>
<td>$17,500.00</td>
</tr>
<tr>
<td>16</td>
<td>Traffic Control Plan (Designed by a Professional Engineer). Complete in Place.</td>
<td>LS</td>
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<td>$2,000.00</td>
<td>$2,000.00</td>
</tr>
<tr>
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<td>Barricades, Signs &amp; Traffic Handling. Complete Project.</td>
<td>LS</td>
<td>1</td>
<td>$2,500.00</td>
<td>$2,500.00</td>
</tr>
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<td>Erosion Control Plan (Complete Project)</td>
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<td>1</td>
<td>$1,500.00</td>
<td>$1,500.00</td>
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<tr>
<td>19</td>
<td>Concrete Valley Gutter</td>
<td>SF</td>
<td>920</td>
<td>$7.00</td>
<td>$6,440.00</td>
</tr>
</tbody>
</table>

**SUBTOTAL**

$328,780.50
## CONSTRUCTION ESTIMATE
### STREET AND DRAINAGE IMPROVEMENTS

<table>
<thead>
<tr>
<th>ITEM NO.</th>
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<th>QTY</th>
<th>COST</th>
<th>TOTAL COST</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Remove existing asphalt and base all depths include existing speed humps, bus pads, etc. Bring to prop. Grade.</td>
<td>SY</td>
<td>2,667</td>
<td>$7.00</td>
<td>$18,669.00</td>
</tr>
<tr>
<td>2</td>
<td>2 in. H.M.A.C. (Type D)</td>
<td>SY</td>
<td>3,000</td>
<td>$14.50</td>
<td>$43,500.00</td>
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<tr>
<td>3</td>
<td>7'' Crushed Limestone Base</td>
<td>SY</td>
<td>3,333</td>
<td>$15.00</td>
<td>$49,995.00</td>
</tr>
<tr>
<td>4</td>
<td>Prime Coat (0.22 Gal/SY)</td>
<td>GAL</td>
<td>733</td>
<td>$6.00</td>
<td>$4,398.00</td>
</tr>
<tr>
<td>5</td>
<td>Geo-Grid Tensar Triax-5 (no substitute)</td>
<td>SY</td>
<td>3,333</td>
<td>$5.50</td>
<td>$18,331.50</td>
</tr>
<tr>
<td>6</td>
<td>Proposed Reinforced Concrete Apron 7'' thick. Complete in Place.</td>
<td>SF</td>
<td>420</td>
<td>$7.50</td>
<td>$3,150.00</td>
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<tr>
<td>7</td>
<td>Fill Material to reinforce the north edge of roadway</td>
<td>CY</td>
<td>2,500</td>
<td>$7.00</td>
<td>$17,500.00</td>
</tr>
<tr>
<td>8</td>
<td>8'' wide by 2 ft Concrete Toe Edge Support</td>
<td>LF</td>
<td>3,000</td>
<td>$20.00</td>
<td>$60,000.00</td>
</tr>
<tr>
<td>9</td>
<td>Remove and replace existing driveway (saw &amp; cut as needed)</td>
<td>SF</td>
<td>3,400</td>
<td>$6.50</td>
<td>$22,100.00</td>
</tr>
<tr>
<td>10</td>
<td>Remove &amp; Replace existing brick/stucco mail boxes as per C.O.B Representative. Complete in Place.</td>
<td>EA</td>
<td>12</td>
<td>$900.00</td>
<td>$10,800.00</td>
</tr>
<tr>
<td>11</td>
<td>Remove &amp; Replace existing wood/metal mail boxes as per C.O.B Representative. Complete in Place.</td>
<td>EA</td>
<td>12</td>
<td>$350.00</td>
<td>$4,200.00</td>
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<tr>
<td>12</td>
<td>Traffic Control Plan (Designed by a Professional Engineer). Complete in Place.</td>
<td>LS</td>
<td>1</td>
<td>$1,500.00</td>
<td>$1,500.00</td>
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<tr>
<td>13</td>
<td>Barricades, Signs &amp; Traffic Handling. Complete Project.</td>
<td>LS</td>
<td>1</td>
<td>$2,000.00</td>
<td>$2,000.00</td>
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<tr>
<td>14</td>
<td>Erosion Control Plan (Complete Project)</td>
<td>LS</td>
<td>1</td>
<td>$1,500.00</td>
<td>$1,500.00</td>
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**SUBTOTAL**  
$257,643.50
## CONSTRUCTION ESTIMATE
### STREET AND DRAINAGE IMPROVEMENTS

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<tr>
<th>ITEM NO.</th>
<th>DESCRIPTION</th>
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<th>UNIT COST</th>
<th>TOTAL COST</th>
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<tr>
<td>1</td>
<td>Remove existing asphalt and base all depths include existing speed humps, bus pads, etc. Bring to prop. Grade.</td>
<td>SY</td>
<td>6300</td>
<td>$7.00</td>
<td>$44,100.00</td>
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<tr>
<td>2</td>
<td>2 in. H.M.A.C. (Type D)</td>
<td>SY</td>
<td>6300</td>
<td>$14.50</td>
<td>$91,350.00</td>
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<tr>
<td>3</td>
<td>7&quot; Crushed Limestone Base</td>
<td>SY</td>
<td>6300</td>
<td>$15.00</td>
<td>$94,500.00</td>
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<tr>
<td>4</td>
<td>Prime Coat (0.22 Gal/SY)</td>
<td>GAL</td>
<td>1430</td>
<td>$6.00</td>
<td>$8,580.00</td>
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<tr>
<td>5</td>
<td>Geo-Grid Tensar Triax-5 (no substitute)</td>
<td>SY</td>
<td>6300</td>
<td>$5.50</td>
<td>$34,650.00</td>
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<tr>
<td>6</td>
<td>Proposed Reinforced Concrete Apron 7&quot; thick. Complete in Place.</td>
<td>SF</td>
<td>1800</td>
<td>$7.50</td>
<td>$13,500.00</td>
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<tr>
<td>7</td>
<td>Type A Drainage Inlet</td>
<td>EA</td>
<td>2</td>
<td>$4,500.00</td>
<td>$9,000.00</td>
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<tr>
<td>8</td>
<td>18 inch Dia. Conc. Pipe CL III</td>
<td>LF</td>
<td>550</td>
<td>$48.00</td>
<td>$26,400.00</td>
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<tr>
<td>9</td>
<td>Concrete Sidewalks to meet ADA stds</td>
<td>SF</td>
<td>3000</td>
<td>$5.75</td>
<td>$17,250.00</td>
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<tr>
<td>10</td>
<td>Proposed Speed-hump (Complete in Place)</td>
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<td>1</td>
<td>$2,500.00</td>
<td>$2,500.00</td>
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<tr>
<td>11</td>
<td>Remove &amp; Replace curb &amp; gutter. Complete in Place</td>
<td>LF</td>
<td>4300</td>
<td>$17.50</td>
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<tr>
<td>12</td>
<td>Proposed handicapped Ramps w/ detectable warnings. Complete in Place.</td>
<td>EA</td>
<td>6</td>
<td>$800.00</td>
<td>$4,800.00</td>
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<tr>
<td>13</td>
<td>Remove and replace existing driveway (saw &amp; cut as needed)</td>
<td>SF</td>
<td>14500</td>
<td>$6.50</td>
<td>$94,250.00</td>
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<tr>
<td>14</td>
<td>Remove &amp; Replace existing brick/stucco mail boxes as per C.O.B Representative. Complete in Place.</td>
<td>EA</td>
<td>13</td>
<td>$900.00</td>
<td>$11,700.00</td>
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<tr>
<td>15</td>
<td>Remove &amp; Replace existing wood/metal mail boxes as per C.O.B Representative. Complete in Place.</td>
<td>EA</td>
<td>50</td>
<td>$350.00</td>
<td>$17,500.00</td>
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<tr>
<td>16</td>
<td>Traffic Control Plan (Designed by a Professional Engineer). Complete in Place.</td>
<td>LS</td>
<td>1</td>
<td>$2,000.00</td>
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<tr>
<td>17</td>
<td>Barricades, Signs &amp; Traffic Handing. Complete Project.</td>
<td>LS</td>
<td>1</td>
<td>$3,000.00</td>
<td>$3,000.00</td>
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<tr>
<td>18</td>
<td>Erosion Control Plan (Complete Project)</td>
<td>LS</td>
<td>1</td>
<td>$1,500.00</td>
<td>$1,500.00</td>
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<tr>
<td>19</td>
<td>Concrete Valley Gutter</td>
<td>SF</td>
<td>250</td>
<td>$7.00</td>
<td>$1,750.00</td>
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**SUBTOTAL**  $553,580.00
AGENDA ITEM

COMMISSION MEETING DATE 04/07/20

Executive Session (City Attorney Only)

<table>
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<th>Agenda</th>
<th>Ordinance</th>
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<td>Time Needed:</td>
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<td>Public Hearing</td>
<td>First Reading</td>
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<td></td>
<td></td>
<td>Contract</td>
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<tr>
<td>Action Item:</td>
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<td>Grant</td>
<td>Second Reading</td>
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<tr>
<td></td>
<td></td>
<td>Action</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Consent</td>
<td></td>
</tr>
</tbody>
</table>

Information: Please include additional information/request.

Consideration and ACTION to award the purchase and delivery of a New Compact Trencher for the Engineering and Public Works Department, in the amount of $58,227.27, as budgeted.

The new equipment will be used for the Traffic Fiber Improvement project for trenching and installation of a 4” conduit running parallel to the Historic Battlefield Trail. To extents of this phase is from Boca Chica (SH 48) to Alton Gloor (FM 3248). The equipment will then be utilized in future phases of the Fiber Improvement Project.

BID#CTR-30-0320
Fundings for this is available through account number:
01-9111-876-1003-General Fund-Service & Contingency/ PS Contingency FA1590-TSIP Fiber Mjr Arterial

Reviewing Departments: Please review and forward to the next reviewing department in a timely manner.

<table>
<thead>
<tr>
<th>City Attorney</th>
<th>Date Reviewed:</th>
<th>By:</th>
<th>Comments:</th>
</tr>
</thead>
<tbody>
<tr>
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</tbody>
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<table>
<thead>
<tr>
<th>Finance Department</th>
<th>Date Reviewed:</th>
<th>By:</th>
<th>Comments:</th>
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<tbody>
<tr>
<td></td>
<td>3/27/2020</td>
<td>Lupe Granado III</td>
<td>Funding available</td>
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</table>

<table>
<thead>
<tr>
<th>City Commission</th>
<th>Assistant City Manager</th>
<th>Deputy City Manager</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approved: Yes No</td>
<td>Approved: Yes No</td>
<td>Approved: Yes No</td>
</tr>
<tr>
<td>Date:</td>
<td>Initials: Date:</td>
<td>Initials: Date:</td>
</tr>
</tbody>
</table>

City Manager’s Approval

Signature: Date:
To: Mayor and City Commission
Through: Noel Bernal, City Manager
From: Armando Gutierrez, P.E. Engineering and Public Works Director
Date: April 2, 2020
Agenda: Consideration and ACTION to award the purchase and delivery of new compact trencher for the Engineering and Public Works Department in the amount of $58,227.27, as budgeted.

Summary:
The new equipment will be used for the Traffic Fiber Improvement project for trenching and installation of a 4” conduit running parallel to the Historic Battlefield Trail. The extent of this phase is from Boca Chica (SH 48) to Alton Gloor (FM 3248). The equipment will then be utilized in future phases of the Fiber Improvement Project.

Funding for this project is available through account:
01-9111-876-1003-General Fund-Service & Contingency/ PS Contingency FA1590-TSIP Fiber Mjr Arterial.

The Engineering and Public Works Department recommends approval.
FINANCE DEPARTMENT
PROCUREMENT SERVICES ANALYSIS

Date: March 6, 2020
To: Mr. Noel Bernal, City Manager
From: Mr. Lupe Granado, Finance Director
CC: Mr. Jose F. Perez, Assistant Director
Subject: Agenda Item for the City Commission meeting of March 17th, 2020: “Consideration and Action to Award the Purchase and Delivery of a New Compact Trencher” BiD # CTR-30-0320

At the request of Armando Gutierrez, Engineering and Public Works Director, the Purchasing and Contract Services Department has solicited a “BUYBOARD” proposal for Purchase and Delivery of a New Compact Trencher. Under Section § 271.102, “Cooperative Purchasing Program” of the Texas Local Government Code, the bidding requirement has been satisfied by “BUYBOARD”; an agency with whom the City of Brownsville has entered into an Interlocal Agreement. [Bookmark “A” - Section § 271.102, “Cooperative Purchasing Program Participation” of the Texas Local Government Code]

The Purchasing and Contract Services Office has worked together with representatives from EKA Inc. awarded “BUYBOARD” contract # 529-17 to replace a compact trencher that is currently being rented by the City of Brownsville Engineering and Public Works Department.

EKA Inc. is the BUYBOARD awarded contractor (contract #534-17). The BUYBOARD quote is attached for City Commission consideration and action. [Bookmark “B” – BUYBOARD proposal]

Procurement Summary:

1. Consideration and Action to Award the Purchase and Delivery of a New Compact Trencher to EKA Inc., of Grayson, GA. For a total amount of $58,227.27. This procurement reflects “BUYBOARD” contract pricing.
## Customer Quote

### EKA Quote Details
- **EKA Quote #**: 9177
- **Date**: 1/14/2020
- **Quote valid until**: 2/13/2020

### Name / Address
- **City Of Brownsville**
- **Enrique Montemayor**
- **6035 COFFEE PORT RD**
- **BROWNSVILLE, TX 78521**
- **9568386253**

### Delivery Address
- **Solicitation number**: DEALER

### EKA Quote Contact
- **cindy@ekasales.com**
- **Contract Number**: 597-19
- **Payment Terms**: NET 30 DAYS
- **F.O.B. terms**: DEST
- **Dealer**: DITCH WITCH S TX

### Item / Description

<table>
<thead>
<tr>
<th>Item / Description</th>
<th>Qty</th>
<th>Price Each</th>
<th>Total</th>
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</thead>
<tbody>
<tr>
<td>DITCH WITCH RT45A Compact Trencher With the following configuration:</td>
<td>1</td>
<td>58,227.27</td>
<td>58,227.27</td>
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<tr>
<td>DITCH WITCH H314A Digging Attachment With the following configuration:</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Decals English</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Engine Highly Regulated</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tire/Tracks 26 X 12-12 8-Ply (Dana 44)</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Rear/Front Differential D44 rigid rear</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Swing/Tilt Selector Valve No</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Hydraulic Manifold Kit No</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Backfill Blade 6-way tilt 64 in</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Color Standard</td>
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<tr>
<td>Hydraulic Oil Standard</td>
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<tr>
<td>#100-267 FRONT COUNTERWEIGHT KIT</td>
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<td>#375-080 COUNTERWEIGHT (100 LBS) (8)</td>
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<td>#190-1508 RT45 BACK-UP ALARM</td>
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<tr>
<td>DITCH WITCH H314A Digging Attachment With the following configuration:</td>
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<td></td>
</tr>
<tr>
<td>Decals English</td>
<td></td>
<td></td>
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<tr>
<td>Headshaft Sprocket 14 Tooth Split</td>
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<tr>
<td>Slide Kit Hydraulic Slide</td>
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</tr>
<tr>
<td>Color Standard</td>
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<tr>
<td>604-682 DOUBLE SHORT AUGER ASSEMBLY KIT</td>
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<td>#141-274 RESTRAINT BAR (56&quot;, 2P)</td>
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<tr>
<td>#143-060 &quot;52&quot; LT ROLLER BOOM (2.000&quot;P)&quot;</td>
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<tr>
<td>#131-416 50K 2P DURA/SHK B 96P 6.0</td>
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</tr>
</tbody>
</table>

### Total
- **$58,227.27**

---

We appreciate the opportunity to serve your government business needs.
Vendor Contract Information

Vendor Name: EKA
Address: P.O. Box 932
Grayson, GA 30017
Phone Number: (770) 498-9316
Email: cindy@eksales.com
Website: http://www.eksales.com
Federal ID: 58-1328598
Contact: Cindy Kester
Accepts RFQs: Yes
Minority Owned: No
Women Owned: No
Service-Disabled Veteran Owned: No
EDGAR Forms Received: Yes
No Israel Boycott Certificate: Yes
No Excluded Foreign Terrorist Orgs: Yes
Contract Name: Construction, Road and Bridge, Ditching, Trenching, and Other Equipment
Contract #: 597-19
Effective Date: 12/01/2019
Expiration Date: 11/30/2022
Payment Terms: Net 30 Days
Delivery Days: 120
Shipping Terms: Pre-paid and added to invoice
Freight Terms: FOB Destination
Ship Via: Common Carrier
Region Served: All Texas Regions
States Served: All States
Quote Reference Number: 597-19
Return Policy: Reference the standard commercial warranty for each manufacturer-supplier.

Contract Documents

EDGAR Notice: Click to view EDGAR Notice
Proposal Documents: Click to view BuyBoard Proposal Documents
Regulatory Notice: Click to view Bonding Regulatory Notice
Proposal Files: Click to view Vendor Proposal Files Documents

Contact us 800.695.2919
### Executive Session (City Attorney Only)

<table>
<thead>
<tr>
<th>Time Needed:</th>
<th>Action Item:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Time Needed:</td>
<td></td>
</tr>
</tbody>
</table>

### Agenda

- [ ] Public Hearing
- [ ] First Reading
- [ ] Contract
- [ ] Second Reading
- [ ] Grant
- [ ] Action
- [✓] Consent

### Information:
Please include additional information/request.

Consideration and Action to Authorize the City of Brownsville to establish a Memorandum of Understanding (MOU) between the City Of Brownsville (COB), Brownsville Public Utilities Board, Cameron County Drainage District One, Brownsville Irrigation District, and Cameron County Drainage District Six, for development of joint Hazard Mitigation Plan.

The stated stakeholders will collaborate in the revision of an existing Hazard Mitigation Plan. Following the creation of a new HMGP, the stakeholders will support outlined projects to reduce costs associated with disaster response and recovery by promoting hazard mitigation activities and more resilient and sustainable communities throughout Cameron County.

### Reviewing Departments:
Please review and forward to the next reviewing department in a timely manner.

<table>
<thead>
<tr>
<th>Department</th>
<th>Date Reviewed:</th>
<th>By:</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Attorney</td>
<td></td>
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</tr>
<tr>
<td>Finance Department</td>
<td>3/27/2020</td>
<td>Lupe Granado III</td>
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</tbody>
</table>

Comments: Non-financial item.

### City Commission

- [ ] Yes
- [ ] No

<table>
<thead>
<tr>
<th>Assistant City Manager</th>
<th>Deputy City Manager</th>
</tr>
</thead>
<tbody>
<tr>
<td>[ ] Yes</td>
<td>[ ] Yes</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>City Manager’s Approval</th>
</tr>
</thead>
<tbody>
<tr>
<td>Signature:</td>
</tr>
</tbody>
</table>

Revised 3/2019
To: Mayor and City Commission
Through: Noel Bernal, City Manager
From: Armando Gutierrez, P.E. Engineering and Public Works Director
Date: April 2, 2020

Agenda: Consideration and ACTION to authorize the City of Brownsville to establish a Memorandum of Understanding (MOU) between the City of Brownsville (COB), Brownsville Public Utilities Board, Cameron County Drainage District One, Brownsville Irrigation District, and Cameron County Drainage District Six for development of joint Hazard Mitigation Plan. (Engineering and Public Works Department)

Summary:
The City of Brownsville is requesting City Commission approval to establish into a Memorandum of Understanding (MOU) between the City of Brownsville (COB), Brownsville Public Utilities Board, Cameron County Drainage District One, Brownsville Irrigation District, and Cameron County Drainage District Six for development of joint Hazard Mitigation Plan.

The partnership between these parties will help establish a newly proposed Hazard Mitigation Plan to incorporate multiple stakeholders from throughout Brownsville's ETJ. The stakeholders include the City departments of Engineering & Public Works, Office of Emergency Management, Fire Department, Police Department, as well as above listed external partners in an effort bring a holistic view on the issues and potential hazards facing the City of Brownsville.

The stated stakeholders will collaborate in the revision of an existing Hazard Mitigation Plan. Following the creation of a new HMGP, the stakeholders will support outlined projects to reduce costs associated with disaster response and recovery by promoting hazard mitigation activities and more resilient and sustainable communities throughout Cameron County.

The Engineering and Public Works Department recommends approval.
MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF BROWNSVILLE (COB), BROWNSVILLE PUBLIC UTILITIES BOARD, CAMERON COUNTY DRAINAGE DISTRICT ONE, BROWNSVILLE IRRIGATION DISTRICT, AND CAMERON COUNTY DRAINAGE DISTRICT SIX

WHEREAS, The Lower Laguna Madre/Brownsville Ship Channel (LLMBSC) Watershed is located south of the Arroyo Colorado Watershed and north of the Rio Grande Watershed; and

WHEREAS, Lower Laguna Madre/Brownsville Ship Channel (LLMBSC) Watershed, contributes approximately 25 percent of the freshwater flow into the Lower Laguna Madre Bay in Cameron County, Texas; and

WHEREAS, The LLMBSC Watershed includes several TCEQ classified segments: the Lower Laguna Madre, (Segment 2491_03), the Lower Laguna Madre (Segment 2491_01), the Brownsville Ship Channel (Segment 2494), Port Isabel Fishing Harbor (Segment 2494A), the Lower Laguna Madre (Segment 2491A), and South Bay (Segment 2493).

WHEREAS, This watershed includes the City of Brownsville and numerous townships in the surrounding area. The human population of this watershed is approximately 350,000 people.

WHEREAS, the City to work together toward the betterment of the Region by establishing a Drainage Coalition

NOW, THEREFORE, the signatories agree to the following:

1. Collaboration amongst all entities on Grant Opportunities from Federal, State, and Regional resources
2. All entities agree to appoint one person to be the liaison for this coalition
3. In the Event that a grant application is to be submitted the agencies agree to an Equal Cost Share of the potential grant match.

City of Brownsville
By: _____________________________________________________________________________ Date: __________________
Mayor Juan “Trey” Mendez

Brownsville Public Utilities Board
CAMERON COUNTY DRAINAGE DISTRICT ONE

By: ________________________________ Date: ______________

John Reed, Chairman

BROWNSVILLE IRRIGATION DISTRICT

By: ________________________________ Date: ______________

CAMERON COUNTY DRAINAGE DISTRICT SIX

By: ________________________________ Date: ______________
Consideration and ACTION to award task order to Raba Kistner for City of Brownsville/Department of Public Safety Joint Tactical Training Center for Phase II Environmental Site Assessment, under current term contract for Geotechnical and Construction Material Testing Services, #QGC-26-0417, in the amount of $67,316.

The Brownsville Police Department is requesting commission approval to for a phase II environmental study to be conducted at the police firing range. The police department and the Department of Public Safety are in partnership to build a multipurpose tactical training facility. The total cost of the project is projected at $30 million. Currently, the State of Texas has allocated $9 million for the project and construction will start in 2020. The objective of the proposed phase II study includes an environmental evaluation of subsurface soil and groundwater conditions within the southern half of the property, which includes the firing range facility to evaluate the presence of residual impacts associated with past land use activities.

The engineer consultant for the project is Raba Kistner from San Antonio, Texas. This firm conducted the initial phase I study in 2019, with the recommendation of an additional study. Please see the procurement analysis and proposal from Raba Kistner for further details. The cost for the study is $67,316 with funding for the project through police federal forfeiture account #28-311-765 and City of Brownsville environmental services fund.
To: Mayor and City Commission

Through: Noel Bernal, City Manager

From: Felix Saucedo, Chief of Police

Date: April 2, 2020

Agenda: Consideration and ACTION to award task order to Raba Kistner for City of Brownsville/Department of Public Safety Joint Tactical Training Center for Phase II Environmental Site Assessment, under current term contract for Geotechnical and Construction Material Testing Services, QGC-26-0417 in the amount of $67,316. (Police Department)

The Brownsville Police Department (BPD) is requesting City Commission approval for a Phase II Environmental Study to be conducted at the police firing range. BPD and the Texas Department of Public Safety are in partnership to build a multipurpose tactical training facility. The total cost of the project is projected at $30 million. Currently, the State of Texas has allocated $9 million for the project and construction scheduled to start in 2020. The objective of the proposed Phase II study includes an environmental evaluation of subsurface soil and groundwater conditions within the southern half of the property, which includes the firing range facility to evaluate the presence of residual impacts associated with past land use activities.

The engineer consultant for the project is Raba Kistner from San Antonio, Texas. This firm conducted the initial phase I study in 2019, with the recommendation of an additional study. Please see the procurement analysis and proposal from Raba Kistner for further details.

The cost for the study is $67,316 with funding for the project through police federal forfeiture account #28-311-765 and City of Brownsville environmental services fund. BPD staff recommends approval.
Date: March 18, 2020
To: Mr. Noel Bernal City Manager
From: Lupe Granado, Finance Director
Subject: Agenda Item for the City Commission meeting of April 7, 2020

"Consideration and Action to Award Task Order for Ruben Gutierrez Memorial Firing Range for Phase II Environmental Site Assessment, under current Term Contract for Geotechnical and Construction Material Testing Services", QGC-26-0417

RECAP

A Term Contract for Geotechnical and Construction Material Testing Services was awarded by City Commission on July 11, 2017 to a total of Four (4) Engineering firms:

- PSI Professional Services Industries, Inc. of Harlingen, TX.
- Raba-Kistner Consultants Inc., of San Antonio, TX.
- Earth Co., Inc., of Harlingen, TX.
- Terracon Consultants, Inc. of Pharr, TX.

Environmental Site Assessment (ESA-II) services will be negotiated by the City and the Firm on a case by case basis.

The recommended firms will also serve in the capacity of consulting engineering services, based upon additional miscellaneous projects as scheduled by City Departments. Fees will follow agreed fee schedule.

This contract shall commence upon award by the City Commission and shall expire in July 10, 2020. The City reserves the unilateral option to extend the life of the contract for one (1) period of two (2) years thereafter.

UPDATE

At the request from James Paschall, Brownsville Police Department Commander, a proposal from Raba Kistner, Inc., for Phase II Environmental Site Assessment for the Ruben Gutierrez Memorial Firing Range Project was requested.

{Bookmark "A" Task Order Proposal from Raba Kistner, Inc.}

Procurement Summary

Task Order for Phase II Environmental Site Assessment for the Ruben Gutierrez Memorial Firing Range project is eligible under Term Contract for Geotechnical and Construction Material Testing Services (QGC-26-0417) and may be awarded to Raba Kistner, Inc. of San Antonio, TX, for Sixty-Seven thousand, three Hundred and Sixteen dollars and zero cents $67,316.00 per the attached proposal.
RE: Proposal for Phase II Environmental Site Assessment  
Ruben Gutierrez Memorial Firing Range  
8725 Southmost Boulevard  
Brownsville, Cameron County, Texas

Dear Mr. Gonzalez:

In accordance with your request, Raba Kistner, Inc. (RKI) is pleased to submit this proposal to the City of Brownsville (CLIENT) to provide Phase II Environmental Site Assessment (ESA-II) services in support of the ongoing environmental due diligence and project planning effort for the above-referenced property, which is comprised of approximately 96 acres of land currently developed as a law enforcement gun firing range, locally addressed at 8725 Southwest Boulevard in Brownsville, Cameron County, Texas (hereinafter referred to as SITE). The objective of the proposed assessment includes an environmental evaluation of subsurface soil and groundwater conditions within the southern half of the property, which includes the firing range facility to evaluate the presence of residual impacts associated with past land use activities and operations that involved the use of burial of wastes. It is anticipated that the findings developed as the result of the proposed assessment can be used to support ongoing project planning efforts and/or to determine whether corrective actions, firing range decommissioning activities, and/or development and implementation of an affected media (i.e., soil and groundwater) management plan is warranted in conjunction with future phases of SITE re-development.

Based on recent conversations with the CLIENT, it was requested that this proposal address issues pertaining to the south half of the property consisting of approximately 55 acres of land, as this planned to host re-development activities in the near future (i.e., new outdoor firing ranges and training center).

This proposal includes a brief description of pertinent project information in addition to our proposed scope of services and cost estimate for the project. This proposal was prepared to define the proposed scope of services, our assumptions, time and cost information, project schedule, and procedures for authorization to initiate project activities.

BACKGROUND

The SITE was recently subject to a Phase I Environmental Site Assessment (ESA-I) conducted on behalf of City of Brownsville Police Department (RKI Project No. ASF19-047-00, report dated May 10, 2019) and a geotechnical Subsurface Reconnaissance Study (RKCI Project No. ABA19-010-00 report dated May 16, 2019).
At the time of ESA-I reconnaissance activities, the SITE was observed to consist of a 96-acre tract of land that is primarily undeveloped, with a south portion utilized as a firing range and training area by the City of Brownsville Police Department.

**Recognized Environmental Conditions (RECs)** associated with the SITE include the following:

- Use of two contiguous areas as a small arms and rifle firing range, respectively, with associated perimeter soil berms and backstops. Surface soils along the firing lanes and within the perimeter berms/backstops may contain impacts from total lead, which is a common constituent of concern with firing ranges associated with spent ammunition and gunshot residues/emissions.

- It was also reported by CLIENT that the soils comprising the berms and backstops originated from various historical Cameron County road construction projects, which have hosted impacts from other common environmental contaminants (e.g., heavy metals, petroleum hydrocarbons, etc.).

- Subsequent to the issuance of the *Phase I ESA* report on May 10, 2019, an additional REC was identified for the SITE as documented in the Subsurface Reconnaissance Study (Geotechnical Study) prepared by RKCI (May 16, 2019). Nine geotechnical borings were installed on April 25 and April 26, 2019 throughout the entire property. A review of the boring logs indicated that buried solid wastes (apparently municipal solid waste) was observed within four of the nine borings installed. This debris consisted of plastic, glass, and metal cans and was encountered at depths ranging from 1 to 10 feet below the surface. Additional information pertaining to historical waste disposal areas at the SITE developed by the Brownville Public Works department was subsequently provided to RKI for review.

On the basis of collective ESA-I findings and considering plans to decommission/relocate existing firing ranges, the performance of a subsurface investigation (ESA-II study) is recommended to further evaluate baseline environmental conditions throughout the facility and assess potential impacts to soils and/or shallow groundwater resulting from firing range activities to date and to further evaluate the presence of buried municipal solid waste throughout the south portion of the that will host re-development activities.

**PURPOSE AND SCOPE OF WORK**

Per CLIENT’s request, RKI has prepared this proposal to conduct ESA-II activities to further evaluate potential environmental concerns associated with past land use and waste disposal activities. Specific areas considered most likely to exhibit lead impacts from firing range operations will be targeted for ESA-II assessment as follows: (i) firing lines associated with current and former range configurations; ii) current firing range (downrange) area between the targets and firing line(s); and (iii) the existing perimeter berms and backstops. In order to assess these areas, a series of shallow environmental borings will be installed utilizing direct-push methods at locations depicted on the attached *Figure 1 – Proposed Site Investigation* exhibit. Additionally, RKI will conduct exploratory trenching activities to evaluate the presence of municipal solid waste (MSW) throughout the south extent of the property i.e., Approximately 55 acres).

The following scope of services is proposed for this study.
Task 1 – Environmental Sampling Activities

Firing Ranges

RKI will coordinate with CLIENT and the Texas Excavation Safety System (TESS) to provide for subsurface utility clearances in advance of the field sampling effort. It is proposed that environmental soil borings will be installed utilizing a combination of direct-push technology (DPT) and using hand auger methods. The borings and hand augers will be installed in the following primary areas of concern identified for the firing ranges:

<table>
<thead>
<tr>
<th>Area of concern</th>
<th>Number of borings or hand auger locations and depths</th>
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<tbody>
<tr>
<td>Firing line</td>
<td>18 shallow soil borings to depths of 5 feet</td>
</tr>
<tr>
<td>Downrange areas</td>
<td>20 feet to evaluate shallow groundwater</td>
</tr>
<tr>
<td>Perimeter berms and backstopping</td>
<td>A total of 16 (3-part) composite samples collected from the inner faces of the berms to depths of 2 feet.</td>
</tr>
</tbody>
</table>

All soil samples and groundwater samples will be collected and preserved in accordance with standard environmental sampling procedures promulgated by the Texas Commission on Environmental (TCEQ). Additionally, soil samples collected from the perimeter berms and backstopping will be prepared in accordance with procedures outlined in EPA’s guidance document entitled “Recommendations for Performing Human Health Risk Analysis on Small Arms Shooting Ranges” as necessary to remove lead and bullet fragments. Specifically, only soil samples passing through a U.S. No. 10 sieve will be retained for chemical analysis.

In conjunction with soil boring installation, soils will be sampled continuously and logged by an environmental professional for composition, color, degree of moisture, and visual/olfactory indications of contamination. Representative soil samples will be field-screened for the presence of VOCs using a portable organic vapor monitor (OVM). Soil boring observations and OVM field-screening results will be documented on field log-sheets and utilized to generate graphical environmental boring logs that will be attached to the final study report.

To facilitate laboratory testing, representative soil samples at borings will be collected from surface and subsurface soils where maximum indications of impact are encountered during the drilling and sampling process. In the absence of observed impacts during sampling activities, representative soil samples will be collected from the surface (0-2.5 feet) and near-surface (5 feet or 7.5-10 feet) depth intervals, or at varying depths immediately above the shallow groundwater table interface. In order to evaluate shallow groundwater conditions, up to three soil borings will be converted to a temporary 1-inch diameter monitoring well to facilitate collection of representative “grab” water samples for analytical testing.

Upon completion of sampling activities, soil borings will be backfilled with hydrated granular bentonite and completed with a 2-foot concrete cap up to surface grade. As DPT soil sampling methods will be employed for soil boring installation, it is not anticipated that appreciable soil cuttings will be generated as the result of environmental sampling activities for all borings. All exploratory trenches will be backfilled with excavated soils. For budgetary purposes, it is assumed that no
significant waste requiring containment will be generated in conjunction with exploratory trench excavation and sampling efforts. All non-reusable sampling equipment will be properly disposed of offsite as general municipal solid waste following completion of soil sampling activities.

Task 2 – Trenching Activities

RKI will coordinate the services the Brownsville Public Works Department equipment and personnel to install up to 30 exploratory trenches using backhoe methods. It is anticipated that trenching activities will take approximately 3 days. The trenches will be spatially-distributed throughout the SITE, but generally located in proximity to areas where buried wastes were encountered during recent *Subsurface Reconnaissance Study*. The exploratory trenches will be installed to depths on the order of 6-8 feet below existing ground surface (bgs) to evaluate the nature and extent of fill soils and facilitate collection of environmental samples.

In conjunction with exploratory trenching, continuous sampling and VOC field screening activities will be conducted using a pre-calibrated OVM. Field observations and OVM field-screening results will be documented in the field and used to generate graphical environmental exploratory trench logs that will be attached to the ESA-II report. In the absence of observed impacts, soil samples will be collected from near-surface soils (0-2 feet bgs). For budgetary purposes, it is assumed that up to 30 soil samples (one sample per trench) will be submitted for analytical testing to evaluate the presence of significant environmental contaminants. It is not anticipated that groundwater will be encountered at shallow 6-8 foot trench depths, and therefore will not be assessed as part of the proposed trenching effort.

Task 2 – Environmental Testing

All soil and groundwater samples will be collected from the borings in accordance with standard environmental sampling procedures. For budgetary purposes, it is assumed that 90 soil samples and three groundwater “grab” samples will be submitted for analytical testing. In consideration of documented past land use activities/operations at the SITE and in order to evaluate subsurface environmental media to establish baseline environmental conditions, select soil and groundwater “grab” samples will be analyzed for the following broad suite of potential environmental contaminants, which include petroleum substances, solvents, and heavy metals:
<table>
<thead>
<tr>
<th>AREAS OF CONCERN</th>
<th>ANALYTES</th>
<th>NUMBER OF SAMPLES ANALYZED</th>
<th>SOIL</th>
<th>GROUNDWATER</th>
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<tr>
<td></td>
<td>TPH</td>
<td>6</td>
<td>3</td>
<td></td>
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<tr>
<td></td>
<td>VOCs</td>
<td>6</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Firing Range</td>
<td>SVOCs*</td>
<td>6</td>
<td>1</td>
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<tr>
<td></td>
<td>Metals (Lead)</td>
<td>60</td>
<td>3</td>
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<td></td>
<td>pH</td>
<td>5</td>
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<td></td>
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<tr>
<td></td>
<td>TCLP Lead*</td>
<td>5</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td></td>
<td>SPLP Lead*</td>
<td>10</td>
<td>--</td>
<td></td>
</tr>
<tr>
<td>Exploratory Trenches</td>
<td>TPH</td>
<td>30</td>
<td>-</td>
<td></td>
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<tr>
<td>Exploratory Trenches</td>
<td>VOCs</td>
<td>30</td>
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<tr>
<td>Exploratory Trenches</td>
<td>SVOCs*</td>
<td>10</td>
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<td>Exploratory Trenches</td>
<td>TCLP Metals*</td>
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<td></td>
<td>Chlorinated Herbicides</td>
<td>5</td>
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<tr>
<td></td>
<td>Organochlorine Pesticides</td>
<td>5</td>
<td>-</td>
<td></td>
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<tr>
<td></td>
<td>PCBs</td>
<td>5</td>
<td>-</td>
<td></td>
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</table>

Notes:
1. TPH = Total petroleum hydrocarbons by Texas Method TX-1005;  
2. VOCs = Volatile Organic Compounds by EPA Method 8260;  
3. SVOCs* = Hold for Semi-Volatile Organic Compounds by EPA Method 8270;  
4. Texas 11 Metals (i.e., antimony, arsenic, barium, beryllium, cadmium, chromium, lead, mercury, nickel, selenium and silver) by EPA Methods 6010 and 7471; and  
5. SPLP* = Hold for Synthetic Precipitation Leaching Procedure (EPA Method 1312) select RCRA 8 Metals.  
6. TCLP = Toxicity Characteristic Leaching Procedure Texas 11 Metals;  
7. Chlorinated Herbicides and Organochlorine Pesticides, methods 8151A and 8081A  
8. Polychlorinated biphenyls (PCBs), method 8082A

Firing Range

As indicated in the preceding table, it is proposed that all environmental soil and water samples will be initially analyzed for total lead, as this is considered to represent the primary contaminants of concern for the SITE based on firing range operations. It is proposed that up to six soil samples and exhibiting maximum detected concentrations of lead will additionally be analyzed for TPH, VOCs, and SVOCs. Additionally, for budgetary purposes, it is proposed that up to 10 soil samples exhibiting maximum concentrations of select metals in excess of Texas-Specific Background (TSB) values and/or applicable regulatory groundwater protection screening standards will additionally be analyzed following extraction by the Synthetic Precipitation Leaching Procedure (SPLP) to evaluate potential metal(s) leachability to shallow groundwater. It is further assumed that up to 5 soil samples exhibiting maximum concentrations of select metals in excess of applicable groundwater protection screening standards promulgated by the TCEQ will additionally be analyzed following extraction by the Toxicity Characteristic Leaching (TCLP) to evaluate potential leachability of these metals to shallow groundwater or stormwater.
Groundwater will be collected from the proposed three deep borings at the soil groundwater interface. Three “grab” samples will be collected and submitted for TPH, VOCs, SVOCs, and Metals (Lead) analysis.

**Trenching Samples**

It is proposed that all environmental soil samples will be analyzed for a broad suite of potential environmental contaminants commonly associated with MSW (e.g., chlorinated solvents, petroleum hydrocarbons, heavy metals, herbicides/pesticides, etc.). All samples will be initially tested for TPH, VOCs, and RCRA 11 Metals. For budgetary purposes, it is assumed that up to 10 held soil samples exhibiting maximum field indications of environmental impact will be analyzed for SVOCs. It is further assumed that up to 30 soil samples exhibiting maximum concentrations of select RCRA 11 metals in excess of applicable groundwater protection screening standards promulgated by the TCEQ will additionally be analyzed following extraction by the TCLP to evaluate potential leachability of these metals to shallow groundwater or stormwater. Additionally, up to five soil samples will be tested for Chlorinated Herbicides, Organochlorine Pesticides, and PCBs.

**Data Reduction and Reporting**

Upon completion of project activities and data reduction, RKI will prepare a written report with appropriate graphical attachments documenting assessment activities and discussing analytical testing results. The report will include a professional opinion regarding the presence and significance of environmental impacts to the SITE and recommendations for additional action that may be necessary to further assess SITE conditions with respect to the proposed construction activities. Specific elements that will be included in the report are presented below:

- Description of general SITE conditions and field sampling procedures;
- Tabulated analytical results and laboratory reports of analyses with chain-of-custody documentation;
- SITE map depicting the locations of environmental borings with respect to reported onsite and offsite (adjoining) RECs;
- Evaluation of reported laboratory results with respect to protective concentration levels defined by the TCEQ that are applicable to the discovery of historical contamination;
- In the event that environmental impacts are present, recommendations as to proper management/disposal of affected soils; and
- If applicable, recommendations for additional assessment activities to further evaluate environmental impacts and/or buried wastes if determined to be present at the subject property.

Unless otherwise specified by CLIENT, one electronic copy of the report will be provided upon completion of field and data reduction activities.
ASSUMPTIONS

The following assumptions were made with regard to the scope of services described herein:

1. Access will be granted when needed to perform assessment activities and weather or SITE conditions will not preclude access or performance of environmental sampling activities within exterior operations areas targeted for assessment.

2. Costs for analytical testing and reporting assume a standard 5-7 business-day turnaround time.

3. Although attempts will be made to identify subsurface utilities within the area of interest utilizing the Texas Excavation Safety System (Tess), RKI cannot take responsibility for contacting/rupturing unidentified buried utilities during assessment activities. CLIENT will provide locations of subsurface utilities/structures located in the vicinity of proposed trenches, if known. RKI will coordinate with the City of Brownsville excavator crew to make necessary TESS notifications.

4. The ESA-II study will not generate investigation-derived waste (IDW) requiring containment, waste profiling, or disposal at a local permitted landfill. If IDW (i.e., soil and/or groundwater requiring management and disposal is generated as a result of the ESA-II study effort, RKI will prepare a scope of work and cost estimate under separate cover for environmental sampling, profile development, and disposal of the IDW.

5. The City of Brownsville will provide a backhoe for trenching services.

COST AND SCHEDULE

RK will perform the scope of work described herein for a LUMP SUM COST of $67,316.00. In the event that additional services are requested by CLIENT and/or necessary to complete project activities, we will provide a cost estimate under separate cover and solicit authorization from CLIENT before proceeding with additional work. Additional costs, if authorized as part of this project, will be billed in accordance with our standard fees for professional services and unit rates for equipment shown on our latest fee schedule for these services.

Depending on the availability of a local environmental drilling contractor and provided that we have favorable access conditions, we could initiate site activities within 10-15 days of following our notification-to-proceed. Assessment field activities will take about 2-3 weeks. Standard turnaround time for analytical chemistry is on the order of another 5-7 business-days. Additional SVOC and/or SPLP testing will require another 5 business-days. Therefore, the overall timeline for completion is estimated on the order of 6-8 weeks.

ACCEPTANCE

Work on this project assignment will be carried out by RKI in accordance with the proposed scope of services provided herein and the Independent Contractor Agreement QGC-26-04417 between the City of Brownsville and Raba Kistner, Inc. signed on March 21st, 2017.
Our invoices are due and payable upon receipt at P.O. Box 971037, Dallas, Texas 75397-1037. All parties hereby agree that, upon acceptance, terms of this contract will be performable in Bexar County, Texas.

Please return one signed copy of this letter proposal to provide written authorization for our firm to commence work on the services outlined herein. We appreciate the opportunity to be of service to you and look forward to beginning work on this project. RKI considers the data and information contained in this proposal to be proprietary. This statement of qualifications and any information contained herein shall not be disclosed and shall not be duplicated or used in whole or in part for any purpose other than to evaluate this proposal.

Very truly yours,

RABA KISTNER, INC.

Brian D. Strye, M.S.
Environmental Project Manager

Richard V. Klar, P.G.
Vice President

BDS/RVK/srw

Accepted By____________________________________
(Signature)

___________________________________________
(Typed or Printed Name)

______________________________
(Date)

Copies Submitted: Above (1 Electronic PDF Copy)
**TO:** Noel Bernal, City Manager  
**FROM:** Rick Vasquez, Director of Planning & Redevelopment Department  
**SUBJECT:** Public Hearings  
**DATE:** 4/7/2020  
**THROUGH:** Helen Ramirez, Deputy City Manager

### Agenda Item

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<th>Executive Session (City Attorney Only)</th>
<th>Select</th>
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**Information:** Please include additional information/request.

APPROVAL on SECOND and FINAL READING on ORDINANCE NUMBER 235-2019-064-S-MA-CO: To grant a major amendment allowing a restaurant, a Medium Retail (3C) use, in Dwelling “A” (DA) for Lots 40 & 41, La Villita Unit No. 4 Subdivision, Cameron County, Texas, located at 313 Manzano Street, Brownsville, Texas 78521, as shown in Exhibit "A", (District 1), with a Conditional Overlay.

### Reviewing Departments:

Please review and forward to the next reviewing department in a timely manner.

<table>
<thead>
<tr>
<th>City Attorney</th>
<th>Date Reviewed:</th>
<th>By:</th>
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### City Commission  

<table>
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### Assistant City Manager  

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### Deputy City Manager  

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**City Manager’s Approval**

<table>
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<tr>
<th>Signature:</th>
<th>Date:</th>
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To: Mayor and City Commission
Through: Noel Bernal, City Manager
From: Rick Vasquez, Planning & Redevelopment Department Director
Date: April 7, 2020

RE: APPROVAL on SECOND and FINAL READING on Ord. No. 235-2019-064-S-MA-CO

Purpose
Applicant, Cleotilde Canela, is requesting a Major Amendment to a previously approved Specific Use Permit to allow a restaurant, a Medium Retail (3C) use, in Dwelling “A” (DA) for Lots 40 and 41, Block 1, La Villita Unit No. 4 Subdivision, Cameron County, Texas, located at 313 Manzano Street, Brownsville, Texas 78521.

Property Analysis
The predominant land use in the surrounding area is single family dwelling. No additional uses, other than single family dwelling, are present within proximity of the subject property.

The property is located within the Core East District and the request is consistent with the Future Land Use Map.

Background
The applicant originally applied for a Specific Use Permit to allow a restaurant on a property with a Dwelling use district. Said permit was approved at Final Reading on January 7, 2020.

A Specific Use Permit was required to allow the proposed business since the current use district (Dwelling) prohibits it; a minimum use district designation of Medium Retail (3C) is required. The applicant submitted a site plan depicting the concept of the proposed business which was approved on the aforementioned date.

The applicant has now approached staff to request an amendment to the approved site plan to be able to add an approximate 500 square feet to the structure’s footprint, which includes a covered patio area, storage area, restrooms, and a covered entry. Due to the increase in footprint, a Major Amendment to the approved site plan is required.

Opposition
A neighboring resident of the subject property appeared before the Planning and Zoning Commission on December 5, 2019 (Specific Use Permit Meeting) to express concerns regarding increased traffic and potential on-street parking caused by the proposed development.

Recommendation
Based on the increase in footprint and previous opposition to the case, staff recommended the following conditions for the welfare and protection of the neighboring residents (See attached ordinance).

There was no written or verbal opposition at the Planning and Zoning Commission Meeting on March 5, 2020. Planning and Zoning Commission approves this Major Amendment to allow a restaurant, a Medium Retail (3C) use, in Dwelling “A” (DA) subject to the conditions recommended by staff.

Item introduced and passed at First Reading on March 17, 2020. There was no verbal or written opposition.
Specific Use Permit Application

Multi-Family/Office/Commercial/Retail/Industrial

☐ 0-1 Acres ....$500.00
☐ 1-5 Acres ....$750.00
☐ 5-10 Acres ....$1,000.00
☐ 10 and Up ....$1,250.00

☐ Planning and Zoning Commission
☐ City Commission

□ Single Family
☐ 0-1 Acres ....$250.00
☐ 1-10 Acres ....$500.00
☐ 10 and Up ....$1,000.00

Tentative Date: ________________
Tentative Date: ________________

* For submittal requirements, see Appendix A. Zoning Processing Fees

Geographic ID #: 04/24/10/0000/10400/00 04/24/10/0000/0410/00
Project Address: 313 Manzamo St
Subdivision: La Villita Subdivision Unit #4
Lot(s)/Block: Lot 40 & Lot 41
Current Zoning: Dwellings A
Gross Acreage: 0.38

Proposed Use: Restaurant

Owner Information

Name: Cleotilde Canela
Address: 4132 Westland Dr.
City: Brownsville
State: TX Zip Code: 78521
Telephone: (956) 408-7343
Fax: 
Email: 
Signature: Cleotilde Canela

Representative/Agent Information

Name: Alejandro Hz
Address: 4132 Westland Dr.
City: Brownsville TX
State: TX Zip Code: 78521
Telephone: (956) 408-7343
Fax: 
Email: 
Signature:

Special Note: INCOMPLETE APPLICATION WILL NOT BE ACCEPTED.

Office Use Only

Date Submitted: November 8, 2019 Code: ZN32 Application Fee: $500.00
Accepted By: Erika Espinosa
Case Number 235-2019-044-S
AN ORDINANCE AMENDING THE “CITY ZONING ORDINANCE” BY AMENDING THE OFFICIAL
ZONING ATLAS; AND DEALING WITH RELATED MATTERS INCLUDING $2000 PENALTIES.

WHEREAS, this ordinance is in accordance with the City’s comprehensive plan; is consistent with the existing
zoning surrounding the area to be rezoned; and bears a substantial relationship to the public health, safety, morals
or general welfare; and all procedural requirements for the passage hereof have been met;

Be It Ordained by the City of Brownsville:

Section 1. That the City Commission of the City of Brownsville, Texas, hereby amends the “City Zoning
Ordinance” by amending the Official Zoning Atlas so as to grant a Major Amendment allowing a restaurant, a
Medium Retail (3C) use, in Dwelling “A” (DA), with a Conditional Overlay (CO) for an area described as:

Lots 40 & 41, La Villita Unit No. 4 Subdivision, Cameron County, Texas, located at 313 Manzano Street,
Brownsville, Texas 78521, as shown in Exhibit “A”.

Section 2. The property described above and within the boundaries of the conditional overlay established by
the ordinance is subject to the following conditions:

A. Increase landscaped area to 20%.
B. Locate waste containers away from property lines shared with single-family dwelling uses.
C. A solid privacy wall with intermediary masonry columns and fiber cement lap-siding with a minimum height
    of 7 feet along the western, eastern, and southern property lines.
D. Signs abutting the right-of-way shall be limited to a monument style sign; free-standing signs are prohibited.
E. The premises shall be limited to one driveway.
F. Music shall be prohibited in the exterior of the structure; all loud noises shall be contained within structure.
G. Outdoor illumination shall be limited to down-lighting.
H. To establish modified setbacks to zero feet from all property lines.

Part 3. That all provisions of Sections 180 through 221 of the City Zoning Ordinance are incorporated herein by
reference and declared to be a part hereof; and that this ordinance shall become effective on the earliest date
allowed by law.

INTRODUCED at a public hearing on March 17, 2020. Passed at First Reading on March 17, 2020. PASSED
at Second and Final Reading and ADOPTED, APPROVED, and ENACTED on April 7, 2020.

(SEAL)

BY: ________________________________
Juan “Trey” Mendez
Mayor

ATTEST: ____________________________
Griselda Rosas
Interim City Secretary
Use Districts

ZONING
- Dwelling
- Dwelling/Retail
- Apartment
- Professional Office
- Light Retail
- Medium Retail
- General Retail
- Light Commercial
- Medium Commercial
- Light Industrial
- Medium Industrial
- Heavy Industrial
- Specific Use Permit

EXHIBIT “A”
Specific Use Permit
Request:

Case # 235-2019-064-S-MA
Cleotilde Canela

Current Zoning:
- Dwelling (D) "A"

Proposed Use:
- Restaurant
- Medium Retail "A"

Brownsville Electoral District #1
City of Brownsville

FUTURE LAND USE PLAN

DISTRICTS NAME
- Core Central
- Core East
- Core West
- Downtown Enterprise
- Downtown Riverside
- Emerging City Central
- Emerging City East
- Emerging City West
- Employment Hub
- Future Employment Hub
- Reserve Future City
- Transition Central
- Transition East
- Transition West
- Water Management

CORRIDORS
- Gateway Corridor
- Linkage Corridor
- Loop Corridor
- Town Corridor

NODES NAME
- Downtown Node
- Primary Regional Node
- Secondary Regional Node
- Sub Regional Node

SUBJECT PROPERTY

Zoning Case No.
235-2019-064-S-MA

Brownsville's City Limits
Brownsville's ETJ Boundary
The subject property is located in the BLK 2 WENTZ SUBDIVISION with 8.6750 ACRES OUT OF 20.00 ACRES (78-6740-0020-0000-00).
Case # 235-2019-064-S-MA
A. Application Information

<table>
<thead>
<tr>
<th>Applicant/Property Owner:</th>
<th>Cleotilde Canela/Alejandro Hernandez</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property ID:</td>
<td>04-2440-0000-0400-00/ 04-2440-0000-0410-00</td>
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<tr>
<td>Application Type:</td>
<td>Major Amendment</td>
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<td>Proposed Use:</td>
<td>Restaurant (Increase in Footprint)</td>
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<td>Date Application Submitted:</td>
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<td>1985-1992</td>
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<td>Overlay in area:</td>
<td>Not Applicable</td>
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<td>Number of Public Notice Letters:</td>
<td>30</td>
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</table>

B. Application Type/Background

The applicant is requesting a Major Amendment to allow a Restaurant, a Medium Retail (3C) use, in Dwelling “A” (DA).

C. Subject Property

The subject property is located on Lots 40 and 41, Block 1, La Villita Unit No. 4 Subdivision, Cameron County, Texas, located at 313 Manzano Street, Brownsville, Texas 78521. The property is fronting Manzano Street, a local street. Single family dwelling is the predominant existing land use within the subject property’s immediate area. The subject property is located within Brownsville Public Utility Board’s (BPUB) water service area #1, which has several projects planned in 2020 including a new transmission main on FM 511 and improvements to 2 lift stations (LS 106 and LS 120) within a 4 mile radius of the subject property.

Existing land uses abutting the subject property are identified below and illustrated in Figure 2.

- North: Single Family Dwelling
• East: Single Family Dwelling
• South: Single Family Dwelling
• West: Single Family Dwelling

**Figure 1: Existing Zoning Map**

The following map illustrates existing zoning of the subject property and properties within the immediate area.

• North: Dwelling (D), Medium Retail (3C), Light Commercial (5C), and Light Industrial (7C)
• South: Professional Office (1C), Light Retail (2C), and General Retail (4C)
• East: Dwelling (D)
• West: Dwelling (D), Dwelling/Retail (DR), Medium Retail (3C), and General Retail (4C)
Figure 2: Existing Land Use
The following map illustrates the existing land uses surrounding the subject property.
D. Future Land Use Plan Consistency

A review of the adopted City of Brownsville Comprehensive Plan and its Future Land Use Plan indicates that the subject property is located within the “Core East District”. According to this plan, the Core East District is primarily residential, with a large amount of community facilities as well. Residential uses should have an average density of 3 dwelling units per acre and consist of single family homes. It is the opinion of the staff that the request is consistent with the Comprehensive Plan and Future Land Use Plan.

**Figure 3: Future Land Use Map (Core East District):** The following map illustrates the Future Land Use Map. The subject property is within the “Core East District”.

![Future Land Use Map](image-url)
Is the proposed amendment consistent with all applicable provisions of the Comprehensive Plan and Future Land Use Plan?

It is the opinion of staff that the request is consistent with the goals, objectives, and policies of the Comprehensive Plan and Future Land Use Plan.

Will the proposed district amendment be compatible with the character of the existing land uses in the adjacent and surrounding area and the peculiar suitability of the property for the proposed zoning use?

The area surrounding the subject property is developed primarily of single family dwellings. It is the opinion of staff that the proposed zoning/use would generally be compatible.

Will the proposed amendment result in significant or burdensome demands on existing public facilities?

It is the opinion of staff that the proposed zoning/use would not create significant or burdensome demands on public facilities such as water, wastewater, or transportation.

Will the proposed amendment result in logical, timely and orderly development patterns that preserve the value of existing development?

It is the opinion of staff that the proposed zoning/use would generally complement existing development and would not have adverse impacts on the area.

Based upon the analysis presented in this report and based on observations from the Planning and Redevelopment Department, staff recommends to support this request to grant a Major Amendment to allow a restaurant, a Medium Retail (3C) use, in Dwelling “A” (DA) subject to the following conditions:

A. Increase landscaped area to 20%.
B. Locate waste containers away from property lines shared with single-family dwelling uses.
C. A solid privacy wall with intermediary masonry columns and fiber cement lap-siding with a minimum height of 7 feet along the western, eastern, and southern property lines.
D. Signs abutting the right-of-way shall be limited to a monument style sign; free-standing signs are prohibited.
E. The premises shall be limited to one driveway.
F. Music shall be prohibited in the exterior of the structure; all loud noises shall be contained within structure.
G. Outdoor illumination shall be limited to down-lighting.
H. To establish modified setbacks to zero feet from all property lines.
AGENDA ITEM 

EXECUTIVE SESSION (City Attorney Only)

**Time Needed:**

**Action Item:**

Select | Agenda | Ordinance
--- | --- | ---
 | Time Needed: | Second Reading
 | Public Hearing | 
 | Contract | 
 | Grant | 
 | Action | ✔
 | Consent | ✔

**Information:** Please include additional information/request.

APPROVAL on SECOND and FINAL READING on ORDINANCE NUMBER 235-2020-005: To rezone from Dwelling “A” (DA) to Dwelling “G” (DG) for Lot 1, Block 1, Villa Del Rey Subdivision, Section II, Cameron County, Texas, located at 673 Rey Salomon Street, Brownsville, Texas 78521, as shown in Exhibit "A", (District 2).

**Reviewing Departments:** Please review and forward to the next reviewing department in a timely manner.

<table>
<thead>
<tr>
<th>City Attorney</th>
<th>Date Reviewed:</th>
<th>By:</th>
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<tr>
<th>City Commission</th>
<th>Assistant City Manager</th>
<th>Deputy City Manager</th>
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<tr>
<td>Approved:</td>
<td>Yes</td>
<td>No</td>
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<tr>
<td>Date:</td>
<td>Initials:</td>
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</table>

**City Manager's Approval**

<table>
<thead>
<tr>
<th>Signature:</th>
<th>Date:</th>
</tr>
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</table>
To: Mayor and City Commission
Through: Noel Bernal, City Manager
From: Rick Vasquez, Planning & Redevelopment Department Director
Date: April 7, 2020

RE: APPROVAL on SECOND and FINAL READING on Ord. No. 235-2020-005

Purpose
Property owners, Maria and Guadalupe Sosa, propose to change the Area District designation for Lot 1, Block 1, Villa Del Rey Subdivision Section II, City of Brownsville, Cameron County, Texas, located at 673 Rey Salomon Street, Brownsville, Texas 78521. The applicants request to rezone the subject property from Dwelling “A” (DA) to Dwelling “G” (DG) to reduce the front yard setbacks and maximize the available construction area for the purpose of building a carport.

<table>
<thead>
<tr>
<th>Area District “A” (Residential)</th>
<th>Area District “G” (Residential)</th>
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<tr>
<td>25 ft.-front setback</td>
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<tr>
<td>5.5 ft.-lateral setback</td>
<td>3.5 ft.-lateral setback</td>
</tr>
<tr>
<td>25 ft.-rear setback</td>
<td>3.5 ft.-rear setback</td>
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<tr>
<td>Carport is Prohibited</td>
<td>Carport is Permitted</td>
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Property Analysis
The predominant land use in the surrounding area is single family dwelling. Additional uses, such as undeveloped land and commercial business (day care center and commercial retail) are present within proximity of the subject property.

The property is located within the Transition Central District and the request is consistent with the Future Land Use Map.

Background
The subject property currently is site to a single-family residence to which the applicant wants to add a carport within the front setback. A zoning change is necessary since Area District “G” is the only district that allows carports in the front yard. The property is categorized as Area District “A”, therefore prohibiting the carport.

Recommendation
There was no written or verbal opposition at the Planning and Zoning Commission Meeting on March 5, 2020. Planning and Zoning Commission approves this rezone from Dwelling “A” (DA) to Dwelling “G” (DG).

Item introduced and passed at First Reading on March 17, 2020. There was no verbal or written opposition.
Zoning Application

Multi-Family/Office/Commercial/Retail/Industrial

- 0-1 Acres $500.00
- 1-5 Acres $750.00
- 5-10 Acres $1,000.00
- 10 and Up $1,500.00

☐ Planning and Zoning Commission
☐ City Commission

Tentative Date: __________________________

Single Family

- 0-1 Acres $250.00
- 1-10. Acres $500.00
- 10 and Up $1,000.00

Tentative Date: __________________________

* For submittal requirements, see Appendix A. Zoning Processing Fees

Geographic ID #: 02-7924-0010-0010-00
Project Address: 673 Rey Saloman St.
Subdivision: Villa Del Rey Sec. II
Lot(s)/Block: Lot 1, Blk 1

Current Area Classification: "A"
Proposed Area Classification: "G"
Gross Acreage: _______________________

Current Zoning: "DWELLING"
Proposed Zoning: "DWELLING"

Proposed Used: Residential
Overlay Districts: N/A

* If property is not subdivided you will need to provide survey map and/or metes and bounds
* If the application is signed by the representative we need a notarized authorization letter from the owner.

Owner Information

Name: Maria & Guadalupe Sosa
Address: 673 Rey Saloman St.
City: Brownsville, TX
State: Texas Zip Code: 78521
Telephone: 956-238-0886 home
Fax: 956-236-2390 cell
Email: signature
Signature: Maria & Guadalupe Sosa

Representative/Agent Information

Name: Juan L. Anzaldua
Address: 5242 Amatista Dr
City: Brownsville
State: TX Zip Code: 78521
Telephone: 956-346-3778
Fax: 
Email: ActionsJ58@gmail
Signature: 

Office Use Only

Date Submitted: January 22, 2020
Code: 2N30
Application Fee: $250.00

Accepted By: Erika Espinoza
Case Number 235-2020-005
AN ORDINANCE AMENDING THE “CITY ZONING ORDINANCE” BY AMENDING THE
OFFICIAL ZONING ATLAS; AND DEALING WITH RELATED MATTERS INCLUDING $2000
PENALTIES.

WHEREAS, this ordinance is in accordance with the City’s comprehensive plan; is consistent with
the existing zoning surrounding the area to be rezoned; and bears a substantial relationship to the
public health, safety, morals or general welfare; and all procedural requirements for the passage
hereof have been met;

Be It Ordained by the City of Brownsville:

Section 1. That the City Commission of the City of Brownsville, Texas, hereby amends the “City
Zoning Ordinance” by amending the Official Zoning Atlas so to rezone from Dwelling “A” (DA) to
Dwelling “G” (DG) for Lot 1, Block 1, Villa Del Rey Subdivision, Section II, Cameron County,
Texas, located at 673 Rey Salomon Street, Brownsville, Texas 78521, as shown in Exhibit “A”; the
area rezoned by this amendment being situated entirely within the corporate limits of Brownsville,
Cameron County, Texas.

Section 2. That all provisions of Sections 180 through 221 of the City Zoning Ordinance are
incorporated herein by reference and declared to be a part hereof; and that this ordinance shall become
effective on the earliest date allowed by law.

PASSED at Second and Final Reading and ADOPTED, APPROVED, and ENACTED on April 7,
2020.

(S Seal)

BY: ______________________________________
Juan “Trey” Mendez
Mayor

ATTEST: __________________________________
Griselda Rosas
Interim City Secretary
EXHIBIT “A”
Rezoning Request:
Case # 235-2020-005
Maria & Guadalupe Sosa

Current Zoning: Dwelling "A"

Proposed Zoning: Dwelling "G"
City of Brownsville

FUTURE LAND USE PLAN

DISTRICTS NAME
- Core Central
- Core East
- Core West
- Downtown Enterprise
- Downtown Riverside
- Emerging City Central
- Emerging City East
- Emerging City West
- Employment Hub
- Future Employment Hub
- Reserve Future City
- Transition Central
- Transition East
- Transition West
- Water Management

CORRIDORS
- Gateway Corridor
- Linkage Corridor
- Loop Corridor
- Town Corridor

NODES NAME
- Downtown Node
- Primary Regional Node
- Secondary Regional Node
- Sub Regional Node

Brownsville's City Limits
Brownsville's ETJ Boundary

Zoning Case No. 235-2020-005

SUBJECT PROPERTY
Case No. 235-2020-005

Owner: Cameron County
BLK 2 WENTZ SUBDIVISION 8.6750 ACRES OUT OF 20.00 ACRES (78-6740-0020-0000-00)
A. Application Information

<table>
<thead>
<tr>
<th>Applicant/Property Owner:</th>
<th>Maria and Guadalupe Sosa</th>
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<td>Number of Public Notice Letters:</td>
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B. Application Type/Background

The applicant is requesting a rezoning from Dwelling “A” (DA) to Dwelling “G” (DG).

C. Subject Property

The subject property is located on Lot 1, Block 1, Villa Del Rey Subdivision Section II, City of Brownsville, Cameron County, Texas, located at 673 Rey Salomon Street, Brownsville, Texas 78521. The property is fronting Rey Salomon Street, a local street. Single family dwelling is the predominant existing land use within the subject property’s immediate area. The subject property is located within Brownsville Public Utility Board’s (BPUB) water service area #1, which has several projects planned in 2020 including a new transmission main on FM 511 and improvements to 2 lift stations (LS 106 and LS 120) within a 4 mile radius of the subject property.

Existing land uses abutting the subject property are identified below and illustrated in Figure 2.

- North: Undeveloped Land and Single Family Dwelling
- East: Single Family Dwelling
- South: Single Family Dwelling and Commercial Business
- West: Single Family Dwelling

**Figure 1: Existing Zoning Map**

The following map illustrates existing zoning of the subject property and properties within the immediate area.

- North: Dwelling (D)
- South: Dwelling (D) and Medium Industrial (8C)
- East: Dwelling (D), General Retail (4C), and Medium Industrial (8C)
- West: Dwelling (D) and Light Industrial (7C)
**Figure 2: Existing Land Use**
The following map illustrates the existing land uses surrounding the subject property.
A review of the adopted City of Brownsville Comprehensive Plan and its Future Land Use Plan indicates that the subject property is located within the Transition Central District. According to this plan, the Transition Central District is comprised of less residential and more industrial land uses. Commercial uses should be neighborhood and service oriented and industrial uses could include both light and medium industry and warehousing. Residential uses should have a density of 2 dwellings per acre and should consist primarily of single family dwelling homes. It is the opinion of the staff that the request is consistent with the Comprehensive Plan and Future Land Use Plan.

**Figure 3: Future Land Use Map**

The following map illustrates the Future Land Use Map. The subject property is within the Transition Central District.
E. Review Criteria

*Is the proposed amendment consistent with all applicable provisions of the Comprehensive Plan and Future Land Use Plan?*

It is the opinion of staff that the request is consistent with the goals, objectives, and policies of the Comprehensive Plan and Future Land Use Plan.

*Will the proposed district amendment be compatible with the character of the existing land uses in the adjacent and surrounding area and the peculiar suitability of the property for the proposed zoning use?*

The area surrounding the subject property is developed primarily of single family dwellings. It is the opinion of staff that the proposed zoning/use would generally be compatible.

*Will the proposed amendment result in significant or burdensome demands on existing public facilities?*

It is the opinion of staff that the proposed zoning/use would not create significant or burdensome demands on public facilities such as water, wastewater, or transportation.

*Will the proposed amendment result in logical, timely and orderly development patterns that preserve the value of existing development?*

It is the opinion of staff that the proposed zoning/use would generally complement existing development and would not have adverse impacts on the area.

F. Staff Recommendation

Based upon the analysis presented in this report and based on observations from the Planning and Redevelopment Department, staff recommends to support this rezoning from Dwelling “A” (DA) to Dwelling “G” (DG).
AGENDA ITEM  COMMISSION MEETING DATE 04/07/20

EXECUTIVE SESSION (City Attorney Only)  

Time Needed:  

Action Item:  

SELECTED:  

AGENDA  

Time Needed:  

☐ Public Hearing  

☐ Contract  

☐ Grant  

☐ Action  

☑ Second Reading

ORDINANCE

☐ First Reading

Information: Please include additional information/request.

APPROVAL on SECOND and FINAL READING on ORDINANCE NUMBER 235-2020-902: To rezone from Dwelling “A” (DA)/Dwelling “G” (DG)/Dwelling “Z” (DZ)/General Retail “G” (4CG)/Light Industrial “J” (7CJ) to General Retail “G” (4CG) for an approximate 60.85 acres comprised of all of Reserve Area “B”, Villa del Norte Subdivision; all of Blocks 7 to 11, Harrington Place Subdivision; 1.41 acres out of Blocks 1 to 4, Harrington Place Subdivision; a 1 acre tract out of Share 12, Espiritu Santo Grant; and a 4.5 acre tract out of 19.5 acres out of Block 1 & 2, R.A. Lieck Subdivision; save and except, 1.257 acres out of Reserve Area “B”, Villa del Norte Subdivision (O.R.C.C.T. Vol. 7537, Pg. 77), located near Stillman Road, Brownsville, Texas 78526, as shown in Exhibit "A", (District 3).

REVIEWING DEPARTMENTS: Please review and forward to the next reviewing department in a timely manner.

City Attorney  Date Reviewed:  By:  
Comments:  

Finance Department  Date Reviewed:  By:  
Comments:  

City Commission  Assistant City Manager  Deputy City Manager

Approved: Yes  No  
Approved: Yes  No  
Approved: Yes  No  
Date:  Initials:  Date:  Initials:  Date:  

City Manager's Approval  
Signature:  Date:  

Revised 3/2019
To: Mayor and City Commission
Through: Noel Bernal, City Manager
From: Rick Vasquez, Planning & Redevelopment Department Director
Date: April 7, 2020

RE: APPROVAL on SECOND and FINAL READING on Ord. No. 235-2020-902

Purpose
This is a City Initiated Case to change the Use and Area District designation for 60.85 acres comprised of all of Reserve Area “B”, Villa del Norte Subdivision; all of Blocks 7 to 11, Harrington Place Subdivision; 1.41 acres out of Blocks 1 to 4, Harrington Place Subdivision; a 1 acre tract out of Share 12, Espiritu Santo Grant; and a 4.5 acre tract out of 19.5 acres out of Block 1 & 2, R.A. Lieck Subdivision; save and except, 1.257 acres out of Reserve Area “B”, Villa del Norte Subdivision (O.R.C.C.T. Vol. 7537, Pg. 77), located near Stillman Road, Brownsville, Texas 78526. The City requests to rezone the subject property from Dwelling “A” (DA)/Dwelling “G” (DG)/Dwelling “Z” (DZ)/General Retail “G” (4CG)/Light Industrial “J” (7CJ) to General Retail “G” (4CG) to provide a uniform zoning for the property and for the purpose of establishing a mixed use/retail development.

Property Analysis
The predominant land use in the surrounding area is single family dwelling. Additional uses, such as undeveloped land, a railroad switchyard, and commercial business (medical office, flea market, restaurant, commercial retail, etc.) are present within proximity of the subject property.

The property is located within the Emerging City Central District and the Linkage Corridor; the request is consistent with the Future Land Use Map.

Background
The subject property, as well as some of the surroundings, is currently undeveloped. Based on a site analysis displaying a 3-mile radius, services (neighborhood oriented/commercial services) are limited north of the subject property. Due to a proposal to transform this land into a mixed-use development involving commercial and neighborhood-oriented services, a change in zoning is necessary to accommodate the proposed use. Additionally, changing the zoning designation to General Retail “G” (4CG) would provide a uniform classification to the area as well as a buffer between residential and higher commercial zonings.

Recommendation
There was no written or verbal opposition at the Planning and Zoning Commission Meeting on March 5, 2020. Planning and Zoning Commission approves this rezone from Dwelling “A” (DA)/Dwelling “G” (DG)/Dwelling “Z” (DZ)/General Retail “G” (4CG)/Light Industrial “J” (7CJ) to General Retail “G” (4CG).

Item introduced and passed at First Reading on March 17, 2020. There was no verbal or written opposition.
ORDINANCE NUMBER 235-2020-902

AN ORDINANCE AMENDING THE “CITY ZONING ORDINANCE” BY AMENDING THE OFFICIAL ZONING ATLAS; AND DEALING WITH RELATED MATTERS INCLUDING $2000 PENALTIES.

WHEREAS, this ordinance is in accordance with the City’s comprehensive plan; is consistent with the existing zoning surrounding the area to be rezoned; and bears a substantial relationship to the public health, safety, morals or general welfare; and all procedural requirements for the passage hereof have been met;

Be It Ordained by the City of Brownsville:

Section 1. That the City Commission of the City of Brownsville, Texas, hereby amends the “City Zoning Ordinance” by amending the Official Zoning Atlas so to rezone from Dwelling “A” (DA)/Dwelling “G” (DG)/Dwelling “Z” (DZ)/General Retail “G” (4CG)/Light Industrial “J” (7CJ) to General Retail “G” (4CG) for an approximate 62.1 acres comprised of all of Reserve Area “B”, Villa del Norte Subdivision; all of Blocks 7 to 11, Harrington Place Subdivision; 1.41 acres out of Blocks 1 to 4, Harrington Place Subdivision; a 1 acre tract out of Share 12, Espiritu Santo Grant; and a 4.5 acre tract out of 19.5 acres out of Block 1 & 2, R.A. Lieck Subdivision; located near Stillman Road, Brownsville, Texas 78526, as shown in Exhibit “A”; the area rezoned by this amendment being situated entirely within the corporate limits of Brownsville, Cameron County, Texas.

Section 2. That all provisions of Sections 180 through 221 of the City Zoning Ordinance are incorporated herein by reference and declared to be a part hereof; and that this ordinance shall become effective on the earliest date allowed by law.

INTRODUCED at a public hearing on March 17, 2020. Passed at First Reading on March 17, 2020. PASSED at Second and Final Reading and ADOPTED, APPROVED, and ENACTED on April 7, 2020.

(SEAL)

BY:
Juan “Trey” Mendez
Mayor

ATTEST:
Griselda Rosas
Interim City Secretary
January 30, 2020

Reba Cardenas McNair, President
Cardenas Development Inc.
1603 E. Price Road
Brownsville, Texas 78521

Dear Mrs. McNair,

Thank you for your recent inquiry regarding the zoning designation of 42.094 acre tract and the 8.436 acre tract, located at the intersection of U.S. Expressway 77 & 83, and Stillman Road. Presently, the 42.09 acre tract is zoned for Single-Family (Dwelling); and, the 8.43 acre tract is zoned Single-Family (Dwelling).

The City of Brownsville is currently working on a complete revision to its land development regulations and your property’s existing zoning classifications will be changed to reflect the zoning classifications established in the City’s new Unified Development Code (UDC).

In accordance with the preliminary planning performed by you and your consultants, the City agrees the combined 50.530 acre tract will be updated to encourage the development of retail, entertainment uses and mixed-use land development patterns.

To facilitate the transition from single-family zoning entitlement to retail and mixed-use development, I have directed the Planning and Redevelopment Department to begin the process to rezone the 50 acre tract to a zoning classification that enables retail and entertainment land uses.

We look forward to assisting you with the subdivision and permitting of your exciting development project.

Respectfully,

Noel Bernal
City Manager

CC: Rick Vasquez, Planning and Development Director
EXHIBIT “A”
Rezoning Request:
Case # 235-2020-902
City Initiated

Current Zoning:
Dwelling "A", "G", "Z"
General Retail "G"
Light Industrial "J"

Proposed Zoning:
General Retail "G"
Case No. 235-2020-902

Owner: Cameron County

BLK 2 WENTZ SUBDIVISION
8.6750 ACRES
OUT OF 20.00 ACRES (78-6740-0020-0000-00)
A. Application Information

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B. Application Type/Background

The applicant is requesting a rezoning from Dwelling “A” (DA)/Dwelling “G” (DG)/Dwelling “Z” (DZ)/General Retail “G” (4CG)/Light Industrial “J” (7CJ) to General Retail “G” (4CG).

C. Subject Property

The subject property is located on approximately 62.1 acres comprised of all of Reserve Area “B”, Villa del Norte Subdivision; all of Blocks 7 to 11, Harrington Place Subdivision; 1.41 acres out of Blocks 1 to 4, Harrington Place Subdivision; a 1 acre tract out of Share 12, Espiritu Santo Grant; and a 4.5 acre tract out of 19.5 acres out of Block 1 & 2, R.A. Lieck Subdivision; located near Stillman Road, Brownsville, Texas 78526. Single family dwelling is the predominant existing land use within the subject property’s immediate area. The subject property is located within Brownsville Public Utility Board’s (BPUB) water service area #2, which has several projects planned in 2020 including a new transmission main on FM 511 and improvements to 4 lift stations (LS 55, LS 86, LS 143 and LS 159) within a 4 mile radius of the subject property.
Existing land uses abutting the subject property are identified below and illustrated in Figure 2.

- North: Undeveloped Land, Single Family Dwelling, and Railroad Switch Yard
- East: Undeveloped Land and Single Family Dwelling
- South: Undeveloped Land, Single Family Dwelling, and Commercial Business
- West: Undeveloped Land, Single Family Dwelling, and Commercial Business

**Figure 1: Existing Zoning Map**

The following map illustrates existing zoning of the subject property and properties within the immediate area.

- North: Dwelling (D), Light Retail (2C), General Retail (4C), Light Commercial (5C), and Medium Commercial (6C)
- South: Dwelling (D), General Retail (4C), Medium Commercial (6C) and Light Industrial (7C)
- East: Dwelling (D) and Apartment (A)
- West: Dwelling (D), Apartment (A), General Retail (4C), and Light Industrial (7C)
Figure 2: Existing Land Use
The following map illustrates the existing land uses surrounding the subject property.
A review of the adopted City of Brownsville Comprehensive Plan and its Future Land Use Plan indicates that the subject property is located within the Emerging City Central District and the Linkage Corridor. According to this plan, the Emerging City Central District is primarily residential and should consist of single family houses with an average lot size of 1 acre. A balanced mix of commercial, community facility, and institutional land uses are encouraged to provide services and support to residents.

The Linkage Corridor should primarily be commercial. Residential uses should be an average of 6 dwelling units per acre, primarily taking the form of single family houses and attached townhouses. Institutional and community facility land uses should be located along the corridor, such as medical offices, auditoriums and sports facilities. It is the opinion of the staff that the request is consistent with the Comprehensive Plan and Future Land Use Plan.

**Figure 3: Future Land Use Map**

The following map illustrates the Future Land Use Map. The subject property is within the Emerging City Central District and the Linkage Corridor.
E. Review Criteria

Is the proposed amendment consistent with all applicable provisions of the Comprehensive Plan and Future Land Use Plan?

It is the opinion of staff that the request is consistent with the goals, objectives, and policies of the Comprehensive Plan and Future Land Use Plan.

Will the proposed district amendment be compatible with the character of the existing land uses in the adjacent and surrounding area and the peculiar suitability of the property for the proposed zoning use?

The area surrounding the subject property is developed primarily of single family dwellings. It is the opinion of staff that the proposed zoning/use would generally be compatible.

Will the proposed amendment result in significant or burdensome demands on existing public facilities?

It is the opinion of staff that the proposed zoning/use would not create significant or burdensome demands on public facilities such as water, wastewater, or transportation.

Will the proposed amendment result in logical, timely and orderly development patterns that preserve the value of existing development?

It is the opinion of staff that the proposed zoning/use would generally complement existing development and would not have adverse impacts on the area.

F. Staff Recommendation

Based upon the analysis presented in this report and based on observations from the Planning and Redevelopment Department, staff recommends to support this rezoning from Dwelling “A” (DA)/Dwelling “G” (DG)/Dwelling “Z” (DZ)/General Retail “G” (4CG)/Light Industrial “J” (7CJ) to General Retail “G” (4CG).
1. **AGENDA ITEM**

**EXECUTIVE SESSION (City Attorney Only)**

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**INFORMATION:** Please include additional information/request.

Public Hearing and ACTION on FIRST READING on Ordinance Number 2020-1569-B, concerning Chapter 102 of the Code of Ordinances entitled “Utilities” and which provides for Electric; amending Sections 102-199(B) and 102-204(A) of Chapter 102 to be consistent with resolutions of the Public Utilities Board recommending amendments to correct and conform non-rate provisions related to Municipal Street Lighting and Private Security Lighting Services; and providing a severability clause.

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**REVIEWING DEPARTMENTS:** Please review and forward to the next reviewing department in a timely manner.

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**APPROVALS:**

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March 19, 2020

Noel Bernal  
City Manager  
City of Brownsville  
P.O. Box 911  
Brownsville, Texas 78520

RE: Request for Agenda Item Placement on City Commission Meeting Agendas for First Reading on April 7, 2020 and Second Reading on April 21, 2020

Dear Mr. Bernal:

On December 9, 2019, the Brownsville Public Utilities Board (BPUB or Board) approved Resolution No. 2019-1209-(IC-04) to restructure and revise charges for electric street lighting and private security lighting provisions to include fixtures utilizing light-emitting diodes (LED), to anticipate future conversion of all municipal streetlights to LED technology rates, and revise billing practices related to such charges, based upon a Black & Veatch Cost of Service and Rate Study and recommendations of BPUB staff. Upon consideration, the City Commission approved the Board’s recommended changes in Ordinance 2020-1569-A.

On March 9, 2010, the Board adopted Resolution No. 2020-0309-(IC-07), recommending certain non-rate amendments to Chapter 102 of the Code of Ordinances in order to (a) correct an erroneous cross-reference included in section 102-204 (a) adopted in Ordinance 2020-1569-A, and to (b) change section 102-199 (d), which applies a state-mandated discount for certain state institutions of higher education to private security lighting, to fully implement the changes to private security lighting charges approved in Ordinance 2020-1569-A.

BPUB is applying the discount as a matter of state law, but the recommended conforming change removes now-obsolete references to prior rates and clearly applies simplified billing practices included in the original resolution.

Attached are the Board’s resolution and request, together with a draft ordinance to the City Commission, for consideration. We do not believe a public hearing is required because this does not present a rate change, but we defer to the City’s determination. BPUB staff is available to address any questions or comments that may be raised through the City Commission’s process of consideration.
If you have any questions, please call me at (956) 983-6277.

Sincerely,

John S. Bruciak, PE
General Manager & CEO

Attachments

mcg

c: Leandro Garcia
Monica Cavazos-Garza
File

DM268774
ORDINANCE NO. ______________

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF BROWNSVILLE, TEXAS, CONCERNING CHAPTER 102 OF THE CODE OF ORDINANCES ENTITLED "UTILITIES" AND WHICH PROVIDES FOR ELECTRIC; AMENDING SECTIONS 102-199(B) AND 102-204(A) OF CHAPTER 102 TO BE CONSISTENT WITH RESOLUTIONS OF THE PUBLIC UTILITIES BOARD RECOMMENDING AMENDMENTS TO CORRECT AND CONFORM NON-RATE PROVISIONS RELATED TO MUNICIPAL STREET LIGHTING AND PRIVATE SECURITY LIGHTING SERVICES; AND PROVIDING A SEVERABILITY CLAUSE.

WHEREAS, pursuant to Article VI, Sec. 4(b) of the City Charter, the Public Utilities Board of the City of Brownsville, Texas reviewed its electric fees and charges and customer classifications, and recommends that retail service rates for municipal street lighting and private security lighting services be adopted to support maintenance and proposed accommodation and promotion of light-emitting diode technologies, and has submitted its recommendations to the City Commission as Board Resolution 2019-1209-(IC-04) (Dec. 9, 2019); and

WHEREAS, the Public Utilities Board based its request upon the cost of service study of electric street lighting and private security lighting rates, fees and charges prepared by Black & Veatch, an independent engineering consulting firm, and upon recommendations of the Board’s professional staff, which have been provided with the Board’s recommendations;

WHEREAS, by Ordinance 2020-1569-A, the City Commission of the City of Brownsville accepted and adopted the recommendations of the Public Utilities Board and amended sections 102-204 and 102-218 of the Code of Ordinances;

WHEREAS, the Public Utilities Board, by Board Resolution 2020-0309-(IC-07), requests further amendments to fully implement Board Resolution 2019-1209-(IC-04) by making a typographic correction to section 102-204(a) and by repealing and replacing part (d) of section 102-199, which applies a statutory discount for certain state institutions of higher education to the private security lighting rates and charges that were revised in Ordinance 2020-1569-A, in order to fully implement said ordinance;

WHEREAS, the City Commission of the City of Brownsville hereby finds that the recommendations of the Public Utilities Board are not rate-related changes to the Code of Ordinances and further finds that such recommendations should be approved and adopted in order to provide for the continued preservation of the public health, safety and welfare of the people;
NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF BROWNSVILLE, TEXAS:

Section 1. Streetlight Service Rate Amendments. Section 102-204(a), chapter 102 of the Code of Ordinances of the City of Brownsville, Texas is hereby amended to replace the reference to section 102-104(b) with a reference to section 102-204(b).

Section 2. Amendment to Section 102-199. Section 102-199(d), chapter 102 of the Code of Ordinances of the City of Brownsville, Texas is hereby repealed and replaced to read as follows:

d. Security light fixtures. Rates for security light fixtures for any facility of any state institution of higher education shall be discounted by 20% of the monthly rental charges for private security light fixtures as provided under section 102-218; provided, however, that no discount is applied to the fuel, purchased energy, and marketing charge charged under section 102-218(c). The public utilities board shall prepare and make available to any state institution of higher education a table of the discounted monthly rental charges upon request.

Section 3. Severability. If any section, sentence, phrase or clause of this Ordinance is declared by a Court of competent jurisdiction to be unconstitutional, invalid or unenforceable, such declaration shall not be deemed to affect the remaining sections, sentences, phrases or clauses of this Ordinance.

PASSED and APPROVED following public hearing on FIRST READING on the ____ day of ________________, 2020.

PASSED and APPROVED on SECOND READING on the ____ day of ________________, 2020.

Juan “Trey” Mendez III
Mayor

Griselda Rosas
Interim City Secretary
RESOLUTION 2020 – 0309 (IC-07)

A RESOLUTION REQUESTING THE CITY COMMISSION TO FURTHER AMEND CHAPTER 102 OF THE CODE OF ORDINANCES ENTITLED “UTILITIES” TO FULLY IMPLEMENT RESOLUTION 2019-1209 (IC-04)

WHEREAS, Board Resolution 2019-1209-(IC04) (Dec. 9, 2019) (Resolution) recommended approval of a rate study and Staff recommendations to update and revise the rates, fees and charges related to electric street lighting and to private security lighting established in sections 102-204 and 102-218 of the Code of Ordinances of the City of Brownsville Chapter 102, “Utilities,” to accomplish the goal of working towards more equitable cost-based rates without extreme changes to any particular classes, which Resolution the City Commission of the City of Brownsville, Texas, considered and approved in Ordinance 2020-1569-A; and

WHEREAS, the Board subsequently received further recommendations of Board Staff that amendments to Chapter 102 of the Code of Ordinances be recommended to the City Commission in order to (a) correct an erroneous cross-reference included in section 102-204(a), and to (b) change section 102-199(d), which applies a state-mandated discount for certain state institutions of higher education to private security lighting, to fully implement the changes to private security lighting charges approved in Ordinance 2020-1569-A; and

WHEREAS, the Board has determined that the foregoing changes fully implement Board Resolution 2019-1209-(IC04), serve in the public interest, and should be recommended to the City Commission; now therefore

BE IT RESOLVED BY THE PUBLIC UTILITIES BOARD OF THE CITY OF BROWNsville, TEXAS:

1. That, for reasons set forth in the recitals as if set forth fully herein and in order to fully implement Resolution 2019-1209-(IC04), the Board recommends the following changes to Chapter 102 of the Code of Ordinances to the City Commission of the City of Brownsville, Texas:

   a. Amend section 102-204, Streetlight service rates, part (a), to replace the incorrect cross-reference to section 102-104(b) with a cross-reference to section 102-204(b); and

   b. Amend section 102-199, Discounted rates for certain state institutions of higher education, part (d), Security light fixtures, by repealing existing part (d) and replacing it to read as follows:

      d. Security light fixtures. Rates for security light fixtures for any facility of any state institution of higher education shall be discounted by 20% of the monthly rental charges for private security light fixtures as provided under section 102-218; provided, however, that no discount is applied to the fuel, purchased energy, and marketing charge charged under section 102-218(c). The public utilities board shall prepare and
make available to any state institution of higher education a table of the discounted monthly rental charges upon request.

2. That the Board's General Manager and Chief Executive Officer submit immediately the recommendations to amend Chapter 102 of the Code of Ordinances to the City Commission of the City of Brownsville, Texas, together with a copy of this Resolution and a draft ordinance to reflect the requested amendments.

3. That the Board by this Resolution requests in writing that the City Commission approve and adopt the foregoing recommendations by passing an appropriate ordinance placing such rates, fees and charges and/or modifications in effect.

PASSED and APPROVED this 9th day of March 2020.

Anna E. Oquin, Chair
Public Utilities Board of the City of Brownsville, Texas

Sandra Lopez-Langley, Secretary/Treasurer
Public Utilities Board of the City of Brownsville, Texas
Public Hearing and Action on First Reading for Ordinance Number 2020-1485-E amending the Code of Ordinances, Chapter 18-Buildings and Building Regulations, by repealing and replacing Art.III. - Building Code, Sec.18-116.- Adopted, Art.VI. - Electricity, Sec.18-301,- Adopted, Art. VII.- Mechanical Code, Sec. 18-626.- Adopted, Art. VIII.- Plumbing Code, Sec. 18-656.- Adopted, Art.IX.- Gas Code, Sec. 18-686.- Adopted, and by creating Article XIII.- Existing Buildings; and dealing with related matters.
To: Mayor and City Commission  
Through: Noel Bernal, City Manager  
From: Rick Vasquez, Planning & Redevelopment Department Director  
Date: 04/07/2020  

**RE:** Public Hearing and Action to adopt Ordinance No. 2020-1485-E

**Purpose**
To adopt Ordinance No. 2020-1485-E, amending Ch.18 – Buildings and Building Regulations updating the International Building Code, the International Residential Code, the National Electrical Code, the International Mechanical Code, the International Plumbing Code, the International Fuel Gas Code, and by creating Article XIII.- Existing Buildings.

**Background**
Adopting updated Codes are necessary to promote and protect the health, safety, and welfare of the residents of Brownsville. By approving Ordinance No. 2020-1485-E, and adopting updated editions, the City of Brownsville will streamline the redevelopment of our community. For example, the addition of Article XIII.- Existing Building Code would be beneficial in keeping the momentum of the revitalization of Downtown Brownsville and allow for an expedited development process. (See attached Exhibit “A” – existing ordinances being amended)
ORDINANCE NUMBER 2020-1485-E

AN ORDINANCE OF THE CITY OF BROWNSVILLE CITY COMMISSION, AMENDING THE CODE OF ORDINANCES, CHAPTER 18 – BUILDINGS AND BUILDING REGULATIONS, BY REPEALING AND REPLACING ART. III. - BUILDING CODE SEC. 18-116.- ADOPTED, ART. VI. - ELECTRICITY, SEC. 18-301.- ADOPTED, ART. VII. - MECHANICAL CODE, SEC. 18-626. - ADOPTED, ART. VIII. - PLUMBING CODE, SEC. 18-656.- ADOPTED, ART. IX.- GAS CODE, SEC. 18-686.- ADOPTED, AND BY CREATING ARTICLE XIII. – EXISTING BUILDINGS; AND DEALING WITH RELATED MATTERS.

WHEREAS, the City of Brownsville recognizes the importance of updated Codes and the provisions herein are necessary to promote and protect the health, safety, and welfare of the public;

WHEREAS, pursuant to Local Government Code Ch. 214. Municipal Regulation of Housing and Other Structures, Sec. 214.216- International Building Code, the City needs to be in compliance with state regulations, and therefore, the City believes it is best to adopt the practice the State follows;

WHEREAS, pursuant to Local Government Code Ch. 214. Municipal Regulation of Housing and Other Structures, Sec. 214.212- International Residential Code, the City needs to be in compliance with state regulations, and therefore, the City believes it is best to adopt the practice the State follows;

WHEREAS, pursuant to Local Government Code Ch. 214. Municipal Regulation of Housing and Other Structures, Sec. 214.214- National Electrical Code, the City needs to be in compliance with state regulations, and therefore, the City believes it is best to adopt the practice the State follows; and

WHEREAS, the adoption of updated Codes streamlines the building regulatory system through a single family of codes that brings consistency and compatibility to multiple layers of requirements existing at the international, federal, state, and local levels.

NOW, THEREFORE BE IT ORDAINED BY THE CITY OF BROWNSVILLE:

PART 1. That Chapter 18 – Buildings and Building Regulations, Article III. Build Code, Section 18-116.- “Adopted” is hereby repealed and replaced to read as follows:

Sec. 18-116.- Adopted.

(a) The International Building Code, 2018 Edition, as published by the International Code Council, Inc. is hereby adopted by the City Commission and shall go into effect upon
the passage of this ordinance for the purpose of establishing rules and regulations governing building and building activities within the corporate limits of the city, a copy of the aforementioned code can be found at the Planning & Redevelopment Department of the City of Brownsville. Said code is hereby adopted and incorporated fully as if set out at length herein; and the provisions thereof shall be controlling within the corporate limits of the city.


(b) The International Residential Building Code, 2018 Edition, as published by the International Code Council, Inc. is hereby adopted by the City Commission and shall go into effect upon the passage of this ordinance for the purpose of establishing rules and regulations governing building and building activities within the corporate limits of the city, a copy of the aforementioned code can be found at the Planning & Redevelopment Department of the City of Brownsville. Said code is hereby adopted and incorporated fully as if set out at length herein; and the provisions thereof shall be controlling within the corporate limits of the city.


a. Appendix P is amended at Section P2904 of the code to remove all requirements for sprinklers or sprinkler systems in any one and two family dwelling.

PART 2. That Chapter 18 – Buildings and Building Regulations, Article VI. Electricity, Section 18-301.-“Adopted” is hereby repealed and replaced to read as follows:

Sec. 18-301.- Adopted.

(a) The National Electrical Code, 2017 Edition, published by the National Fire Protection Agency (NFPA), with amendments in Article VI, Division 1, 3, 4, 5, 6, and 7, of Ordinance No. 2008-1485, is hereby adopted by the city commission and shall go into effect upon the passage of this ordinance for the purpose of establishing rules and regulations governing electrical wiring and installations within the corporate limits of the city. A copy of the aforementioned code can be found at the Planning & Redevelopment Department of the City of Brownsville. Said code is hereby adopted and incorporated as fully as if set out at length in this article, and the provisions thereof shall be controlling within the corporate city limits.

PART 3. That Chapter 18 – Buildings and Building Regulations, Article VII. Mechanical Code, Section 18-626.- “Adopted” is hereby repealed and replaced to read as follows:

Sec. 18-626.- Adopted.

(a) The International Mechanical Code, 2018 Edition, including appendices, published by the International Code Council, Inc. is hereby adopted by the city commission shall go into effect upon the passage of this ordinance for the purpose of establishing rules and
regulations governing electrical wiring and installations within the corporate limits of the city. A copy of the aforementioned code can be found at the Planning & Redevelopment Department of the City of Brownsville. Said code is hereby adopted and incorporated as fully as if set out at length in this article, and the provisions thereof shall be controlling within the corporate city limits.

PART 4. That Chapter 18 – Building and Buildings Regulations, Article VIII. Plumbing Code, Section 18-656.- “Adopted” is hereby repealed and replaced to read as follows:

Sec. 18-656.- Adopted.

(a) The International Plumbing Code, 2018 Edition, including appendices, published by the International Code Council, Inc., is hereby adopted by the city commission and shall go into effect upon the passage of this ordinance for the purpose of establishing rules and regulations governing plumbing and plumbing activities within the corporate limits of the city. A copy of the aforementioned code can be found at the Planning & Redevelopment Department of the City of Brownsville. Said code is hereby adopted and incorporated as fully as if set out at length in this article, and the provisions thereof shall be controlling within the corporate city limits.

(1) Appendices A, B, C, and E of the International Plumbing Code, 2018 Edition, shall be part of this ordinance.

PART 5. That Chapter 18 – Buildings and Building Regulations, Article IX. Gas Code, Section 18-686.- “Adopted” is hereby repealed and replaced to read as follows:

Sec. 18-686.- Adopted.

(a) The International Fuel Gas Code, 2018 Edition, including appendices, published by the International Code Council, Inc., is hereby adopted by the city commission and shall go into effect upon the passage of this ordinance for the purpose of establishing rules and regulations governing gas and gas activities within the corporate limits of the city. A copy of the aforementioned code can be found at the Planning & Redevelopment Department of the City of Brownsville. Said code is hereby adopted and incorporated as fully as if set out at length in this article, and the provisions thereof shall be controlling within the corporate city limits.


PART 6. That Chapter 18 – Buildings and Building Regulations is hereby amended by adding the new article XIII. Existing Buildings, section 18-800 through 18-850, to read as follows:

ARTICLE XIII. EXISTING BUILDINGS

Sec. 18-800.- Adopted.
(a) The Existing Buildings Code, 2018 Edition, as published by the International Code Council, Inc. is hereby adopted by the City Commission and shall go into effect upon the passage of this ordinance for the purpose of establishing rules and regulations governing existing buildings and existing buildings activities within the corporate limits of the city, a copy of the aforementioned code can be found at the Planning & Redevelopment Department of the City of Brownsville. Said code is hereby adopted and incorporated as fully as if set out at length in this article, and the provisions thereof shall be controlling within the corporate city limits.

Sec. 18-801.- Amended Definitions of International Existing Building Code.

The following provisions are local amendments to the commercial provisions of the Existing Buildings Code, 2018 Edition.

(1) The following sections, paragraphs, and sentences of the 2018 International Existing Building Code are hereby amended as follows: Standard type is text from the IEBC. Underlined type is text inserted. Lined through type is deleted text from IEBC.

Section 202; amend definition of Existing Building as follows:
Existing Building - A building, structure, or space, with an approved final inspection issued under a code edition which is at least 2 published code editions preceding the currently adopted building code; or a change of occupancy.

Section 202; amend definition of Existing Structure as follows:
Existing Structure - A building, structure, or space, with an approved final inspection issued under a code edition which is at least 2 published code editions preceding the currently adopted building code; or a change of occupancy.

Secs. 18-802. – 18-850. - RESERVED

INTRODUCED at a Public Hearing and Passed at a First Reading on the 7th day of April, 2020. Passed at Second and Final Reading, and ADOPTED, APPROVED, and ENACTED on the 21st day of April, 2020.

Juan "Trey" Mendez,
Mayor

Attest:

Griselda Rosas,
Interim City Secretary
ORDINANCE NUMBER 2008-1485

AN ORDINANCE OF THE CITY OF BROWNSVILLE AMENDING CHAPTER 18 OF THE CODE OF ORDINANCES DEALING WITH BUILDING AND BUILDING REGULATIONS AND TO REPEAL ANY AND ALL OTHER VERSIONS OF SAID CHAPTER AND OTHER MATTERS.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF BROWNSVILLE, TEXAS:

SECTION 1: That Chapter 18, of the Code of Ordinances, City of Brownsville, Texas, be amended so that it shall hereafter read as follows:

ARTICLE I. IN GENERAL.

Secs. 18-1 – 18-25. Reserved.

ARTICLE II. CONTRACTORS

DIVISION 1. GENERALLY

Secs. 18-26 – 18-50. Reserved.

DIVISION 2. PERMIT

Sec. 18-51. Required for alterations or additions.

No alteration or addition shall be made in any building nor shall changes or additions be made in any building after the changes or additions have been inspected, unless a permit is granted for such work. Permits shall be obtained by the contractor constructing or installing such work before such work is started.

Sec. 18-52. Enforcement.

This division shall be enforced by the building official and his assistants.

Sec. 18-53. Penalty for violation.

Any person who shall violate this division or who fails to comply with this division or who shall violate or fail to comply with any order made under this division or
who shall engage in the business of construction activity in violation of any detailed statement of specifications or plans submitted and approved under this division or any certificate or permit issued under this division or who shall fail to comply with such orders within the time fixed shall, for each and every such violation and noncompliance, respectively be guilty of a misdemeanor punishable by a fine as provided in section 1-13 of the code of ordinance of the City of Brownsville, Texas. The imposition of the penalty for any violation shall not excuse the violation or permit the violation to continue. All such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, each ten days that prohibited conditions are maintained or permitted to stand shall constitute a separate offense punishable as provided in this section.

Sec. 18-54. Additional remedy.

The application of the penalty provided for in section 18-53 shall not be held to prevent the enforced removal of prohibited conditions.

Secs. 18-55 – 18-80. Reserved

DIVISION 3. REGISTRATION

Sec. 18-81. Required.

General building, plumbing and gas, electrical, air conditioning or mechanical, housemover, demolition, swimming pool, sign, reroofing, driveway or curb cut, sidewalk, paving, and earth moving contractors who perform work inside the city limits, are required to register with the office of the building official on an application provided by the building official prior to obtaining any permits for work. Registration shall be renewed on a calendar-year basis.

Sec. 18-82. Fee.

A fee of $250.00 shall be collected from general building, plumbing and gas, electrical, air conditioning or mechanical, housemover, demolition, swimming pool, sign, reroofing, driveway or curb cut, sidewalk, paving, and earth moving contractors. The fee collected is to cover administrative costs associated with initial registration and renewals thereof. The fee to renew a registration shall be $250.00.

Sec. 18-83. Exception.

(a) A property owner is exempt from registration for work done on a building owned or occupied by the property owner as his home, provided work is not required to be performed by a licensed contractor pursuant to this Code or by the state department of licensing and regulation.
(b) The property owner of an existing structure, conducting minor nonstructural repairs to the structure, may apply for a repair permit without having to register as a contractor, provided work is not required to be performed by a licensed contractor pursuant to this Code or by the state department of licensing and regulation.

Sec. 18-84. Maintenance of files.

The office of the building official shall maintain a file on each registered contractor containing the following:

1. The contractor’s registration form;
2. A list of each building permit issued to the contractor; and
3. A list of complaints against and violations committed by the contractor, as well as measures undertaken by the contractor to correct violations.

Sec. 18-85. Denial, suspension, or revocation.

The Permitting Director, Assistant Permitting Director, and/or building official may deny, suspend, or revoke a contractor’s registration based upon any of the following:

1. Failure to provide information requested in the registration application.
2. Providing false information in the registration application.
3. Revocation, suspension, or denial of a contractor’s state license or other applicable license or registration.

Sec. 18-86. Violation

The Permitting Director, Assistant Permitting Director, and/or building official may issue citations for violations of this division to contractors who:

1. Fail to maintain current registration with the city as well as current registration information and those whose registration has been revoked or denied.
2. Fail to provide proper installation, service and structural or mechanical integrity in compliance with applicable and adopted building code.
3. Fail to abide by building department policy and regulations.
4. Perform work without a construction permit.

Sec. 18-87. Violations.

Any person who shall violate this division or who shall fail to comply with this division or with any of the requirements of this division shall be guilty of a misdemeanor and shall be liable to a fine for each offense as provided in section 1-13 of the Code Of Ordinance of the City of Brownsville, Texas.
ARTICLE III. BUILDING CODE

Sec. 18-116. Adopted; amendments.

The International Building Code and International Residential Building Code, 2006 Edition, published by the International Code Council, Inc., are hereby adopted by the city commission to be effective 45 days from the passage of this ordinance for the purpose of establishing rules and regulations governing building and building activities within the corporate limits of the city, a copy of which codes are now on file in the office of the city secretary in the permanent files of the city, and said codes are hereby adopted and incorporated as fully as if set out at length herein; and the provisions thereof shall be controlling within the corporate limits of the city.

Sec. 18-117. Conflicts.

If there is any conflict with the provisions of the code adopted by this article and the provisions of this Code of Ordinances, state law or city ordinance, rule or regulation, this Code of Ordinances, state law or city ordinances, rules or regulation shall prevail and be controlling.

Sec. 18-118. Enforcement.

The code adopted by this article shall be enforced by the building official.

Sec. 18-119. Authority to issue notices to comply, stop work orders, and/or citations for violations; penalties.

(a) The Permitting Director, Assistant Permitting Director and/or building official are authorized to issue notices to comply, stop work orders, and/or citations to any owner, lessee or occupant of premises or contractor conducting construction activities within the city limits for violation of the building code, electrical code, plumbing code, gas code, mechanical code, or any other code or ordinance adopted by the city commission regulating construction activities within the city. The citation issued shall state the alleged violation, the date of such violation, and the section of the code or ordinance violated. Such citations are returnable to the municipal court, and each violation cited shall be a finable offense, not in excess of $2,000.00 per violation per day.
(b) The Permitting Director, Assistant Permitting Director and/or building official are authorized to issue notices to comply, stop work orders, and/or citations and to delay the processing and issuance of a certificate of occupancy to any owner, lessee or occupant of premises or contractor conducting construction activities within the city limits for failure to dispose of generated wastes (i.e., building demolition and construction debris) at an approved and permitted site, in accordance with the Texas, Health and Safety Code or for failure to control wastes on site or prevent the creation of windblown waste.

Sec. 18-120. Authority of heritage officer to delay permit.

(a) For the purpose of this section, the term “owner” shall mean either the owner of record of certain real property or a person having authority to make all key decisions concerning the use, demolition, moving, alteration, repair, remodeling, conveyance, and investment of funds in the improvement of the property and having authority to implement such decisions and to prevent such decisions from being implemented, by virtue of a document such as a power of attorney, trust agreement, or court decree, with such document being recorded in the public records and with a copy of such document being given to the heritage officer.

(b) This section shall only be applicable to screenable permits, namely all building permits and occupancy permits requested for property within heritage screening areas.

(c) The city's heritage officer shall prepare and transmit to the building official a map of all heritage screening areas.

(d) Heritage screening areas shall consist of all of the following areas:

(1) All existing heritage sites listed in the heritage plan pursuant to section 312-151(a);

(2) All potential heritage sites listed in the heritage plan pursuant to section 312-151 (b)(3);

(3) All property located within a radius of 300 feet from each such existing or potential heritage site; and

(4) All property inside Boundary Survey, Fort Brown, Texas, Military Reservation (C.C.M.R. vol. 8 p. 23).

(e) The building official shall identify each screenable permit by referring to the map of all heritage screening areas. No screenable permit shall be issued and no permit fees therefore shall be collected by the building official until the building official receives a release letter therefor from the heritage officer.

(f) When the building official determines that an application for a screenable permit satisfies all city requirements except this section and except section 107.4 of the building code, the building official shall:
(1) Formally transmit to the heritage officer the unsigned permit together with the complete permit application including all attachments; and

(2) Inform the applicant that it is now the responsibility of the owner to contact the heritage officer in order to make arrangements for an initial conference with the heritage officer.

(g) The heritage officer shall agree to start such initial conference no later that one working day after the starting time requested by such owner.

(h) Such conference may be by telephone if, and only if, such owner has no permanent residence in the county; otherwise, the heritage officer may require such conference to be held in the heritage officer’s city office or any other reasonable location chosen by the heritage officer.

(i) At the initial conference the heritage officer shall seek to understand the short-term and long term objectives of the owner and shall make available standardized information concerning various public and private options which such owner may voluntarily wish to consider for the protection, rehabilitation, restoration, relocation, adaptive reuse, remodeling, or new development of any property in a manner consistent with the protection of nearby heritage sites.

(j) After such initial conference the heritage officer may provide such owner with following information tailored to such owner’s property.

(k) The heritage officer shall immediately transmit to the building official a release letter, plus all related items previously sent to the heritage officer by the building official, if:

(1) The heritage officer determines at any time that it would not be in the public interest either to hold an initial conference or to provide follow up information to such owner; or

(2) At least 15 working days after the initial conference, the heritage officer receives from such owner a written request for a release letter.

Sec. 18-121. Amendments – Heritage sites.

Section 3401.7 of the building code adopted in this article is amended so that it shall read as follows:

3407.3 Heritage Sites

(a) The provisions of this code relating to the construction, alteration, repair, enlargement, restoration, relocation, or moving of buildings or structures shall not be mandatory for existing buildings or structures listed in the heritage plan as existing heritage sites or potential heritage sites pursuant to section 312-151 of the city Code when such buildings or structures are judged by the building official to be safe and in the public interest of health,
safety, and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation, or moving of buildings within fire districts.

Sec. 18-122. Same – Sidewalk facilities.

The building code adopted in this article is amended by adding sections 102.6.1, 103.6.7, 103.6.8, and 103.6.9, to read as follows:

102.6.1 The building official’s annual report shall summarize the progress made in construction of sidewalks pursuant to 103.6.7, 103.6.8, and 103.6.9.

103.6.7 Sidewalk facility requirement. Except as provided in 103.6.8, the requirements of 103.6.7 shall be applicable in addition to all other applicable regulations.

1. Each building permit application shall be accompanied by specifications for proposed sidewalk facilities and be accompanied by a scaled site plan.

   a. The site plan shall show all of the following information of any area which is inside any street right-of-way (ROW) and which is adjacent to the site:

      (1) Nearest edge of street/alley pavement/curb.
      (2) Existing/proposed paving (including sidewalks, ramps, landings, driveways, passing spaces, curbs and gutters, with all paving being labeled to indicate running slope, cross slope, counter slope, width, height and any external or internal change in level) located between said edge and the nearest street ROW line (or back line of any sidewalk easement).
      (3) Existing/proposed permanent objects, if any, protruding into such paving or into the airspace within 80 inches above such paving.

2. No concrete shall be poured for any purpose in, or adjacent to, any street ROW until after the building official has inspected and approved the subgrade, forms, reinforcement, expansion joints, protrusions, curb cuts, and related items (unless such inspection and approval has already been performed by the city engineer).

3. No request shall be made for the building official’s final inspection of any activity requiring a building permit, unless sidewalk pavement has been completed on the same side of the street as the activity site (for the entire length of each site boundary abutting a street and, if adjacent to a street
intersection, also extending to the upper landing of the sidewalk curb ramp but not necessarily abutting the hypotenuse of the corner clip).

4. Each existing or potential sidewalk facility shall meet all applicable standards of 103.6.9 at all times.

103.6.8 Sidewalk facility exceptions.

1. Under no circumstances shall the portion of the side of a street adjacent to a school (educational institution for grades K – 12, college, university, or graduate school) be eligible for any of the exceptions in 103.6.8.2 (other than 103.6.8.2.b).

2. Except as provided in 103.6.8.1, the requirements of 103.6.7 shall not be applicable to any of the following:

a. The portion of the side of a street adjacent to an activity site inside a W (or more restrictive) area district combined with an apartment (or more restrictive) use district shown on the city’s official zoning atlas.
b. The portion of the side of a street adjacent to an activity site if the estimated cost of the sidewalk would be more than five percent of the estimated value of the activity.
c. The portion of the side of a street adjacent to an activity site where there is already a paved sidewalk, which shall continue to meet all applicable standards of 103.6.9.
d. Any block face of a street for which no sidewalk, plan in chapter 320, article II, division 2, has been adopted.
e. Any block face of a street for which a sidewalk plan in chapter 320, article II, division 2, designates the “adjacent parcel owner (optional)” as the primary entity responsible for sidewalk construction.
f. Reserved.
g. Any street listed below:
   (1) Reserved.

3. With four positive votes the board of adjustment may approve departures from the standards of 103.6.9 for the portion of the side of a street adjacent to an individual activity site in cases of overriding public necessity.

4. If a sidewalk plan in chapter 320, article II, division 2, has been adopted for the affected block face, then any person may voluntarily exceed the minimum requirements hereof for sidewalk facilities in a street ROW regardless of whether such person owns a site abutting such ROW, provided that: such person has been issued a building permit for such facilities, and such facilities comply with all applicable standards of 103.6.9.
103.6.9 Sidewalk facility standards. Except as provided in 103.6.8, each sidewalk facility (including sidewalk, sidewalk curb ramp, curb, landing, driveway apron, gutter, passing space) located inside a street right-of-way (public street ROW, private street ROW, or private street ROW easement) shall at all times comply with all applicable provisions of article 11 of chapter 320 of the city Code which is incorporated herein by reference and declared to be a part hereof.

Sec. 18-123. Same – Schedule of Permit Fees.

(a) Generally. On all buildings, structures, alterations or other matters requiring a building permit, as set forth in 105.1 of the building code adopted in this article, a fee shall be paid as required at the time of filing application, in accordance with the following schedule for building permit fees:

(1) The base fee shall be $40.00, plus:

valuation does not exceed $8,000.00, the fee shall be $40.00, on repairs, alterations or remodeling where the valuation does $8,000.00 the fee shall be $5.00 per $1,000.00 or fraction

valuation over $8,000.00 up to and including $15,000.00 the fee $0.00 for the first $8,000.00 plus $10.00 for each additional $1,000.00 or fraction thereof.

valuation over $15,000.00 up to and including $100,000.00 the fee $0.00 for the first $15,000.00 plus $5.00 for each additional $1,000.00 or fraction thereof.

valuation over $100,000.00 up to and including $500,000.00 the fee $0.00 for the first $100,000.00 plus $3.00 for each additional $1,000.00 or fraction thereof.

e. For a valuation over $500,000.00 up to and including $1,000,000.00 the fee shall be $1,500.00 for the first $500,000.00 plus $1.00 for each additional $1,000.00 or fraction thereof.

f. For a valuation over $1,000,000.00, the fee shall be $2,000.00 for the first $1,000,000.00 plus $1.00 for each additional $1,000.00 or fraction thereof.

(2) For an outdoor advertising display, as defined in section 2301.1 of the building code, the fee shall be $10.00 per $1,000.00 of valuation or fraction thereof.

(b) Reinspection fee. A reinspection fee of $75.00 shall be charged to each applicant for each reinspection conducted by the city building department.
(c) **Standard for valuation.** In determining the permit fee to be assessed against those applying for building permits within the city the following schedule shall govern:

- Brick Veneered or Masonry Construction $56.00/sq. ft.
- Wood Frame Construction $39.00/sq. ft.
- Garages (three or more sides covered) $22.00/sq. ft.
- Roofed carports or patios $15.00/sq. ft.
- Detached Storage Room $18.00/sq. ft.

Commercial construction will be calculated by using the current International Code Council Building Valuation Data Sheet and/or owner/contractor contract.

(d) **Moving of residential/commercial building structure.** For the moving of any residential/commercial building or structure, the fee shall be $150.00.

(e) **Moving of utility building or similar structure.** For the moving of a utility building or similar structure, the fee shall be $75.00.

(f) **Demolition of any building or structure.** For the demolition of any building or structure, the fee shall be $100.00 for the first 1,000 square feet, and $25.00 for every additional 500 square feet over 1,000 square feet.

A fee for the removal of gasoline/diesel, etc., storage tank containers shall be $100.00 for the first storage tank and $5.00 for each additional storage tank.

(g) **Double fees.** Where work for which a permit is required by the building code or this article is started or proceeded with prior to obtaining the permit, the fees specified in this section shall be doubled, but the payment of such double fee shall not relieve any person from fully complying with the requirements of this code in the execution of the work nor from any other penalties prescribed therein.

(h) **Plan checking fees.** The fee for plan checking shall be equal to 50% of the permit fee.

(i) **Lost permits.** An administrative fee for reprinting of a lost permit shall be $15.00 for all building, plumbing, gas, mechanical and electrical permit printouts.

(j) **Flood zone verification.** The fee for flood zone verification shall be $10.00.

(k) **Curb cut/driveway permit.** The fee for a curb cut/driveway permit shall be $40.00 plus $1.00 per linear foot at the curb or pavement edge.

(l) **Sidewalk Permits.** The fee for a sidewalk permit shall be $40.00 plus $0.25 per square foot.
Sec. 18-124. Same – Certificate of Occupancy.

Section 103.9 of the building code adopted in this article is amended to read as follows:

103.9.1 Certificate of Occupancy

103.9.1.1 Building Occupancy. A new building shall not be occupied or a change made in occupancy or the nature or the use of a building or part of a building until after the building official has issued a certificate of occupancy. Said certificate shall not be issued until all required protection systems have been tested and approved.

103.9.1.4.1 Existing buildings and properties certificate of occupancy. A certificate of occupancy shall be required on all existing buildings and properties when:

1) the building or property undergoes any remodeling; or
2) the building or property changes ownership; or
3) the building or property changes tenant; or
4) there is a change in the use of the building or property.

103.9.1.4.2 Application. Application for certificate of occupancy shall be made on forms provided for the purpose by the city building inspection department and shall be accompanied by such plans, reports, or other information, exhibits, or documents as may be reasonably required.

103.9.1.4.3 Fees.
Certificate of Occupancy: new building..........................$100.00
Certificate of Occupancy: existing building......................$100.00
Certificate of Occupancy: single-family dwelling..........$ 50.00

103.9.1.4.4 Revocation. A certificate of occupancy may be revoked for cause by the city building official.

Sec. 18-125. Same – Class W permit required for retail food and beverage establishments.

The building code adopted in this article is hereby amended by adding section 103.9.6 to read as follows:

103.9.6 Class W permit. No certificate of occupancy or building permit for a retail food or beverage establishment shall be issued by the building official until after the zoning administrator has issued a separate class Q permit for each such certificate or building permit.
Sec. 18-126 – 18-150. Reserved.

ARTICLE IV. MOVING OR DEMOLITION OF BUILDINGS AND STRUCTURES

Sec. 18-151. Permit for moving.

No person shall move a house, building or structure on, over, across or along any street; across lot lines; or within the property, alley or public way in the city without first obtaining a permit from the building inspector.

Sec. 18-152. Permit for demolishing.

No person shall demolish any house, building or structure within the city or remove any of the materials resulting from such demolition on, over, across or along any street, alley or public way in the city, without first obtaining a permit from the building inspector.

Sec. 18-153. Permit fees.

The fees for the issuance of permits under this article shall be those prescribed by section 18-123.

Sec. 18-154. Application for permit.

(a) Any person desiring a permit required by this article shall make a written application to the building official, which must be approved in writing by him, at least 24 hours before the time such moving or demolition is to take place, setting forth the following:

(1) The name of the owner of such house, building or structure;
(2) Its present location by lot and block number and street address;
(3) The kind, condition, length, width and height thereof;
(4) If the house, building or structure has been rendered for taxes during the years it has occupied the real estate on which it is situated;
(5) If all taxes due the city and the other taxing units on such real estate and improvements have been paid;
(6) The proposed route to be followed in moving the house, building, structure or demolition material;
(7) The name and address of the person who is to perform the moving; and
(8) An agreement not to move the house, building or structure until the permit is issued.

(b) In addition to the requirements of subsection (a) of this section, such written application, when involving the issuance of a permit under section 18-151, shall state the following:
(1) The proposed new location of such house, building or structure by lot, block number and street address;
(2) Whether such new location has any other structure on it:
(3) On what part of such new location it is proposed to move such house, building or structure;
(4) Whether such new location is on water, sewer and electric lines:
(5) Which, if any, of such services the property owner desires;
(6) What sort of sanitary sewer facilities the owner will provide for such house, building or structure;
(7) In what fire zone the new location is situated; and
(8) Whether application has been made for water, sewer, electric light and power connections.

Sec. 18-155. Inspection of building to be moved from outside city limits.

No person shall move a house, building or structure into the city limits without first contacting the building official, so that an inspector can inspect the building, house or structure to see if it meets the building, electric and plumbing codes. The building official shall have a reasonable amount of time to make such inspection.

Sec. 18-156. Fee for inspecting outside city limits.

There shall be a fee as provided in section 18-123 to inspect any building, house or structure before being moved into the city limits. The fee shall be paid before the building, house or structure is inspected and there shall be no refund if the building, house or structure does not meet the building, electric and plumbing codes.

Sec. 18-157. Approval of utility companies.

Before any permit shall issue under this article, the person applying for the permit shall obtain written approval from all persons or companies owning overhead wires or cables which cross any street, alley or public way or any part of the street, alley, or public way in the city over which the house, building or structure, or demolition material will pass.

Sec. 18-158. Authority of heritage officer to delay permits.

(a) Every subsection of section 18-120 shall be applicable not only to building permits and occupancy permits but also to demolition permits and moving permits.

(b) In addition, the heritage officer shall immediately telephone each elected officer of the heritage council and each elected officer of the planning commission after the heritage officer receives from the building official the formal transmittal of an unsigned demolition or moving permit for an existing heritage site, together with the complete permit application including all attachments. Such elected officers may assist the heritage
officer in making available to such site’s owner information concerning various public and private options which such owner may voluntarily wish to consider.

Sec. 18-159. Emergency securing measures of heritage sites.

(a) When a historic building is damaged by fire, wind, hail, or other natural causes, no structure designated a heritage site may be demolished in whole or in part as a hazard to public safety until the heritage officer has been notified by the building official that an order for such demolition is being prepared. The heritage council shall be granted an opportunity to discuss with city officials the feasibility of emergency measures to secure the structure in such a manner as to preclude the possibility of injury to the public.

(b) The building official retains the final decision to either utilize or not follow recommendations of the heritage council. The building official will examine the feasibility of suggested securing measures and the need to protect the safety and welfare of the public.

(c) If temporary bracing of a damaged structure is allowed by the building official to secure a heritage site, the permit application for this type of work much specify the measures to be used.

Sec. 18-160. Authority of heritage officer to issue violations of heritage zoning.

The heritage officer is authorized to issue citations to any person for violating any section of article IX of chapter 348. The citation issued shall state the alleged violation, the date of violation, and the section of the Code or ordinance violated. Such citations are returnable to the municipal court, and each violation cited shall be a fineable offense, not in excess of $1,000.00 per violation. The building official shall offer and provide administrative assistance to the heritage officer in any case involving violations of heritage zoning.

Sec. 18-161 – 18-185. Reserved.

**ARTICLE V. UNSAFE, DILAPIDATED BUILDINGS AND STRUCTURES**

**DIVISION I. GENERALLY**

Sec. 18-186. Civil penalties.

Failure to comply with the terms and provisions of any order of the building and standards commission or the city commission within the time specified shall constitute a violation of this Code, of this article and of the requirements of law. Pursuant to the requirements of law, any owner, owner’s representative or third party found by the building and standards commission to have control over any premises made the subject of
any order of the building and standards commission or the city commission acting on the building and standards commission’s recommendation, shall be deemed to be in violation of the terms and provisions of such order and in violation of this Code if such person shall fail to take such action as is mandated or required by such order. Upon the effective date of this order as set out therein, such person shall be subject to a civil penalty not to exceed $1,000.00 per day for violation of this Code.

Sec. 18-187. Enforcement.

It shall be the duty of the building official, with the assistance of the city secretary and the secretary of the building and standards commission, to enforce the orders of the building and standards commission or the city commission, upon recommendation, made pursuant to this article by filing action in the appropriate court of this state when authorized by the city commission.

Sec. 18-188. Liability of city.

Neither the city nor any authorized agent acting under the terms of this article shall be liable or have any liability because of orders issued or work done in compliance with this article.

Sec. 18-189. Duties of building official.

The city manager shall designate the building official as the person to perform such duties pursuant to this article as directed by the building and standards commission. In addition, the building official shall inspect all buildings or structures reported or believed to be substandard and shall present preliminary reports to the building and standards commission. Further, upon proper notice to property owners and occupants and upon direction of the building and standards commission, the building official shall present testimony to the building and standards commission in support of any allegations of substandard character of buildings and structures.

Sec. 18-190. Standards for declaring buildings and structures substandard.

The building and standards commission shall hear evidence and shall, upon finding of the conditions and circumstances as set out in this section, declare a building or structure substandard and may order its repair, vacation or demolition as it may deem just, proper and appropriate, taking into consideration the circumstances and conditions found to exist. Such conditions and circumstances are as follows:

1. Deteriorated building or structure. A building or structure which has become deteriorated and unsafe through natural causes or by damage as a result of exposure to the elements, to the extent that the roof, windows and
doors or portions of the house, building or structure which protect from the elements thereby threaten the health, safety and well-being of the city’s residents, citizens and inhabitants.

(2) **Fire Hazard.** A building or structure which, because of its wiring, construction or present status, constitutes a fire hazard.

(3) **Pestilence.** A building or structure which constitutes a menace to the health and safety of the city’s residents, citizens and inhabitants because of the existence of conditions therein which are conducive to the harboring of rats or mice or other disease-carrying animals or insects reasonably calculated to spread disease.

(4) **Structural deformities.** A building or structure which has been built and constructed in such manner as to be hazardous in that the construction of the building or structure is of such a nature that it has placed the building or structure in jeopardy of collapse or that the building or structure will not reasonably withstand customary and ordinary exposure to the elements; a building or structure which, because of the deficiency of its materials, methods or means of construction, including the foundation, structural elements, wiring or apparatus, plumbing and fixtures, entrances or exits, renders the building or structure unsafe and dangerous.

(5) **Inadequate fire safety.** A building, structure or improvement which makes the structure hazardous because of the materials used; types of construction or design; warning devices; sprinklers or other fire suppression devices; availability of water supply for extinguishing fires; or location, design or width of the entrances or exits.

(6) **Other.** The existence of such other conditions or circumstances which may from time to time be delineated under the terms and provisions of law and within the scope of authority of the building and standards commission, the building code, the housing code, or the unsafe building abatement code.

**Sec. 18-191. Procedure.**

(a) The procedures set out in this article shall be the minimum necessary for the building and standards commission to enter a valid order concerning any building or structure in the city. A case before the building and standards commission may be commenced by the building official or by the building and standards commission on its own initiative by three members voting to order the building official to bring a case before it; in either case, the procedures in subsection (b) of this section shall apply.

(b) Upon written report of the building official or recommendation of the building and standards commission the building and standards commission shall establish a docket and make inquiry into the present conditions and circumstances of any building or structure alleged to be substandard under the criteria set out in this division. If, upon receipt of such information, the building and standards commission believes and concludes that there is a reasonable basis upon which to investigate such preliminary allegations
and findings, the building and standards commission shall proceed as provided in this article.

Sec. 18-192. Initiation of case.

(a) The term “probable cause,” as used in this section, shall be defined to mean the existence of sufficient facts and evidence to constitute a reasonable inference that a violation of law exists of sufficient magnitude to warrant referral to the building and standards commission.

(b) The building official shall initiate and prosecute before the building and standards commission all cases initiated by the city. Any person desiring to prosecute a case before the building and standards commission must file a case before the building official on such forms or in such format as from time to time prescribed by the building official. The building official shall determine if probable cause exists to prosecute the case before the building and standards commission.

(c) If probable cause is found to exist by the building official, a case shall be initiated as in all other cases initiated by the building official before the building and standards commission. If the building official determines that no probable cause exists, no further action shall be taken on the complaint. If for any reason the person initiating the complaint disagrees with the decision of the building official, an appeal may be taken to the building and standards commission who may upon a majority vote order the building official to bring the case before it.

Sec. 18-193. Order of proceedings before building and standards commission.

The following order of proceedings shall be observed in all cases before the building and standards commission pursuant to this division:

(1) The secretary of the building and standards commission and/or the chairman or vice-chairman shall read the petition previously filed with the building and standards commission commencing the case.

(2) The record shall reflect the manner and method in which the required statutory notice was given.

Sec. 18-194. Notice requirements.

(a) Under this division, notice shall be provided to the property owners and all occupants of the property, identifying such property owners and occupants as can best be determined and further identifying the property, its location and the improvements thought to be substandard. A title examination should occur in order that all owners might be identified.
Such notice shall state the possible result if the conditions described are judged substandard and shall state any deadlines that have been established for the hearing and review process.

The owners and occupants shall be given notice of an opportunity to appear and show cause why such building, structure or improvements should not be declared substandard under the criteria set out in this division and why the building and standards commission should not enter appropriate orders to remedy the conditions determined to exist.

Sec. 18-195. Service of notice.

(a) The notice required in section 18-194:

(1) Shall be delivered by certified mail, return receipt requested, to the owners and occupants at their last known business addresses or places of residents; and/or

(2) May also be personally delivered to the owners, tenants or occupants residing upon the property. In this case, it must be signed or the building official must note that the person identified himself, but refused to sign. If the property is unoccupied, notice shall further be given by posting the notice by nailing a copy to the exterior of the structure so that the notice is visible and accessible to any persons entering therein.

(b) If any notice which is required to be served in person or by certified mail cannot be served because neither the owner nor occupant can be found, such notice shall be deemed to have been served if the notice is published in a newspaper of general circulation. Any notice so published need not be the exact text of the notice intended to be mailed but may be a synopsis thereof, so long as the notice is of sufficient clarity and content to place all persons on notice as to the intent of the notice.

Sec. 18-196. Hearing.

On the day set in the citation and notice to show cause as provided in this division, a hearing shall be held before the building and standards commission. The building official shall present evidence before the building and standards commission, and the building and standards commission shall hear any additional evidence or rebuttal that may be presented. Based upon the evidence and solely under the criteria set out in this division, the building and standards commission shall then determine whether such building or structure is a substandard building or structure.

Sec. 18-197. Evidence.

Under this division, the building official and/or other city representatives shall present all evidence, documents, testimony and professional opinions as shall be necessary to
support and prove the case before the building and standards commission. Any party in interest may cross examine such witnesses; however, the chairman shall have the power and authority to rule on all objections as to the form and substance of any question or evidence presented.

Sec. 18-198. Witnesses.

(a) As used in this section, a party in interest shall be defined as the building official or any other city representative or employee or the owner, mortgagee, mortgagor, or his representative of any property or improvement which is the subject of a case before the building and standards commission under this division.

(b) All other parties in interest shall present all evidence, documents, testimony and professional opinions to contradict or refute any testimony previously given, and the chairman of the building and standards commission shall have the power to rule on objections as provided in section 18-197.

(c) Witnesses may be sworn by oath if deemed necessary and desirable by at least four members of the building and standards commission prior to the commencement of any case before the building and standards commission.

(d) If oath is required by the building and standards commission, all parties in interest shall be required to be sworn prior to offering any testimony.

Sec. 18-199. Public comment.

Any person who is not party desiring to offer evidence, documents and/or opinion pursuant to this division, without being sworn, may be recognized by the chairman of the building and standards commission, with the approval of at least two other members of the building and standards commission hearing the case.

Sec. 18-200. Decision.

(a) The chairman of the building and standards commission shall close the hearing, and the building and standards commission shall deliberate its decision. The building and standards commission may impose conditions or time limitations on any decision reached, as well as directing any peace officer of the state to carry out its orders. All orders, supplements, or amendments thereto must be affirmatively passed by at least four members of the building and standards commission voting in favor.

(b) The building and standards commission after the hearing has been closed, may deliberate and/or decide any issue before it, either at the meeting
when the hearing was held or any subsequent meeting properly called and
noticed in accordance with law.

(c) The building and standards commission members may at any time
personally inspect the property which is the subject of a proceeding before
the building and standards commission, as well as conduct interviews
either separately or as a group outside of a formal meeting necessary to
properly decide an issue before the building and standards commission.

Sec. 18-201. Order.

(a) The decision of the building and standards commission made pursuant to
this division shall be in the form of an order which shall clearly and
succinctly express the decision of the commission.

(b) In regards to a structure found (i) to be substandard under the criteria
provided in this division and (ii) in violation of this Code or any
ordinance, the building and standards commission shall have have the
power to:

(1) Order its repair, renovation or remodeling, within a reasonable
fixed period of time; and

(2) Order that, 30 days after the final decision (order) its mailed to all
persons to whom notice is required, under Texas Local
Government Code § 54.039 and when no further review of the
order is available, if the repair/renovation or remodeling has not
been effected within the ordered fixed period of time:

a. A civil penalty up to $1000.00 for disobedience of the
order is imposed and the city secretary is to file a certified
copy of the order with the district clerk of the county,
under Texas Local Government Code § 54.037(b), which
states no other proof is necessary for a district court to
enter final judgment on the civil penalty;

b. The building and standards commission or the building
official may, upon written approval of the city manager,
proceed to carry out such orders either by private contract
or though a city agency, and the cost thus incurred shall
constitute a valid lien against the property as provided in
section 18-202; and/or

c. If the property is residential, the city secretary may place
an item on the city commission agenda that the building
and standards commission recommends that the city
commission permit the city attorney to bring an action in
the district court requesting that a receiver (a nonprofit
organization with a demonstrated record of rehabilitating
residential properties) be appointed to effect the orders of
the building and standards commission, under Texas Local Government Code § 214.003.

(c) In regards to the structure being found (i) to be substandard under the criteria provided in this division, and (ii) in violation of this Code or an ordinance, and (iii) a hazard to the public health safety, and welfare, the building and standards commission shall have the power to order:

1. Its demolition or partial demolition, within a reasonable fixed period of time; and

2. Thirty days after the final decision (order) is mailed to all person to whom notice is required, under Texas Local Government Code §54.039, and when no further review of the order is available, if the demolition or partial demolition has not been effected within the ordered fixed period of time, that:

   a. A civil penalty up to $1000.00 for disobedience of the order is imposed and the city secretary is to file a certified copy of the order with the district clerk of the county, under Texas Local Government Code § 54.037(b), which states no other proof is necessary for a district court to enter final judgment on the civil penalty;

   b. The building and standards commission or the building official may, upon written approval of the city manager, proceed to carry out such orders either by private contract or through a city agency, and the cost thus incurred shall constitute a valid lien against the property as provided in section 18-202; and/or

   c. If the department of public works is not authorized to effect the demolition or partial demolition of the property and if the building and standards commission has no money in its budget to go out for bids for private demolition of the property, the city secretary shall place an item on the city commission agenda that the building and standards commission recommends the city commission authorize certificates of obligation to be issued to pay for the demolition or partial demolition of the property, under Texas Local Government Code §271.0461.

Sec. 18-202. Liens.

(a) If the owner has failed to abate the condition or demolish the structure within the time specified in the final decision of the building and standards commission made pursuant to this division, and if the decision of the building and standards commission so specifies, the building and
standards commission will forthwith move to abate the condition or demolish the structure and assess the cost of proceedings, including publication expenses and/or certification of mail expenses and/or demolition or repair/renovation expenses, against such property and affix a lien thereto.

(b) If the building and standards commission has no authority to order the abatement of the condition or demolish the structure, but recommends such to the city commission, and if the city commission under its authority follows the recommendation of the building and standards commission, it may ratify the building and standards commission's orders to abate the condition or to demolish the structure and assess the cost of proceeding, including publication expenses and/or certification of mail expenses and/or demolition or repair/renovation expenses, against such property and affix a lien thereto.

(c) Such liens shall be superior to all other liens except tax liens and liens for street improvements. Service of process upon a city officer naming the city as a party in a judicial determination of such condition will automatically suspend action on behalf of the city in abating the condition or demolition.

(d) Whenever any work is done or improvements are made by the city under this division, the building official on behalf of the city shall file a statement of the expenses incurred thereby with the county clerk. Such statement shall give the amount of such expenses and the date on which the work was done or the improvements were made.

(e) After the statement provided for in subsection (d) of this section is filed, the city shall have a privileged lien on the lot or real estate upon which the work was done or improvements made, to secure the expenses thereof. Such lien shall be second only to tax liens and liens for street improvements. For any such expenditures and interest, suit may be instituted and recovery and foreclosure of the lien may be had in the name of the city, and the statement of expenses made in accordance with subsection (d) of this section or a certified copy thereof shall be prima facie proof of the amount expended for such work or improvements.

Sec. 18-203. Final decision and orders.

(a) The building and standards commission shall issue an order as to any decision made pursuant to this division. Such order shall specify the action to be taken and the time in which such action is to be taken and shall make affirmative findings as to the name of the property owner and/or tenants.

(b) A copy of the final order of the building and standards commission shall be served upon the property owners and occupants in the same manner as provided for the service of the notice required in this division.
(c) Certified copies and/or photocopies shall be mailed and noticed in accordance with the requirements of law.

Sec. 18-204. Rehearing or reconsideration of cases previously heard.

(a) The building and standards commission shall have the jurisdiction to rehear and/or reconsider cases previously decided pursuant to this division before the case has been appealed to district court or before the case has been referred to district court for a civil fine or before the case has been sent to the district court to appoint a receiver; however, the filing of an appeal shall not stay any time requirements as provided by this division or state statutes.

(b) Any person seeking rehearing and/or reconsideration of a case shall file a written motion addressed to the building and standards commission, specifying the grounds for rehearing and/or reconsideration.

(c) No oral evidence or personal appearance will be allowed for the purposes of orally requesting a reconsideration and/or rehearing. The building and standards commission shall review all motions properly filed and, if deemed to be meritorious, may schedule a formal oral hearing.

Sec. 18-205. Appeal.

Under Texas Local Government Code § 54.039:

(1) Either the owner and/or occupant of any building or structure declared substandard by order of the building and standards commission or any third party aggrieved by a decision of the building and standards commission may present a petition to a district court, duly verified, setting forth the decision is illegal, in whole or in part, and specifying the grounds of the illegality. The petition must be presented to the court within 30 calendar days after the date a copy of the final decision of the building and standards commission is mailed by first class mail, certified return receipt requested, to all persons to whom notice is required to be sent under section 18-194. The building and standards commission shall mail that copy promptly after the decision becomes final. In addition, a copy shall be published one time in a newspaper of general circulation in the city within ten calendar days after the date of the mailing of the copy as provided by this subsection, and a copy shall be filed in the office of the city secretary.

(2) On presentation of the petition, the court may allow a writ of certiorari directed to the building and standards commission to review the decision of the commission and shall prescribe in the writ the time, which may not be less than ten days, within which a return on the writ must be made and served on the relator or the relator's attorney.

(3) The building and standards commission may not be required to return the original papers acted on by it. It is sufficient for the building and
standards commission to return certified or sworn copies of the papers or of parts of the papers as may be called for by the writ.

(4) The return must concisely set forth other facts as may be pertinent and material to show the grounds for the decision appealed from and shall be verified.

Sec. 18-206. Emergency procedure.

(a) When it shall appear that a building or structure in the city is a substandard building under this division and that such building or structure or the manner of its use constitutes an immediate and serious danger to life or property, the condition shall be deemed a condition justifying the use of emergency measures. In such case the building and standards commission, if called to an emergency meeting as provided by the Open Meetings Act, may, by majority vote and with the consent and approval of the city manager, order any of the following emergency measures to be taken:

(1) Immediate vacation of such building, structure and/or adjoining buildings or structures.
(2) Vacation of the danger area around such building or structure.
(3) Such emergency shoring-up and bracing of walls, roofs, and supports as are required to render such building or structure safe.
(4) Destruction of such walls, roofs, and supports or the entire structure or so much thereof as cannot be braced or made secure with safety.
(5) Posting of notices on or near such building or structure, notifying the public of such order and ordering all persons to keep out of such building or structure and the areas of danger surrounding it.

(b) When any of the measures in subsection (a) of this section are ordered to be taken, notice of such order shall be given as follows:

(1) Such order shall be directed to the owner of such substandard building or structure or his authorized representative, if known. Where notification can be accomplished without increasing the danger to life or property, notice shall be given by personal service on the owner of the building or structure or his representative.
(2) If such notification would create such a delay as would materially increase the danger to life or property, such notice need not be given.

(c) If the owner or his representative shall fail or refuse to carry out such order or shall fail to carry out such order or shall fail to carry out such order satisfactorily, the building and standards commission or the building official may, upon approval of the city manager, proceed to carry out such
order either by private contract or through a city agency, and the cost thus incurred shall constitute a valid lien against the property as provided in section 18-202.

Sec. 18-207. Search warrants.

The building and standards commission, if called to any meeting, emergency or otherwise, as provided by the Texas Open Meeting Act, may upon the presentation of proper evidence issue search warrants as provided for by Vernon's Ann. C.C.P. § 18.05.

Sec. 18-208 – Sec. 18-235. Reserved.

DIVISION 2. BUILDING AND STANDARDS COMMISSION

Sec. 18-236. Created.

The city commission creates a building and standards commission as a commission of record as provided for by state laws for quasijudicial municipal bodies.

Sec. 18-237. Nomination.

Outside of the city commission, the board of adjustment, the planning and zoning commission, and the heritage council each shall nominate one of its members to serve on the building and standards commission, however, these nominations shall serve only as nonbinding recommendations.

Sec. 18-238. Appointment and term.

(a) Upon nomination, the members of the building and standards commission shall be appointed by the city commission. The building and standards commission shall be composed of five members and two alternates who shall serve in the absence or resignation of any of the five members of the building and standards commission. Once appointed, the members may be removed only for cause upon a written charge.

(b) All members and alternates shall serve two-year staggered terms.

Sec. 18-239. Chairman.

At the first regular meeting after the appointment by the city commission of members to the building and standards commission, the five regular members of the building and standards commission shall elect among their number a chairman and vice-chairman who shall serve a one-year term.

Sec. 18-240. Alternates and qualifications.
(a) The chairman of the building and standards commission may designate an alternate to serve in the absence or resignation of a regular member. No alternate member may be designated to serve after a case has been commenced before the building and standards commission or to finish and/or decide a case previously called.

(b) Neither members nor alternates shall be city employees. All such members and alternates shall hold office for a period of two years or until their successors are appointed and qualified as required by law.

(c) Members of the building and standards commission should be qualified in one or more of the fields of fire prevention, building construction, sanitation, banking, engineering, health or public safety. However, failure of a person to be qualified in any such fields shall not prevent or disqualify that person from sitting on the building and standards commission.

Sec. 18-241. Secretary and duties.

(a) The building official shall appoint a secretary of the building and standards commission. A letter of appointment shall be on file in the office of the city secretary designating the name of the appointed person.

(b) The secretary of the building and standards commission shall be responsible for keeping all records of proceedings before the building and standards commission and shall make available in accordance with law all records of the building and standards commission for inspection during reasonable business hours.

(c) The secretary of the building and standards commission shall provide certified copies of the proceedings of the building and standards commission upon payment of such cost as from time to time established by the building and standards commission.

Sec. 18-242. Meetings and rules of procedure.

The building and standards commission shall meet at least once a month and those additional times, as needed, as provided by the rules of procedure of the building and standards commission, which they shall adopt by majority vote. These rules may not be in conflict with this article, but shall implement the purposes of this article, including the setting of fees. The rules may be amended at any time by a vote of three members of the building and standards commission if proper notice of intent to amend is given in accord with the Texas Open Meetings Law, and such amendment, unless otherwise stated in the amending motion, shall take effect immediately.

Sec. 18-243 – 18-270. Reserved.

ARTICLE VI. ELECTRICITY

DIVISION I. GENERALLY
Sec. 18-271. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Approved, when used in conjunction with the method or manner of performing electrical work or with the type of materials to be used, when such method, manner or type of material is not prescribed by the terms of this article, means compliance with the standard set by the National Electrical Code and amendments thereto, on file in the office of the electrical inspector.

Inspector means the electrical inspector, duly appointed as provided in this article, or any of his duly authorized assistants.

Master electrician, electrical contractor and contractor means any person engaged in the business of installing wiring and apparatus on or inside buildings or on any premises for use in connection with electric light, heat or power within the city limits.

Utilities board and P.U.B. mean the city public utilities board.

Sec. 18-273. Violations.

(a) Any person who shall violate any of the sections of this article or of the code adopted by this article or who fails to comply therewith or who shall violate or fail to comply with any orders made under this article or the code adopted by this article or who shall engage in the business of electrical work, electrical wiring or any other electrical activity in violation of any detailed statement of specifications or plans submitted and approved under article or the code adopted by this article or any certificate or permit issued under this article or the code adopted by this article or who shall fail to comply with such orders within the time fixed shall, for each and every such violation and noncompliance, respectively, upon conviction, be punished as provided in section 1-13 of the Brownsville City Code. The imposition of the penalty for any violation shall not excuse the violation or permit the violation to continue, and all such persons shall be required to correct or remedy such violation or defects within a reasonable time. When not otherwise specified, each day that prohibited conditions are maintained or permitted to stand, shall constitute a separate offense punishable as provided in this subsection.

(b) The application of the penalty provided for in subsection (a) of this section shall not be held to prevent the enforced removal of prohibited condition.

Secs. 18-274 – 18-300. Reserved.
DIVISION 2. ELECTRICAL CODE

Sec. 18-301. Adopted.

The National Electrical Code, 2007 Edition, published by the International Code Council, Inc., is hereby adopted by the city commission to be effective 45 days from the passage of this ordinance for the purpose of establishing rules and regulations governing electrical wiring and installations within the corporate limits of the city. A copy of such code is on file in the office of the city secretary in the permanent city files. Such code is adopted and incorporated as fully as if set out at length in this article, and the provisions thereof shall be controlling within the corporate city limits.

Sec. 18-302. Conflicts.

The National Electric Code being adopted by this article, shall govern the installation of all work in all cases not specifically covered by this article. Items specifically covered by this article shall take precedence over conflicting items in the electrical code. Items not specifically covered by this article shall be governed by the electrical code.

Sec. 18-303. Possession of article and code.

All master electricians or electrical contractors and journeyman electricians shall have in their possession and shall use for constant reference this article and the current National Electrical Code. The National Electrical Code which contains the table, data and regulations necessary for the proper and safe installation of systems of interior wiring for light, heat and power, and the constant reference to the National Electrical Code and this article, is necessary to maintain safe and efficient installations of electrical wiring.

Secs. 18-304 – 18-330. Reserved.

DIVISION 3. ELECTRICAL INSPECTOR

Sec. 18-331. Appointment; qualifications.

(a) An electrical inspector shall be appointed and employed by the city manager.
(b) The electrical inspector shall be experienced and versed in the approval methods of electrical construction, the state statutes relative to electrical work, rules and regulations of the current National Electric Code, and other rules and standards governing the installation and safety of electrical work.

Sec. 18-332. Records.

The electrical inspector shall make and maintain a record of all inspections and of all licenses issued to electrical contractors and master electricians within the city.
Sec. 18-333. Right of entry.

The electrical inspector shall have the right during reasonable hours, to enter into any building or premises for the purpose of making inspections or tests of installations of electrical apparatus, appliances and materials or in the discharge of any other of his official duties.

Sec. 18-334. Disconnection of current.

The electrical inspector shall have the authority to disconnect the electric current from any conductor or apparatus within the city which is unsafe or which has not been installed in conformity with this article or in case of fire or other emergency.

Sec. 18-335. Emergency measures.

The electrical inspector shall have the right and full authority to permit emergency measures as he deems necessary in a disaster, nuclear explosion, flood, enemy attack, or similar event to safeguard life and property.
Secs. 18-336 – 18-360. Reserved.

DIVISION 4. ELECTRICIANS

Subdivision I. In General

Sec. 18-361. Bond.

(a) Air conditioning contractors installing air conditioning and heating equipment, excluding window-type air conditioners, or any electric sign contractor desiring to engage or perform any work within this city must furnish a bond of $1,000.00

(b) Any contractor or master electrician desiring to engage in electrical business in the city shall present his certificate and a good and sufficient performance bond executed by a surety company authorized to do business in this state and approved by the city in the amount of $5,000.00, conditioned that the electrical work performed by the principal will be in strict accordance with the requirements of this article, the payment of all fees and other charges due to the city, and the replacement of all condemned electrical work installed by the principal promptly upon being ordered to do so by the electrical inspector.

Secs. 18-362 – 18-385. Reserved.

Subdivision II. Board of Electrical Examiners.

Sec. 18-386. Created.
There is created and established a board of electrical examiners for the city composed of the following:

(1) One registered professional engineer, a resident of the city.
(2) Four electrical contractors licensed with at least five years’ experience in residential, commercial and industrial electrical work.
(3) One electrical engineer or his assistant from the public utilities board.
(4) The electrical inspector.

Sec. 18-387. Appointment.

The board of electrical examiners shall be appointed by the city commission.

Sec. 18-388. Terms.

Members of the board of electrical examiners shall serve two-year terms.

Sec. 18-389. Compensation.

The board of electrical examiners shall serve without compensation.

Sec. 18-390. Meetings; quorum.

(a) Meetings of the board of electrical examiners must be held on the last Monday of every third month, and the dates of such meeting shall be published 72 hours prior to the meeting date. Special meetings shall be scheduled through the office of the electrical inspector.

(b) Four members of the board shall constitute a quorum for the transaction of business.

Secs. 18-391 – 18-415. Reserved.

Subdivision III. Certificate of Competency and License

Sec. 18-416. Examination and certificate required; limitations on representation.

(a) No person shall engage in the business of electrical contractor in the city until such person shall have passed the master electricians’ examination and received a certificate from the board of electrical examiners.

(b) No person shall represent more than one individual, partnership or corporation.

Sec. 18-417. Examination by board; issuance and contents of certificate.
(a) The board of electrical examiners shall examine each applicant for a certificate required by this subdivision as to his practical knowledge of electrical wiring, the installation of electrical apparatus and appliances and the maintenance of wiring, apparatus and appliances.

(b) Upon being satisfied as to such qualifications, the board may issue to the applicant a certificate authorizing him to engage in such work in the city.

(c) The certificate shall be signed by the chairman of the board of electrical examiners and attested to by the secretary thereof.

Sec. 18-418. Application for examination; time and place of examination.

(a) Applications for the master electricians' examination are available at the office of the electrical inspector.

(b) The time and place of examination shall be as set by board of electrical examiners.

Sec. 18-419. Denial of certificate after revocation.

The Board of electrical examiners is authorized to refuse to issue a certificate required by this subdivision to any previous holder of a certificate which has been revoked.

Sec. 18-420. Refusal or cancellation of certificate; reexamination after cancellation.

(a) The board of electrical examiners may, for cause, refuse to issue a certificate required by this subdivision to any applicant and may cancel any certificate issued after a public hearing if such hearing is requested by the certificate holder.

(b) Any person whose certificate is canceled by the board of electrical examiners shall have the right to request reexamination.

Sec. 18-421. Examination for renewal of certificate; denial of annual certificate; license fees generally.

(a) The board of electrical examiners may, in its discretion, require an examination of the applicant for a renewal certificate required by this subdivision.

(b) An annual certificate may be denied any electrical contractor or master electrician who has violated any section of this article or who has failed to pay the annual license within one month from the date of expiration.

(c) An applicant must pay the initial license fee of $200.00. The renewal fee shall be $100.00 per year. For failure to renew the annual license within one month of the date of expiration, the person will be charged the initial fee of $200.00.
Sec. 18-422. Grounds for cancellation of certificate.

If the applicant for a license required by this subdivision shall fail to apply for such license, file his required bond and pay the required license fee within 30 days from the issuance of his certificate, such certificate shall be cancelled.

Sec. 18-423. Application for license.

After receiving his certificate of examination, the applicant for a license required by this subdivision shall apply to the city building official for a license to engage in business within the city as an electrician or electrical contractor as provided in section 18-421.

Sec. 18-424. Issuance of license.

Upon presentation of his certificate, filing of his bond and payment of the required fee, the building official shall issue a license to engage in business as an electrician or electrical contractor to the applicant.

Sec. 18-425. License year.

Every license issued under this subdivision shall be valid for a period of one calendar year.

Sec. 18-426. Transferability of license.

A license issued under this division shall not be transferable. When used by other than the electrical contractor to whom the license is issued, such license shall be subject to cancellation.

Sec. 18-427. Display of License.

(a) A person issued a license pursuant to this division shall display the license in his place of business and shall carry the license identification card with him while engaged in work.

(b) Each licensed electrical contractor shall display permanently the electrical license number and company name on both sides of all service vehicles used in conjunction with electrical contracting by the electrical contractor. The letters and numbers shall be two inches high and shall be in a color sufficiently different from the body of the vehicle so that the letters and numbers shall be plainly legible at a distance of not less than 100 feet. Lettering and numbers shall be gothic style.

Sec. 18-428. Suspension or revocation.
Any license or certificate issued under this division may be suspended or revoked by the board of electrical examiners for the violation by the licensee of any applicable section of this Code, state law or city ordinance, rule or regulation.

Sects. 18-429 - 18-455. Reserved.

DIVISION 5. PERMITS AND INSPECTIONS

Sec. 18-456. Permits required.

(a) No alteration or addition shall be made in existing electrical wiring nor shall any building be wired for electrical current nor shall changes or additions be made in new installations after such have been inspected, unless a permit is granted for such work.

(b) Permits shall be obtained by the contractor installing such work before the work is started.

Sec. 18-457. Exceptions.

No permit shall be required by this division for minor maintenance and repair work which does not involve altering or adding to existing electrical wiring.

Sec. 18-458. Electrical plug-in type appliances.

(a) Nothing in this division shall be construed to require any inspection on a plug-in type of appliance or device bearing a Fire Underwriter's Label of approval, except when additional wiring is required, then the installation must be made by a licensed electrical contractor and a permit on the extension shall be obtained in the regularly prescribed manner.

(b) Purchasees or vendors of electrical equipment, of a plug-in type, that is installed in a permanent or semi permanent location, such as window or attic fans and window air conditioners, refrigerators, etc., may request inspection of the wiring of the premises where this equipment is to be installed. The inspection fee therefore shall be in accordance with the required motor fees.

Sec. 18-459. Installation questionnaire.

On electrical installations where the loads exceed 100 amperes, the customer or his representative shall be required to complete a standard installation questionnaire before starting any work. These forms are available at the office of the electrical inspector in the city hall.
Sec. 18-460. Limitations.

(a) No permit issued pursuant to this division shall be construed to authorize additions to any installation that is overloaded, inadequate or in violation of this article.

(b) No permit issued pursuant to this division shall be construed as giving permission to transfer the load from one meter to another, connect a load ahead of a meter or remove a meter without first obtaining permission therefore from the electrical inspector.

Sec. 18-461. Plans and specifications.

(a) Electrical plans and specifications shall be made available by the owner to the electrical inspector in advance of the work, when combined loads, single and three phase, are 70 amperes or over.

(b) The electrical inspector, when he deems it necessary on any installations, may require the owner to furnish plans and specifications.

Sec. 18-462. Application for meter installation.

Permit applications for installing electrical meters shall specify each meter individually, and fees will be paid accordingly.

Sec. 18-463. Fees.

(a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Circuit* means branch feeder, sub feeder wire of a final branch multiwire circuit. Each of such shall be considered as separate, and fees shall be assessed accordingly.

*Double fine.* Where work for which a permit is required by this article is started or proceeded without or prior to obtaining the permit, the fees specified in this section shall be doubled, but the payment of such double fee shall not relieve any person from fully complying with the requirements of this article in the execution of the work nor from any other penalties prescribed.

*Fixture* and *outlet* mean any on a wiring system at which current is taken to supply power or lighting.
*Maintenance work* means work which does not involve altering or adding to existing electrical wiring.

(b) The fees to be charged for permits and inspections of electrical work within the city limits, which shall be paid in advance to the electrical inspector or deputy at this office, shall be as follows:

Fees for:
(1) Basic permit fee $40.00
(2) Meter loop:
   a. up to 400 amps 10.00
   b. 401 to 1,000 amps 30.00
   c. 1,001 to 2,000 amps 50.00
   d. over 2,000 amps 70.00
(3) Temporary pole for construction 10.00
(4) Circuits
   a. First 42 4.00
   b. over 42 2.00
(5) Motor:
   a. Up to ten horsepower 4.00
   b. Over ten horsepower 20.00
(6) Reinspection 75.00
(7) Double fine: double the permit fee
(8) Working clearance 50.00
(9) Special events (T/P) 50.00
(10) Carnivals, circuses, fairs and similar events 300.00

Sec. 18-464. Notice for inspection.

All electrical inspections require 24 hours’ notice, excluding Saturdays, Sundays, and legal holidays.

Sec. 18-465. Full fees for reconstruction, renewal, alteration, overhaul, repair or moving of work.
For inspection of any and all electrical work mentioned in this division being reconstructed, renewed, altered, overhauled, repaired or moved, full inspection fees shall be paid.

Sec. 18-466. Refusal of permit.

The electrical inspector shall have full authority and is given such authority to refuse to issue a permit for installation of electric wiring or apparatus or any additions or extensions thereof in any building where it is found that the wiring or proposed wiring will be unsafe and not in accordance with this article or the current National Electrical Code on file with the city inspector.

Sec. 18-467. Furnishing current after condemnation.

No electric power or current shall be furnished any location after the electrical inspector has condemned the wiring or connections by serving written notice to the utility company.

Sec. 18-468. Certificate of inspection; notice of defects.

The electrical inspector shall place an inspection notice on the cabinet. This notice shall clearly state whether the installation is approved or is to be kept open for correction, and no person shall lathe, seal or in any manner conceal any installation until such work has been approved by the inspector. The inspector shall promptly notify the contractor of any defects in the work. A final certificate of inspection shall not be furnished until all wiring fixtures, apparatus and other connections are installed and final inspection made thereof.

Secs. 18-469 – 18-495. Reserved.

DIVISION 6. SERVICE ENTRANCES AND METER LOOPS

Sec. 18-496. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Service means a wire connection between the public utilities board power lines and the service entrance.

Service entrance means the entrance conduits and conductors contained therein and the main entrance switch or approved multibreaker.
Sec. 18-497. Height restrictions generally.

All electrical service entrance wires shall be installed in rigid heavy-wall galvanized, threaded metal conduit with a weatherproof service entrance fitting allowing such point of contact with the public utilities board’s service at a point 13 ½ feet above ground for all commercial installations and ten feet above ground for residential installations and at such location as may be designated by the electrical inspector. All meter sockets shall be mounted 5 ½ feet from ground level measured from the bottom of the meter socket. Instrument meter boxes shall be mounted five feet from ground level.

Sec. 18-498. Minimum size of wires.

Service entrance electrical wires shall in no case be smaller than number 8 American wire gauge.

Sec. 18-499. Underground conduits, ducts.

Where electrical service entrance is made underground, the conduits shall be approved duct, and the conductors shall be type USE and type UF cable, commonly known as RR cable or equal; if TW is used, approved duct must be used.

Sec. 18-500. Identification of certain wires.

The neutral electrical wire shall be plainly marked in white at the weatherproof service entrance fitting and at the meter location. In a four-wire service, the high leg should be marked by winding a piece of blue tape at the meter enclosure and at the service conduit.

Sec. 18-501. Projection for connection.

At least four feet of the service entrance electrical wires shall be left projecting from the weatherproof service entrance fitting for connection to the municipal public utilities service.

Sec. 18-502. Main service disconnect switches.

When an electrical installation requires a potential of more that 600 volts, a set of approved fused air break disconnect switches of proper design shall be installed. The type, size and location of the fused air break disconnect switches shall be determined by the municipal public utilities.

Sec. 18-503. Grounding generally.

Where a three-wire 120, 240 volts, single-phase service entrance or a four-wire, 120/240 volts, three-phase and a single-phase service entrance receives its supply from an A.C. distribution system, which system is grounded on the low voltage side of the municipal
public utilities, the neutral wire of the three-wire, 120/240 volts, two-phase service entrance shall be grounded in the line side of the main service entrance switch and the grounding lug provided in the meter socket. No wire of a three-phase, three-wire entrance shall be grounded. No wire of a single-phase, two-wire, 240-volt service entrance shall be grounded. Ground wire shall be of number 6 gauge (copper) minimum size and shall be run continuous from socket to entrance switch to five-eighth inches by eight foot copper weld ground rod.

Sec. 18-504. Furnishing of instrument transformers.

(a) Certain installations - For single-phase or polyphase installations drawing more than 200 amperes in any one wire or having a potential between any two wires or from any one wire to ground of more than 250 volts, the instrument transformers are to be furnished by the municipal public utilities.

(b) Meter installations - All meter installations requiring instrument transformers are to be furnished by the municipal public utilities.

(c) Installation work. - If instrument transformers are mounted on a customer’s premises, the installation work, with exception of wiring, will be done by the customer. All wiring in such cases will be done by the municipal public utilities. If such installations are made on utility poles, installation in its entirety will be made by the municipal public utilities.

(d) Meter sockets. All meters which are not used in connection with instrument transformers will be installed in meter sockets and the meter sockets mounted outside of the building. These meter sockets shall be furnished by the municipal public utilities.

Sec. 18-505. Independent service.

Each building into which electric current is introduced for heat, light, or power shall have an independent service. However, outbuildings, private garages, or servant quarters on the same premises and used in connection with the premises may be supplied from the same service.

Sec. 18-506. Location of main entrance switches.

All main entrance switches must be located outside as near to the entrance of the electrical service as is feasible considering the character of the building and be accessible considering the character of the emergency. The service entrance switches shall be mounted immediately adjacent to the meter socket but in no case less than four inches or by utility company policy. Nipples shall be in rigid metal conduit.

Sec. 18-507. Location of meter loops.

Electrical meter loops shall be located outside in a clean place as close to the service entrance as possible, if such is provided.
Sec. 18-508. Location of commercial meters.

For commercial buildings, electrical meter locations shall be grouped by floors or in common open meter room, if such is provided.

Sec. 18-509. Location of multifamily housing meters.

For apartment houses, electric meter locations shall be in one group and for duplex houses at some common accessible location.

Sec. 18-510. Meter sockets used as pull boxes.

Electric meter sockets will not be used as pull boxes.

Sec. 18-511 – 18-535. Reserved.

DIVISION 7. INSTALLATIONS

Subdivision 1. In General

Sec. 18-536. Aluminum conductors prohibited.

The use of aluminum conductors shall not be permitted under this article.

Sec. 18-537. Wiring system in first fire limits.

All electrical wiring for light, heat or power in all buildings erected and all additions to existing buildings within the city's existing first fire limits must be installed in approved metallic wiring system.

Sec. 18-538. Bonding of energized interior metal piping.

Interior metal piping that may become energized shall be bonded to the service equipment enclosure, the grounded conductor at the service, the grounding electrode conductor where of sufficient size, or to the one or more grounding electrodes used. Minimum size of the bonding conductor shall be No. 6 copper. The points of attachment of the bonding conductor and jumper shall be readily accessible.

Sec. 18-539. Electric fences prohibited.
Electrified fences, regardless of voltage, shall not be permitted within the city.

Secs. 18-540 – 18-565. Reserved.

Subdivision II. Residential Installations

Sec. 18-566. Minimum size of wire.

No electrical wire smaller than number 12 shall be permitted in a residential installation.

Sec. 18-567. Wiring generally.

Type NM, type NMC, and type NMS cables shall be permitted to be used in one- and two-family dwellings and multifamily dwellings, when installed in an approved wiring method listed in the National Electrical Code (NFPA 70) and in compliance with all of the following requirements:

1. A state-licensed electrical engineer designs and seals the construction plans;
2. Fire detection devices are installed in each dwelling unit;
3. Separate electric meters are installed for each dwelling unit; and
4. One-hour or more tenant separation (five-eights inch type X sheetrock) is between each dwelling unit per the building code.

Sec. 18-568. Maximum ceiling light outlets.

Not more than eight ceiling lights outlets will be permitted on a circuit in a residential installation.

Sec. 18-569. Maximum convenience outlets.

Not more than eight convenience outlets will be permitted on a circuit in a residential installation.

Sec. 18-570. Combined light and convenience outlets.

A combination of light and convenience outlets, not exceeding eight, will be permitted on a circuit in a residential installation.

Sec. 18-571. Kitchen appliance outlets.

Appliance outlets in the kitchen shall not be mixed with any other outlets in a residential installation, but shall be on a separate circuit.

Sec. 18-572. Grounding.
Electrical outlets supplying the following appliances shall each be on a grounded circuit in a residential installation: attic fans, garbage disposal units, dishwashers, dryers, refrigerators, washing machines, deep freezers, electric water heaters, and electric bathroom heaters.

Sec. 18-573. Meter loops.

All electrical meter loops in a residential installation shall have an externally operated fused switch or breakers. Where a meter loop is to be changed to a new location or a new position for an increase in load and the existing panel feed is found to be of substandard size, this panel feeder shall be changed out and brought up to a standard. One or more circuits in an existing wiring installation found to be overloaded shall have an approved panel installed and shall be so divided that no 15-ampere circuit shall be loaded over 12 amperes.

Sec. 18-574 – 18-595. Reserved.

Subdivision III. Commercial Installations

Sec. 18-596. Grounding of meter loops.

All electrical meter loops in a commercial installation shall be grounded in the following manner: Driven copper clad rod shall be not less than five-eighth inch by eight feet long.

Sec. 18-597. Wiring generally.

All electrical wiring on commercial installations within the corporate city limits shall be made in rigid metal conduit, steel tube EMT or approved raceways.

Sec. 18-598. Minimum size of wires.

No electrical wire smaller than number 12 will be permitted for branch circuits in a commercial installation.

Sec. 18-599 – 18-625. Reserved.

ARTICLE VII. MECHANICAL CODE

Sec. 18-626. Adopted.

The International Mechanical Code, 2006 Edition, published by the International Code Council, Inc., is hereby adopted by the city commission to be effective 45 days from the
passage of this ordinance for the purpose of establishing rules and regulations governing mechanical installations within the corporate limits of the city. A copy of such code is on file in the office of the city secretary in the permanent city files. Such code is adopted and incorporated as fully as if set out at length in this article, and the provisions thereof shall be controlling within the corporate city limits.

Sec. 18-627. Permit fees.

On all mechanical systems requiring a mechanical permit, as required by 106.1 of the mechanical code adopted in this article, a fee for each mechanical permit shall be paid as required at the time of filing the application, in accordance with the following schedule:

Initial fee for issuing each permit $40.00

Additional fees:

Fee for inspecting heating, ventilation, duct work, air conditioning and refrigeration systems shall be:

$12.00 per ton for the first four tons, plus;
$6.00 per ton above four tons and up to ten tons, plus;
$4.00 per ton above ten tons or fraction thereof.

Fee for inspecting repairs, alterations and additions to an existing system shall be $10.00 plus $4.00 for each $1,000.00 or fraction thereof.

Fee for inspecting boilers (based upon BTU input):

33,000 BTU (1 Bhp) to 165,000 (5 Bhp) $10.00
165,000 BTU (5 Bhp) to 330,000 (10 Bhp) $10.00
330,001 BTU (10 Bhp) to 1,165,000 (52 Bhp) $15.00
1,165,000 (52 Bhp) to 3,300,000 (98 Bhp) $25.00
Over 3,300,000 BTU $35.00

Fee for reinspection. In case it becomes necessary to make a reinspection of a heating, ventilation, air conditioning or refrigeration system or boiler installation, the installer of such equipment shall pay a reinspection fee of $75.00.

Double fee. Where work for which a permit is required by this article or the code adopted in this article is started or proceeded without or prior to obtaining the permit, the fees herein specified shall be doubled, but the payment of such double fee shall not relieve any person from fully complying with the requirements of this code in the execution of the work nor from any other penalties prescribed therein.

Secs. 18-628 – 18-655. Reserved.

ARTICLE VIII. PLUMBING CODE
Sec. 18-656. Adopted.

The International Plumbing Code, 2006 Edition, published by the International Code Council, Inc., is hereby adopted by the city commission to be effective 45 days from the passage of this ordinance for the purpose of establishing rules and regulations governing plumbing and plumbing activities within the corporate limits of the city, a copy of such code is on file in the office of the city secretary in the permanent city files. Such code is adopted and incorporated as fully as if set out at length in this article, and the provisions thereof shall be controlling within the corporate city limits.

Sec. 18-657. Conflicts.

If there is any conflict with the provisions of the plumbing code adopted by this article and this Code, state law or city ordinance, rule or regulation, this Code, state law or city ordinances, rules or regulations shall prevail and be controlling.

Sec. 18-658. Enforcement.

The plumbing code adopted by this article shall be enforced by the building official.

Sec. 18-659. Permit Fees.

(a) A plumbing permit shall not be issued until the fees prescribed in this section have been paid. On all plumbing alterations or other matters requiring a plumbing permit, as set forth in section 106.1 of the plumbing code adopted in this article, a fee shall be paid as required at the time of filing an application, in accordance with the following schedule:

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initial fee for issuing each permit</td>
<td>$40.00</td>
</tr>
<tr>
<td>Plus the following when provided:</td>
<td></td>
</tr>
<tr>
<td>Plumbing fixture, floor drain or trap, including water</td>
<td>6.00</td>
</tr>
<tr>
<td>And drainage piping, each</td>
<td></td>
</tr>
<tr>
<td>House sewer, each</td>
<td>10.00</td>
</tr>
<tr>
<td>House sewer having to be replaced or repaired, each</td>
<td>10.00</td>
</tr>
<tr>
<td>Cesspool, each</td>
<td>5.00</td>
</tr>
<tr>
<td>Septic tank and seepage pit or drainfield, each</td>
<td>10.00</td>
</tr>
</tbody>
</table>
Water heater and/or vent, each 2.50

Installation, alteration or repair of water piping and/or
Water treating equipment 20.00

Repair or alteration of drainage or vent piping 20.00

Vacuum breakers or backflow protective devices installed
Subsequent to the installation of the piping or equipment
Served
One to five 5.00
Over five, each 3.00

Reinspection 50.00

(b) For work for which a permit is required by this article is started or proceeded without or prior to obtaining the permit, the fees specified in subsection (a) of this section shall be doubled, but the payment of such double fee shall not relieve any person from fully complying with the requirements of this article in the execution of the work nor from any other penalties prescribed.

Secs. 18-660 – 18-685. Reserved.

ARTICLE IX. GAS CODE

Sec. 18-686. Adopted.

The International Gas Code, 2006 Edition, published by the International Code Council, Inc., is hereby adopted by the city commission to be effective 45 days from the passage of this ordinance for the purpose of establishing rules and regulations governing gas and gas activities within the corporate limits of the city, a copy of such code is on file in the office of the city secretary in the permanent city files. Such code is adopted and incorporated as fully as if set out at length in this article, and the provisions thereof shall be controlling within the corporate city limits.

Sec. 18-687. Conflicts.

If there is any conflict with the provisions of the gas code adopted by this article and this Code, state law or city ordinance, rule or regulation, this Code, state law or city ordinances, rules or regulations shall prevail and be controlling.

Sec. 18-688. Enforcement.

The gas code adopted by this article shall be enforced by the building official.
Sec. 18-689. Permit fees.

A gas permit shall not be issued until the fees prescribed in this section have been paid. On all gas alterations on other matters requiring a gas permit, as set forth in section 106.1 of the gas code adopted in this article, a fee shall be paid as required at the time of filing an application, in accordance with the following schedule:

(1) Initial fee. For issuing each permit, a fee of $40.00 will be charged
(2) Additional Fees. The total fees for inspection of a consumer’s gas piping, conversion burners, floor furnaces, incinerators, boilers, central heating or air conditioning units, vented wall furnaces and water heaters, including repairs, at one location, including both rough and final piping inspection, shall be as follows:

<table>
<thead>
<tr>
<th>Class</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 – 149,999 British thermal units (Btu’s)</td>
<td>$10.00</td>
</tr>
<tr>
<td>150,000 – 249,999 Btu’s</td>
<td>20.00</td>
</tr>
<tr>
<td>250,000 – 349,999 Btu’s</td>
<td>30.00</td>
</tr>
<tr>
<td>350,000 – 499,999 Btu’s</td>
<td>40.00</td>
</tr>
<tr>
<td>First 500,000 Btu’s</td>
<td>50.00</td>
</tr>
<tr>
<td>Each additional 100,000 Btu’s or fraction thereof over 500,000</td>
<td>60.00</td>
</tr>
</tbody>
</table>

(3) Double fee. When work for which a permit is required by this article is started or proceeded without or prior to obtaining the permit, the fees specified in this section shall be doubled, but the payment of such double fee shall not relieve any person from fully complying with the requirements of this article in the execution of the work nor from any other penalties prescribed.

(4) Payment by permittee. Any and all fees shall be paid by the person to whom the permit is issued.

(5) Reinspection fee. A fee of $75.00 shall be charged to each applicant for each reinspection conducted by the building inspection department.

Secs. 18-690 – 18-715. Reserved.

ARTICLE X. EXCAVATIONS AND GRADING

Sec. 18-716. Code Adopted.

The Standard Excavation and Grading Code, 1975 Edition, published by the Southern Building Code Congress International, Inc., is adopted by the city commission for the purpose of establishing rules and regulations governing excavations and grading and excavation and grading activities within the corporate limits. A copy of such code is on file in the office of the city secretary in the permanent city files. Such code is adopted and incorporated as fully as if set out at length in this article, and the provisions thereof shall be controlling within the corporate city limits.

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Sec. 18-717. Enforcement of code.

The excavation and grading code adopted in this article shall be enforced by the city engineer and the building official.

Sec. 18-718. Penalty for violation of code.

Any person who shall violate any of the provisions of the excavation and grading code adopted by this article or who fails to comply with such code or who shall violate or fail to comply with any orders made under such code or who shall engage in excavation and grading activities in violation of any detailed statement of specifications or plans submitted and approved under such code or any certificate or permit issued under the code or who shall fail to comply with such orders within the time fixed in the code shall, for each and every such violation and noncompliance, respectively, upon conviction, be guilty of a misdemeanor punishable as provided in section 1-13 of the City of Brownsville, Texas Code of Ordinances. The imposition of one penalty for any violation shall not excuse the violation or permit the violation to continue. Every such person shall be required to correct or remedy such violation or defect within a reasonable time, and when not otherwise specified each ten days that prohibited conditions are maintained or permitted to stand shall constitute a separate offense punishable as provided in this section.

Sec. 18-719. Additional remedies.

The application of the penalty provided for in section 18-718 shall not be held to prevent the enforced removal of prohibited conditions.

Secs. 18-720 – 18-745. Reserved.

ARTICLE XI. ENERGY CONSERVATION CODE

Sec. 18-746. Adopted.

(a) The energy conservation code of the city of Brownsville is hereby enacted and amended to conform, with certain exceptions as specified below, to the 2006 International Energy Conservation Code of the International Code Council (ICC), and the same as amended is hereby adopted to be effective 45 days from the passage of this ordinance as the city's energy code. The 2006 International Energy Conservation Code, is incorporated herein by reference and shall be filed in the office of the city secretary for permanent record and inspection.

(b) The provisions of the building code, residential code, electrical code, mechanical code, plumbing code, and gas code as adopted elsewhere, shall be used as part of the energy code for any provision, requirement or method that does not exist therein.
(c) Any errata corrections, as they are discovered, are considered as part of this code since the same would have been adopted had they been known at the time of adoption.

Sec. 18-747. Amendments.

(a) Generally. To achieve energy conservation in single-family residential construction, the energy efficiency chapter of the International Residential Code, as it existed on May 1, 2001, is adopted as the energy code in the State of Texas for single-family residential construction. For all other residential, commercial, and industrial construction, the International Energy Conservation Code as it existed on May 1, 2001, is adopted as the energy code in the State of Texas. The City of Brownsville shall establish procedures for the administration and enforcement of the codes; and to ensure that code certified inspectors shall perform inspections and enforce the code in the inspectors’ jurisdictions.

(1) The city may establish procedures to adopt local amendments to the International Energy Conservation Code and the energy efficiency chapter of the International Residential Code. However, these amendments may not result in less stringent energy efficiency requirements in nonattainment areas and in affected counties than the energy efficiency chapter of the International Residential Code or International Energy Conservation Code. The city must comply with the National Appliance Energy Conservation Act of 1987 (42 U.S.C. Sections 6291-6309), as amended.

(2) The City has established procedures under subsection (a)(1) above, shall periodically review and consider revisions made by the International Code Council to the International Energy Conservation Code and the energy efficiency chapter of the International Residential Code adopted after May 1, 2001 pursuant to V.T.C.A., Health and Safety Code §388.003 (a) – (f).

(b) IECC section amendments. The 2006 International Energy Conservation Code is hereby amended as provided in this section:

(1) IECC SECTION 101; changed to read as follows: 101.1 Title. These regulations shall be known as the City of Brownsville Energy Code, may be cited as such and will be referred to herein as “the Energy Code”.

(2) IECC Section 101.6; added to read as follows: 101.6 Violations. It shall be unlawful for any person, firm, corporation or other entity to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of
this code. Any violation cited under the Building Code, Residential Code, Electrical Code, Mechanical Code and Plumbing Code, as adopted elsewhere, that is also associated with energy-efficient provisions of this code, may also be cited as a violation of this code. Any person, or legal entity violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine not to exceed $2,000.00 for all violations involving fire safety, or public health and sanitation and shall be fined not more that $500.00 for all other violations of this article. Each day or any portion thereof during which any violation of this article occurs or continues shall be deemed a separate offense and upon conviction thereof shall be punishable as herein provided.

Sec. 18-748. Effect of conflict with other ordinances.

This article shall be cumulative of all provisions of ordinances of the Code of Ordinances of the City of Brownsville, Texas (2004), affecting energy code provisions, as amended, and shall not repeal any of the provisions of such ordinances, except in those instances where provisions of such ordinances are in direct conflict with the provisions of this article.

Sec. 18-749. Penalty for violation.

Any person or entity violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine not to exceed $2,000.00 for all violations involving fire safety, or public health and sanitation and shall be fined not more than $500.00 for all other violations of this article. Each day or any portion thereof during which any violation of this article occurs or continues shall be deemed a separate offense and upon conviction thereof shall be punishable as herein provided.

Secs. 18-750 – 18-775. Reserved.

ARTICLE XII. WINDSTORM CODE

Sec. 18-776. Adopted.

The city hereby expressly adopts the 2006 International Residential Code to be effective 45 days from the passage of this ordinance with the 2006 Texas Revisions as set forth by the Texas Department of Insurance together with all future editions, revisions and supplements there to. Hereinafter said code shall be referred to as the windstorm code. The windstorm code is hereby adopted as a part of the building code for the city. The same rules and regulations as printed in any copy of the windstorm code shall be admitted into evidence with the same force and effect as the rules and regulations included in other portions of this chapter without order or further proof.
Sec. 18-777. Conflicts.

The interpretation of the windstorm code by the city building official shall be final and conclusive, except that in the event any provision of said code conflicts with the provision in the 2006 International Building Code and 2006 International Residential Code, adopted in section 18-116 the more stringent provision shall prevail.

Sec. 18-778. Windstorm standards.

(a) Generally. For the purpose of establishing minimum standards for the construction of windstorm resistant buildings, all new construction within the corporate city limits and the city’s extraterritorial jurisdiction, shall comply with the windstorm speed standards set forth by the Texas Department of Insurance for the city.

(b) Compliance. All new construction, repairs or additions commencing after adoption of this article shall comply with the windstorm code. No exceptions are permitted except those specifically set forth by the Texas Department of Insurance.

(c) Roof repair exception. Roof repairs of less than 100 square feet of the total roof under repair shall not be required under the provisions of this article.

Sec. 18-779. Building permit requirements.

(a) Windstorm plan information required. The owner or contractor seeking a building permit shall submit plans and sections showing the methods of wind bracing and construction details to resist wind speeds specified in the windstorm code and as referenced in the 2006 International Residential Code and 2006 International Building Code.

(b) Certificate of compliance required. A certificate of compliance, form WPI-8, issued by the Texas Department of Insurance is evidence of compliance with this article, and is required before issuance of a certificate of occupancy. At the building officials discretion the TDI form WPI-2 may be accepted when signed and sealed by a TDI-approved engineer.

Sec. 18-780. Inspections required.

Only inspectors employed or approved by the Texas Department of Insurance or Texas registered professional engineers may be used to inspect for compliance with this article. Unless the building official and building inspectors employed by the city as inspectors are approved by the Texas Department of Insurance, the building official and building inspectors employed by the city will not certify compliance with this section, but may notify the Texas Department of Insurance if any suspected violations are observed during the normal course of other inspections.
Sec. 18-781. Fees.

In addition to any building permit fees required by this chapter, an additional fee may be implemented as per windstorm certified inspectors fees.

Sec. 18-782. Penalty for violation.

Any person, firm, or corporation violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine not to exceed $2,000.00 for all violations involving fire safety, or public health and sanitation and shall be fined not more than $500.00 for all other violations of this article. Each day or any portion thereof during which any violation of this article occurs or continues shall be deemed a separate offense and upon conviction thereof shall be punishable as herein provided.

INTRODUCED AND PASSED on the First Reading on the __6th__ day of _May________, 2008.

Passed on the Second and Final Reading and Approved on this the __20th__ day of _May________, 2008.

By:  
Pat M. Ahumada, Jr.
Mayor of Brownsville

ATTEST:

Estela Von Hatten
City Secretary
ORDINANCE NUMBER: 2013-1485-A

An Ordinance of the City Commission of the City of Brownsville, amending Chapter 18 of the Code of Ordinances by adopting Article III, Building Code; Article VI. Electricity; Article VIII. Plumbing Code; Article IX. Gas Code; Article XI. Energy Conservation Code; and Article XII. Windstorm Code, that deal with the International Building Code and the International Residential Building Code and to repeal any and all versions of said Sections in Chapter 18 and dealing with related matters.

WHEREAS, the City of Brownsville has, heretofore adopted Chapter 50 of the Code of Ordinances of the City of Brownsville as amended; and

WHEREAS, in order to better promote the health, safety and general welfare of the community, and its orderly development, it is proposed that said Chapter be amended in the particulars hereinafter set forth:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BROWNVILLE that the following Articles and Sections of the Code be amended to read as follow:

ARTICLE III. BUILDING CODE

Sec. 18-116. - Adopted; amendments.

The International Building Code, 2012 Edition, and the International Residential Building Code, 2012 Edition, as published by the International Code Council, Inc., are hereby adopted by the city commission to be effective 45 days from the passage of Ordinance No. 2013-1485-A for the purpose of establishing rules and regulations governing building and building activities within the corporate limits of the city, a copy of which codes are now in the permanent files in the office of the city secretary. Said codes are hereby adopted and incorporated as fully as if set out at length herein; and the provisions thereof shall be controlling within the corporate limits of the city. Appendices B, C, D, E, F, G, H, I, J and K, of the International Building Code, 2012 edition, shall be a part of this ordinance. Appendices E, F, H, J, K, M, O, AND P of the International Residential Building Code, 2012 Edition, shall be a part of this ordinance. Appendix P is amended at Section P2904 of the code to remove all requirements for sprinklers or sprinkler systems in any One- and Two-family Dwellings,

ARTICLE VI. ELECTRICITY
Division 2. Electrical Code

Sec. 18-301. - Adopted.

The National Electrical Code, 2011 Edition, published by the International Code Council, Inc., with amendments in ARTICLE VI, DIVISION 1, 3, 4, 5, 6, and 7 of Ord. No. 2008-1485, is hereby adopted by the city commission to be effective 45 days from the passage of Ordinance No. 2013-1485-A for the purpose of establishing rules and regulations governing electrical wiring and installations within the corporate limits of the city. A copy of such code is on file in the office of the city secretary within the permanent city files. Such code is adopted and incorporated as fully as if set out at length in this article, and the provisions thereof shall be controlling within the corporate city limits.
ARTICLE VII. MECHANICAL CODE

Sec. 18-626. - Adopted.

The International Mechanical Code, 2012 Edition, including appendices, published by the International Code Council, Inc., is hereby adopted by the city commission to be effective 45 days from the passage of Ordinance No. 2013-1484-A for the purpose of establishing rules and regulations governing mechanical installations within the corporate limits of the city. A copy of such code is on file in the office of the city secretary in the permanent city files. Such code is adopted and incorporated as fully as if set out at length in this article, and the provisions thereof shall be controlling within the corporate city limits.

ARTICLE VIII. PLUMBING CODE

Sec. 18-656. - Adopted.

The International Plumbing Code, 2012 Edition, including appendices, published by the International Code Council, Inc., is hereby adopted by the city commission to be effective 45 days from the passage of Ordinance No. 2013-1485-A for the purpose of establishing rules and regulations governing plumbing and plumbing activities within the corporate limits of the city, a copy of such code is on file in the office of the city secretary in the permanent city files. Such code is adopted and incorporated as fully as if set out at length in this article, and the provisions thereof shall be controlling within the corporate city limits.

ARTICLE IX. GAS CODE

Sec. 18-686. - Adopted.

The International Gas Code, 2012 Edition, including appendices, published by the International Code Council, Inc., is hereby adopted by the city commission to be effective 45 days from the passage of Ordinance No. 2013-1485-A for the purpose of establishing rules and regulations governing gas and gas activities within the corporate limits of the city, a copy of such code is on file in the office of the city secretary in the permanent city files. Such code is adopted and incorporated as fully as if set out at length in this article, and the provisions thereof shall be controlling within the corporate city limits.

ARTICLE XI. ENERGY CONSERVATION CODE

Division 1. Generally

Sec. 18-746. - Code adopted.

a) The energy construction code of the city of Brownsville is hereby enacted and amended to conform, with certain exceptions as specified below, to the 2009 Edition of the International Energy Conservation Code of the International Code Council (ICC), and the same as amended is hereby adopted to be effective 45 days from the passage of Ordinance No. 2013-1485-A as the city's energy code. The 2006 International Energy Conservation Code, is incorporated herein by reference and shall be filed in the office of the city secretary for permanent record and inspection.

b) The provisions of the building code, residential code, electrical code, mechanical code, plumbing code, and gas code as adopted elsewhere, shall be used as part of the energy code for any provision, requirement or method that does not exist therein.
c) Any errata corrections, as they are discovered, are considered as part of this code since the same would have been adopted had they been known at the time of adoption.

ARTICLE XII. WINDSTORM CODE
Division 2.

Sec. 18-776. - Adopted.

The city hereby expressly adopts the International Residential Code, 2012 Edition, including appendices E, F, H, J, K, M, O, and P. Appendix P is amended at Section P2904 to remove all requirements for sprinklers or sprinkler systems in any One and Two-family Dwellings. Said code is to be effective 45 days from the passage of Ordinance No. 2013-1485-A with the 2006 Texas Revisions as set forth by the Texas Department of Insurance together with all future editions, revisions and supplements there to. Hereinafter said code shall be referred to as the windstorm code. The windstorm code is hereby adopted as a part of the building code for the city. The same rules and regulations as printed in any copy of the windstorm code shall be admitted into evidence with the same force and effect as the rules and regulations included in other portions of this chapter without order or further proof.

This ordinance shall be effective immediately upon passage and adoption by the City Commission of the City of Brownsville, Texas.

Introduced and passed on FIRST READING on the 25th day of June, 2013.
Passed and approved on SECOND AND FINAL READING on the 2nd day of July, 2013.

Antonio Martinez
Mayor

Attest:
Estela Von Hatten
City Secretary/Local Registrar

Approved as to form and legality
ORDINANCE NUMBER 2019-1485-B

AN ORDINANCE OF THE BROWNsville CITY COMMISSION AMENDING THE CITY OF BROWNsville CODE OF ORDINANCES CHAPTER 18 – BUILDINGS AND BUILDING REGULATIONS, SECTION 18-123, RELATING TO THE ASSESSMENT AND COLLECTION OF BUILDING PERMIT FEES FOR RESIDENTIAL STRUCTURES; ESTABLISHING AN EFFECTIVE DATE; AND DEALING WITH RELATED MATTERS.

WHEREAS, House Bill 852 was passed by the Texas State Legislature, 86th Regular Session, and amended Subchapter Z, Chapter 214, Local Government Code, thereby prohibiting certain value-based permit and inspections fees for residential dwellings; and,

WHEREAS, House Bill 852 prohibits cities from collecting building permit or inspection fees for a residential dwelling based on the value of the dwelling or the cost of constructing or improving the dwelling; and,

WHEREAS, House Bill 852 does not expressly prohibit cities from collecting building permit or inspection fees based on the square footage of the residential dwelling; and,

WHEREAS, the City Commission of the City of Brownsville, Texas desires to amend its ordinance to conform to the new statutory requirements; and,

WHEREAS, in accordance with Article V, Section 16 of the City Charter, an ordinance deemed necessary for the immediate preservation of public peace, property, health or safety, or providing for the usual daily operation of a municipal department, can be passed as an emergency measure; and,

WHEREAS, this ordinance should be passed as an emergency measure as it is required from the City of Brownsville to enact new guidelines for assessing and calculating residential permit fees to avoid disruption to the daily operations of the Planning and Development Services Department.

NOW THEREFORE, BE IT ORDAINED by the City of Brownsville, Texas as follows:

PART I. That Chapter 18 – Buildings and Building Regulations, Article III.-Building Code, Section 18-123.-

“Same – Schedule of permit fees” is hereby amended to read as follows:

Sec. 18-123. - Same—Schedule of Permit Fees.

(a) Residential Permits. On all buildings, structures, alterations or other matters requiring a building permit, as set forth in 105.1 of the building code adopted in this article, a fee shall be paid as required at the time of filing application, in accordance with the following schedule for building permit fees:

(1) New Construction/Alterations/Repairs.

   a. The base fee shall be $40.00, plus:

      i. Between 1 and 1,450 square feet ... $0.25 cents
      ii. Between 1,451 and 3,010 square feet ... $0.27 cents
      iii. 3,011 square feet and up ... $0.30 cents

   b. Commercial Permits. On all buildings, structures, alterations or other matters requiring a building permit, as set forth in 105.1 of the building code adopted in this article, a fee shall be paid as required at the time of filing application, in accordance with the following schedule for building permit fees:

      (1) The base fee shall be $40.00, plus:
a. Where the valuation does not exceed $8,000.00, the fee shall be $40.00, except that on repairs, alterations or remodeling where the valuation does not exceed $8,000.00 the fee shall be $5.00 per $1,000.00 or fraction thereof.

b. For a valuation over $8,000.00 up to and including $15,000.00 the fee shall be $50.00 for the first $8,000.00 plus $10.00 for each additional $1,000.00 or fraction thereof.

c. For a valuation over $15,000.00 up to and including $100,000.00 the fee shall be $100.00 for the first $15,000.00 plus $5.00 for each additional $1,000.00 or fraction thereof.

d. For a valuation over $100,000.00 up to and including $500,000.00 the fee shall be $600.00 for the first $100,000.00 plus $3.00 for each additional $1,000.00 or fraction thereof.

e. For a valuation over $500,000.00 up to and including $1,000,000.00 the fee shall be $1,500.00 for the first $500,000.00 plus $1.00 for each additional $1,000.00 or fraction thereof.

f. For a valuation over $1,000,000.00, the fee shall be $2,000.00 for the first $1,000,000.00 plus $1.00 for each additional $1,000.00 or fraction thereof.

(2) For an outdoor advertising display, as defined in section 2301.1 of the building code, the fee shall be $10.00 per $1,000.00 of valuation or fraction thereof.

(c) **Miscellaneous Fees.**

(1) **Re-inspection fee.** A re-inspection fee of $75.00 shall be charged to each applicant for each re-inspection conducted by the city building department.

(2) **Standard for valuation.** In determining the permit fee to be assessed against those applying for building permits within the city the following schedule shall govern:

a. Commercial construction will be calculated by using the current International Code Council Building Valuation Data Sheet and/or owner/contractor contract.

(3) **Moving of residential or commercial building structure.** For the moving of any residential/commercial building structure, the fee shall be $150.00.

(4) **Moving of utility building or similar structure.** For the moving of a utility building or similar structure, the fee shall be $75.00.

(5) **Demolition of any building or structure.** For the demolition of any building or structure, the fee shall be $100.00 for the first 1,000 square feet, and $25.00 for every additional 500 square feet over 1,000 square feet.

(6) **Removal of gasoline/diesel.** A fee for the removal of gasoline/diesel, etc., storage tank containers shall be $100.00 for the first storage tank and $5.00 for each additional storage tank.

(7) **Double fees.** Where work for which a permit is required by the building code or this article is started or proceeded with prior to obtaining the permit, the fees specified in this section shall be doubled, but the payment of such double fee shall not relieve any person from fully complying with the requirements of this code in the execution of the work nor from any other penalties prescribed therein.

(8) **Plan checking fees.** The fee for plan checking shall be equal to 50 percent of the permit fee.

(9) **Lost permits/certificates of occupancy.** An administrative fee for reprinting of a lost permit or certificate of occupancy shall be $15.00 for printouts.

(10) **Flood zone verification.** The fee for flood zone verification shall be $10.00.
(11) Curb cut/driveway permit. The fee for a curb cut/driveway permit shall be $40.00 plus $1.00 per linear foot at the curb or pavement edge.

(12) Sidewalk permits. The fee for a sidewalk permit shall be $40.00 plus $0.25 per square foot.

PART 2. This ordinance shall become effective from and after its final passage and publication as provided by the Charter of the City of Brownsville and the laws of the State of Texas.

INTRODUCED at a public hearing and ADOPTED, APPROVED, and ENACTED on the 21st of May, 2019.

Tony Martinez, Mayor
City of Brownsville, Texas

Attest:

Griselda Rosas, City Secretary
City of Brownsville, Texas

Approved as to form and legality:

Rene de Coss, City Attorney
ORDINANCE NUMBER 2019-1485-C

AN ORDINANCE OF THE BROWNSVILLE CITY COMMISSION AMENDING THE CITY OF BROWNSVILLE CODE OF ORDINANCES CHAPTER 18 – BUILDINGS AND BUILDING REGULATIONS, SECTION 18-123, BY MODIFYING BUILDING PERMIT FEES FOR CERTAIN RESIDENTIAL PERMITS; SPECIFYING A RETROACTIVE DATE; AND DEALING WITH RELATED MATTERS.

WHEREAS, House Bill 852 was passed by the Texas State Legislature, 86th Regular Session, and amended Subchapter Z, Chapter 214, Local Government Code, thereby prohibiting certain value-based permit and inspection fees for residential dwellings; and,

WHEREAS, the City Commission of the City of Brownsville, Texas desires to amend its ordinance to conform to the new statutory requirements; and,

WHEREAS, certain residential permit fees must be right-sized to ensure fees assessed are reasonable and competitive.

WHEREAS, this Ordinance desires to set a retroactive effective date of June 10th, 2019 to grant relief to certain permit holders impacted by new residential permit fee rates as result of Ordinance No. 2019-1485-B.

NOW THEREFORE, BE IT ORDAINED by the City of Brownsville, Texas as follows:

PART 1. That Chapter 18 – Buildings and Building Regulations, Article III.-Building Code, Section 18-123.- “Same – Schedule of permit fees” is hereby amended to read as follows:

Sec. 18-123. - Same—Schedule of Permit Fees.

(a) Residential Permits. On all buildings, structures, alterations or other matters requiring a building permit, as set forth in 105.1 of the building code adopted in this article, a fee shall be paid as required at the time of filing application, in accordance with the following schedule for building permit fees:

(1) New Construction.

a. The base fee shall be $40.00, plus:
   i. Between 1 and 1,450 square feet ... $0.25 per square foot
   ii. Between 1,451 and 3,010 square feet ... $0.27 per square foot
   iii. 3,011 square feet and up ... $0.30 per square foot

(2) Interior Alterations/Repairs.

a. The base fee shall be $40.00, plus:
   i. Up to 1,000 square feet ... $40.00
   ii. Over 1,000 square feet ... $75.00

(3) Exterior Alterations/Repairs.
b. The base fee shall be $40.00, plus:
   i. Up to 1,000 square feet ... $15.00
   ii. Over 1,000 square feet ... $35.00

(b) Commercial Permits. On all buildings, structures, alterations or other matters requiring a building permit, as set forth in 105.1 of the building code adopted in this article, a fee shall be paid as required at the time of filing application, in accordance with the following schedule for building permit fees:

(1) The base fee shall be $40.00, plus:
   a. Where the valuation does not exceed $8,000.00, the fee shall be $40.00, except that on repairs, alterations or remodeling where the valuation does not exceed $8,000.00 the fee shall be $5.00 per $1,000.00 or fraction thereof.
   b. For a valuation over $8,000.00 up to and including $15,000.00 the fee shall be $50.00 for the first $8,000.00 plus $10.00 for each additional $1,000.00 or fraction thereof.
   c. For a valuation over $15,000.00 up to and including $100,000.00 the fee shall be $100.00 for the first $15,000.00 plus $5.00 for each additional $1,000.00 or fraction thereof.
   d. For a valuation over $100,000.00 up to and including $500,000.00 the fee shall be $600.00 for the first $100,000.00 plus $3.00 for each additional $1,000.00 or fraction thereof.
   e. For a valuation over $500,000.00 up to and including $1,000,000.00 the fee shall be $1,500.00 for the first $500,000.00 plus $1.00 for each additional $1,000.00 or fraction thereof.
   f. For a valuation over $1,000,000.00, the fee shall be $2,000.00 for the first $1,000,000.00 plus $1.00 for each additional $1,000.00 or fraction thereof.

(2) For an outdoor advertising display, as defined in section 2301.1 of the building code, the fee shall be $10.00 per $1,000.00 of valuation or fraction thereof.

(3) Standard for valuation. In determining the permit fee to be assessed against those applying for building permits within the city the following schedule shall govern:

   a. Commercial construction will be calculated by using the current International Code Council Building Valuation Data Sheet and/or owner/contractor contract.

(c) Miscellaneous Fees.

(1) Re-inspection fee. A re-inspection fee of $75.00 shall be charged to each applicant for each re-inspection conducted by the City Building Division.

(2) Moving of residential or commercial building structure. For the moving of any residential/commercial building or structure, the fee shall be $150.00.

(3) Residential Enclosures. For residential enclosures, the fee shall be $70.00.

(4) Window Replacement. For window replacement, fee shall be $70.00 for up to 4 units; 5 units and over, the fee shall be $120.00.

(5) House Leveling. For house leveling, the fee shall be $75.00.
(6) *Residential Re-Roofing.* For residential re-roofing, the fee shall be as follows:

a. Between 1 and 500 square feet ... $50.00  
b. Between 501 and 2,000 square feet ... $70.00  
c. Over 2,000 square feet ... $150.00

(7) *Residential Solar Panels.* For residential solar panels, the fee shall be $225.00.

(8) *Residential Swimming Pool.* For residential swimming pools, the fee shall be $200.00.

(9) *Mobile/Manufactured Home.* For mobile or manufacture homes, the fee shall be $50.00.

(10) *Residential Mechanical Repairs.* For residential mechanical repairs, the fee shall be $60.00.

(11) *Moving of utility building or similar structure.* For the moving of a utility building or similar structure, the fee shall be $75.00.

(12) *Demolition of any building or structure.* For the demolition of any building or structure, the fee shall be $100.00 for the first 1,000 square feet, and $25.00 for every additional 500 square feet, or fraction thereof, over 1,000 square feet.

(13) *Removal of gasoline/diesel storage/tank containers.* A fee for the removal of gasoline/diesel, etc., storage tank containers shall be $100.00 for the first storage tank and $5.00 for each additional storage tank.

(14) *Double fees.* Where work for which a permit is required by the building code or this article is started or proceeded with prior to obtaining the permit, the fees specified in this section shall be doubled, but the payment of such double fee shall not relieve any person from fully complying with the requirements of this code in the execution of the work nor from any other penalties prescribed therein.

(15) *Commercial and Multifamily (3 units or more) plan checking fees.* The fee for plan checking shall be equal to 50 percent of the permit fee.

(16) *Residential plan checking fees.* The fee for plan checking of single-family or two-family dwelling shall be $50.00.

(17) *Lost permits/certificates of occupancy.* An administrative fee for the reprinting of a lost permit or certificate of occupancy shall be $15.00.

(18) *Flood zone verification.* The fee for flood zone verification shall be $10.00.

(19) *Curb cut/driveway permit.* The fee for a curb cut/driveway permit shall be $40.00 plus $1.00 per linear foot at the curb or pavement edge.

(20) *Sidewalk permits.* The fee for a sidewalk permit shall be $40.00 plus $0.25 per square foot.
(21)  Other. For any permit fee not listed in this section, it shall be classified in the permit type that it most nearly resembles at the discretion of the City Building Division Director or authorized representative.

PART 2. This ordinance shall become effective from and after its final passage and publication as provided by the Charter of the City of Brownsville and the laws of the State of Texas.

INTRODUCED at a public hearing on July 02, 2019. Passed at First Reading on July 02, 2019. Passed at Second and Final Reading, and ADOPTED, APPROVED, and ENACTED on July 30, 2019.

Juan “Trey” Mendez
Mayor
City of Brownsville, Texas

Attest:

Griselda Rosas, City Secretary
City of Brownsville, Texas

Approved as to form and legality:

Rene de Coss, City Attorney
TO: Noel Bernal, City Manager  
FROM: Rick Vasquez, Director of Planning & Redevelopment Department  
SUBJECT: Public Hearings  
DATE: 4/7/2020  
THROUGH: Helen Ramirez, Deputy City Manager  

AGENDA ITEM  COMMISSION MEETING DATE 04/07/20

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**Information:** Please include additional information/request.

PUBLIC HEARING and ACTION on FIRST READING on ORDINANCE NUMBER 2020-235.93: To amend the Code of Ordinances, Chapter 348-Zoning, Art. VII-Supplementary District Regulations, by repealing and replacing Section 348-1381. - Off-Street Parking; and dealing with related matters.

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**Reviewing Departments:** Please review and forward to the next reviewing department in a timely manner.

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**City Commission**

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**Assistant City Manager**

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**Deputy City Manager**

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**City Manager's Approval**

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Revised 3/2019
To: Mayor and City Commission

Through: Noel Bernal, City Manager

From: Rick Vasquez, Planning & Redevelopment Department Director

Date: April 7, 2020

RE: PUBLIC HEARING and ACTION on ORDINANCE No. 2020-235.93

Purpose
In order to provide more flexibility for the operation of businesses and to provide for orderly development of the community, staff proposes the following amendment to the City of Brownsville Code of Ordinances, Chapter 348.-Zoning, Article VII-Supplementary District Regulations. This amendment consist of the establishment of new parking regulations as a comprehensive method to provide options to businesses when trying to meet parking capacity requirements.

Commercial Parking Regulations
Currently, the parking regulations that are in place limit new and existing developments, primarily retail plazas, in the types of business that can be established. Depending on the type of business being proposed, occupancy load is calculated, and consequently, required parking capacity. Staff proposes to repeal and replace existing parking regulations within Section 348-1381. – Off-Street Parking, with a more comprehensive method to achieving required parking capacity. This amendment will provide developers with options to meet the required parking calculation by taking into consideration shared parking agreements, peak hours of operation, off-street parking, building uses, etc. The mentioned amendment will prevent delays in development and will also prevent the existence of vacant suites in retail plazas for lack of compliance with parking requirements. (See attached Exhibit “A” – Existing Regulations being amended and Proposed Ordinance 2020-235.93)

Recommendation
There was no written or verbal opposition at the Planning and Zoning Commission Meeting on March 5, 2020. Planning and Zoning Commission approves this amendment to Chapter 348.-Zoning, Article VII-Supplementary District Regulations regarding the adoption of new parking regulations.

This item was presented as a work session item on March 17, 2020 at City Commission.
AN ORDINANCE OF THE BROWNSVILLE CITY COMMISSION, AMENDING THE CODE OF ORDINANCES, CHAPTER 348-ZONING, ARTICLE VII-SUPPLEMENTARY DISTRICT REGULATIONS, BY REPEALING AND REPLACING SECTION 348-1381. – OFF-STREET PARKING; AND DEALING WITH RELATED MATTERS.

WHEREAS, this amendment will repeal and replace existing parking calculation requirements with a more comprehensive set of regulations for parking facilities; and,

WHEREAS, the Planning and Zoning Commission has reviewed and recommended approval of the proposed amendments; and,

WHEREAS, this amendment will provide more flexibility for the operation of businesses throughout the City of Brownsville; and,

WHEREAS, this amendment will provide for orderly development of the community.

NOW, THEREFORE, BE IT ORDAINED by the City of Brownsville, as follows:

PART I. THAT Chapter 348-Zoning, Article VII.-Supplementary District Regulations of the Code of Ordinances, City of Brownsville, is hereby amended by repealing and replacing Section 348-1381. – Off-Street Parking, to read as follows:

Sec. 348-1381. – Off-street Parking

I. General Standards

(a) Where the Standards Apply.

The standards of this section apply to all parking areas in Dwelling, Commercial, and/or Industrial Districts whether required by this code or put in for the convenience of property owners or users. Parking areas include those accessory to a use, part of a commercial parking use, or for a park and ride facility in the basic utilities use category (Table 1). Some zoning categories have unique parking standards as provided in this section.

(b) Occupancy.

All required parking areas must be completed and landscaped prior to occupancy of any structure, unless an exception is provided by this section.

(c) Calculations of Amounts of Required and Allowed Parking.

(1) When computing parking spaces based on floor area, floor area dedicated for parking is not counted.

(2) The number of parking spaces is computed based on the uses on the site. When there is more than one use on a site, the required or allowed parking for the site is the sum of the required or allowed parking for the individual uses. For joint use parking, required parking shall be calculated as required by this section.

(3) If the maximum number of spaces allowed is less than or equal to the minimum number required, then the maximum number is automatically increased to one more than the minimum.

(4) If the maximum number of spaces allowed is less than one, then the maximum number is automatically increased to one.

(5) When the calculation of required or allowed parking results in a decimal fraction, the number of parking spaces required or allowed is rounded up to the next whole number.
(d) Use of Required Parking Spaces.
Required parking spaces must be available for the use of residents, customers, or employees of the use. Fees may be charged for the use of required parking spaces, except for group living and residential household living uses. Required parking spaces may not be assigned in any way to a use on another site, except for joint parking situations. Required parking spaces must be made available to employees; it cannot be restricted only to customers. Also, required parking spaces may not be used for the parking of equipment, storage of goods, or inoperable vehicles.

(e) Proximity of Parking to Use.
(1) Required parking spaces for all industrial and commercial zones must be located on the site of the use or in parking areas whose closest point is within four hundred feet of the site.

(f) Stacked Parking.
Stacked or valet parking is allowed if an attendant is present to move vehicles. If stacked parking is used for required parking spaces, some form of guarantee must be filed with the City ensuring that an attendant will always be present when the lot is in operation. The requirements for minimum or maximum spaces and all parking area development standards continue to apply for stacked parking.

(g) On-Street Parking.
The minimum number of required parking spaces may be reduced by the number of on-street parking spaces immediately adjacent to a site’s public right-of-way frontages, located on the same side of the street. The street must be paved with sidewalks that are ADA accessible. Each complete twenty linear foot section of right-of-way where parallel parking is permitted is considered a parking space. Where parallel, diagonal, or other on-street parking is marked on the street, or officially designated by other means; the number of complete parking spaces that are adjacent on the same side of the street to the site’s frontage are counted. An on-street parking space shall not be counted if it is restricted in its use as a designated loading, taxi, or other special use zone; or if parking is prohibited for more than five hours during any twenty-four-hour (24 hr.) period.

(h) Curb Cuts.
Curb cuts and access restrictions are regulated by the City Engineer. Other zoning standards or design guidelines may apply.

II. Minimum Required Parking Spaces

(a) Purpose.
The purpose of required parking spaces is to provide enough parking to accommodate the majority of traffic generated by the range of uses, which might locate at the site over time. Bicycle parking may be substituted for some required parking on a site to encourage transit use and bicycling by employees and visitors to the site. The required parking numbers correspond to broad use categories, not specific uses, in response to this long-term emphasis. Provision of carpool parking, and locating it close to the building entrance, will encourage carpool use.

(b) Minimum Number of Parking Spaces Required.
(1) The minimum number of parking spaces for all zones is stated in Table 1.

(2) Joint Use Parking.
Joint use of required parking spaces may occur where two or more uses on the same or separate sites are able to share the same parking spaces because their parking demands occur at different times. Joint use of required nonresidential parking spaces is allowed if the following documentation is submitted in writing to the planning director as part of a building or zoning permit application or land use review:
i. The names and addresses of the uses and of the owners or tenants that are sharing the parking.

ii. The location and number of parking spaces that are being shared.

iii. A parking demand review showing that the peak parking times of the uses occur at different times and that the parking area will be large enough for the anticipated demands of both uses; and

iv. A shared parking agreement filed with the Director of Planning.

(3) Bicycle parking may substitute for up to ten percent of required parking. For every five non-required bicycle parking spaces that meet bicycle parking standards, the motor vehicle parking requirement is reduced by one space. Existing parking may be converted to take advantage of this provision.

(4) Existing Uses.

The off-street parking and loading requirements of this chapter do not apply retroactively to established uses; however:

i. The site to which a building is relocated must provide the required spaces; and

ii. A person increasing the floor area, or other measure of off-street parking and loading requirements, by addition or alteration, must provide spaces as required for the increase, unless the requirement under this subsection is five spaces or fewer.

(5) Change of Use.

When the use of an existing building changes, additional off-street parking and loading facilities must be provided only when the number of parking or loading spaces required for the new use(s) exceeds the number of spaces required for the use that most recently occupied the building. A “credit” is given for the most recent use of the property for the number of parking spaces that would be required by the current parking standards. The new use is not required to compensate for any existing deficit.

i. If the proposed use does not generate the requirement for greater than forty-percent additional parking spaces more than the most recent use, then no additional parking spaces must be added.

ii. For example, a non-conforming building with no off-street parking spaces most recently contained an office use that if built today would require three off-street parking spaces. The use of the building is proposed to be changed to a restaurant that would normally require six spaces. The three spaces that would be required of the existing office use are subtracted from the required number of parking spaces for the proposed restaurant use. The remainder is three spaces. Since the three new spaces is less than five spaces no off-street parking spaces would be required to be installed in order to change the use of the building from an office use to a restaurant use.

(6) Uses Not Mentioned.

In the case of a use not specifically mentioned in this code the requirements for off-street parking shall be determined by the planning director. If there is/are comparable uses, the planning director's determination shall be based on the requirements for the most comparable use(s). Where, in the judgment of the planning director, a use is not incorporated into this code, the planning director may base his or her determination as to the amount of parking required for the proposed use on detailed information provided by the applicant or the Institute of Transportation Engineers Parking Generation Manual. The information required may include, but not be limited to, a description of the physical structure(s), identification of potential users, and analysis of likely parking demand.

III. Maximum Allowed Parking Spaces
(a) Purpose.
Limiting the number of spaces allowed promotes efficient use of land, enhances urban form, encourages use of alternative modes of transportation, provides for better pedestrian movement, and protects air and water quality. The maximum ratios in this section vary with the use the parking is accessory to. These maximums will accommodate most auto trips to a site based on a typical peak parking demand for each use.

(b) Maximum Number of Parking Spaces Allowed.
Standards in a plan district or overlay zone may supersede the standards in this subsection.

   (1) Surface Parking.
       The maximum number of parking spaces allowed is stated in Table 1.
   (2) Structure Parking.
       Parking provided within a building or parking structure is not counted when calculating the maximum parking allowed

IV. Parking Exceptions

(a) In downtown, any new building shall have no parking requirement.

(b) The director may approve ratios that are higher than the maximum or lower than the minimum if sufficient factual data is provided to indicate that a different amount is appropriate. The applicant assumes the burden of proof. Approval of parking above the maximum shall be conditioned upon increasing the amount of required landscaping by thirty percent. Approval of parking below the minimum shall be conditioned upon the project contributing towards a pedestrian and transit supportive environment both next to the immediate site and in the surrounding area. When determining if a different amount of parking is appropriate, the director shall consider the proximity of the site to frequent transit service, the intensity of the zoning designation of the site and surrounding sites, and the character of the proposed use.

(c) If property owners and businesses establish a parking management area program with shared parking agreements, the director may reduce or waive parking requirements.

(d) Shared parking allows a reduction in the total number of required parking spaces when a parcel is occupied by two or more uses which typically do not experience peak parking demands at the same time. When any land or building is used for two or more uses that are listed below, the minimum total number of required parking spaces may be determined by the following procedures:

   (1) Multiply the minimum required parking for each individual use, excluding spaces reserved for use by specified individuals or classes of individuals, by the appropriate percentage listed in Table 2, Shared Parking Table, for each of the designated time periods.
   (2) Add the resulting sum for each of the five vertical columns for the table. The minimum parking requirement is the highest sum resulting from the foregoing addition.
   (3) The maximum reduction under this section shall be 25%, unless land is set aside for each parking space in excess of the 25% reduction that is not constructed, so that they may be constructed should they become necessary.
Table 1

<table>
<thead>
<tr>
<th>RESIDENTIAL LAND USE PARKING STANDARDS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Use Categories</strong></td>
</tr>
<tr>
<td>Group Living</td>
</tr>
<tr>
<td>Dwelling, Residential</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>COMMERCIAL PARKING STANDARDS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Use Categories</strong></td>
</tr>
<tr>
<td>Commercial Outdoor Recreation</td>
</tr>
<tr>
<td>Commercial Parking Lots</td>
</tr>
<tr>
<td>Drive Through Facility</td>
</tr>
<tr>
<td>Major Entertainment Event</td>
</tr>
<tr>
<td>Office</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Quick Vehicle Servicing</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Retail Sales and Service</td>
</tr>
<tr>
<td></td>
</tr>
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<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Mini-storage facilities</td>
</tr>
<tr>
<td>Vehicle Repair</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>INDUSTRIAL PARKING STANDARDS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Use Categories</strong></td>
</tr>
<tr>
<td>Industrial Services, Railroad Yards, Wholesale Sales</td>
</tr>
<tr>
<td>Manufacturing and Production</td>
</tr>
<tr>
<td>Warehouse and Freight Movement</td>
</tr>
</tbody>
</table>
### INSTITUTIONAL USES

<table>
<thead>
<tr>
<th>Use Categories</th>
<th>Land Use Specifically</th>
<th>Minimum Parking</th>
<th>Maximum Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>Basic Utilities</td>
<td></td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>Colleges/Universities</td>
<td>1 per 600 sq. ft. of floor area</td>
<td>1 per 200 sq. ft. of floor area exclusive of dormitories, plus 1 per 2.6 dorm rooms</td>
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</tr>
<tr>
<td>Community Service</td>
<td>1 per 500 sq. ft. of floor area</td>
<td>1 per 200 sq. ft. of floor area</td>
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</tr>
<tr>
<td>Daycare</td>
<td>1 per 500 sq. ft. of floor area</td>
<td>1 per 200 sq. ft. of floor area</td>
<td></td>
</tr>
<tr>
<td>Medical Centers</td>
<td>1 per 500 sq. ft. of floor area</td>
<td>1 per 200 sq. ft. of floor area</td>
<td></td>
</tr>
<tr>
<td>Parks and Open Areas</td>
<td>As determined by Parks Department</td>
<td>As determined by Parks Department</td>
<td></td>
</tr>
<tr>
<td>Religious Institutions</td>
<td>1 per 100 sq. ft. of main assembly area</td>
<td>1 per 60 sq. ft. of main assembly area</td>
<td></td>
</tr>
<tr>
<td>Schools</td>
<td>Elementary, Junior and High</td>
<td>1 per classroom</td>
<td>2.5 per classroom</td>
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</tbody>
</table>

### OTHER CATEGORIES

<table>
<thead>
<tr>
<th>Use Categories</th>
<th>Land Use Specifically</th>
<th>Minimum Parking</th>
<th>Maximum Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Aviation and Passenger Terminals</td>
<td>As determined by Aviation Department</td>
<td>As determined by Aviation Department</td>
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</tr>
<tr>
<td>Essential Public Facilities, including detention facilities.</td>
<td>As determined by the Planning Director</td>
<td>As determined by the Planning Director</td>
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</tr>
<tr>
<td>Wireless Communication Facilities</td>
<td>None</td>
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<td>None</td>
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<tr>
<td>Rail and Utility Facilities</td>
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### Table 2: Shared Parking Table

<table>
<thead>
<tr>
<th>Use</th>
<th>Weekday</th>
<th>Weekend</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Night</td>
<td>Day</td>
</tr>
<tr>
<td></td>
<td>(12AM to 6AM)</td>
<td>(9AM to 4PM)</td>
</tr>
<tr>
<td>Residential</td>
<td>100%</td>
<td>60%</td>
</tr>
<tr>
<td>Office</td>
<td>5%</td>
<td>100%</td>
</tr>
<tr>
<td>Retail / Commercial</td>
<td>5%</td>
<td>70%</td>
</tr>
<tr>
<td>Overnight accommodations</td>
<td>80%</td>
<td>80%</td>
</tr>
</tbody>
</table>
INTRODUCED for First Reading on the ______ day of ___________ 2020. PASSED on
SECOND and FINAL READING on the ______ day of ___________ 2020.

Juan "Trey" Mendez III, Mayor
City of Brownsville, Texas

Attest:

Griselda Rosas, Interim City Secretary

Approved as to form and legality:

"Approved as to Form and Legality
This 30th day of March 2020"

Rene DeCosse, City Attorney
Office of the Brownsville City Attorney
ARTICLE VII. - SUPPLEMENTARY DISTRICT REGULATIONS

Sec. 348-1381. - Off-street parking.

(a) Except as provided in this chapter, no building shall be erected or structurally altered outside downtown nor shall a building permit be issued or granted for such purposes unless off-street parking facilities for vehicles are provided in connection with the use thereof. The minimum number of required parking spaces is specified by this section.

(b) Single-family dwellings: one parking space for each dwelling unit.

(c) Duplex: one parking space for each dwelling unit.

(d) Apartment, to include townhouses and condominiums: two parking spaces for each apartment unit.

(e) Dormitories: one-half parking space for every sleeping room or one parking space for every two sleeping rooms.

(f) Fraternity and sorority houses: the sum of the following:
   (1) One parking space for every room.
   (2) One parking space for the manager.

(g) Hotel and motel: the sum of the following:
   (1) One parking space for every bedroom.
   (2) Eleven-twentieths parking space for every employee.

(h) Clubs and lodges: 0.71 parking space for every 100 square feet of gross floor area.

(i) Trailer courts and mobile homes parks: 1.23 parking spaces for every mobile home or trailer unit space.

(j) Tourist home, cabin: one parking space per sleeping room.

(k) Country club or golf club: one parking space for every two members.

(l) Office buildings, banks, business and professional services: the sum of the following:
   (1) One-third parking space for every 100 square feet of gross floor area.
   (2) Fifty-six hundredths parking space for every employee.
   (3) One parking space for every 12 auditorium seats.

(m) Retail stores and personal services: the sum of the following:
   (1) Three-tenths parking space for every 100 square feet above and beyond 1,000 square feet of nonstorage area.
   (2) One space for every employee.

(n) Furniture or appliance store, hardware store, wholesale establishment, machinery or equipment sales and service, clothing or shoe repair or service shop; the sum of the following:
   (1) Two parking spaces for building area up to 1,000 square feet.
   (2) One parking space for every 300 square feet thereafter.

(o) Establishment handling sale and consumption on the premises of alcoholic beverages, food or refreshments, or similar recreation or amusement establishment: one parking space for every 100 square feet of building area.

(p) Bowling alley: four parking spaces for every bowling lane.
(q) Mortuary and funeral home: the sum of the following:
   (1) Twenty-five parking spaces for every chapel or parlor.
   (2) One parking space for every vehicle maintained on the premises.
   (3) One parking space for every family residing on the premises.

(r) Vehicle sales or rental: 1.1 parking spaces for each vehicle available for sale or rental on the premises.

(s) Hospitals: the sum of the following:
   (1) One parking space for every bed.
   (2) One parking space for every staff doctor and visiting doctor.
   (3) One parking space for every two employees.

(t) Sanitarium, convalescent homes, home for the aged, or similar institution: one parking space for every six beds.

(u) Medical and dental buildings: the sum of the following:
   (1) Three parking spaces for building area up to 1,000 square feet.
   (2) One parking space for every 200 square feet over and above such 1,000 square feet of building area.

(v) Printing or plumbing shop or similar service establishment: one parking space for every three employees.

(w) Manufacturing and industrial establishment, research or testing laboratory, creamery, bottling plant, warehouse, or similar establishment: one parking space for every two employees. In case of shifts, the standard shall be the maximum number of employees per shift.

(x) School for grades K through eight: one parking space for every 1,000 square feet of gross floor area.

(y) School for grades nine through 12 or higher: 2.5 spaces for every 1,000 square feet of gross floor area.

(z) Church or temple: one parking space shall be required for every five seats.

(aa) Community center, museum or art gallery: ten parking spaces for the first 2,000 square feet of building area and one parking space for every 300 square feet over and above such 2,000 square feet of building area.

(bb) Auditoriums and theaters, except schools: one parking space for every four seats.

(cc) Sports arena, stadium, or gymnasium: one parking space for every four seats.

(dd) Dancehall, assembly, or exhibit hall: one parking space for every 100 square feet of floor space.

(ee) Transportation terminals (collection, transfer and distribution of traffic): the sum of the following:
   (1) Seventy-two-hundredths parking space per 100 square feet of waiting area.
   (2) Forty-five-hundredths space per employee.

(ff) Gaming-device amusement arcade: One of the following three alternatives chosen by the applicant:
   (1) For each gaming device, 0.5 parking space; or
   (2) For every 50 square feet of gross floor area, one parking space; or
(3) The number of parking spaces required by the approved class L permit for such use.

### Executive Session (City Attorney Only)

<table>
<thead>
<tr>
<th>Time Needed:</th>
<th>Action Item:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Time Needed:</td>
<td>Time Needed:</td>
</tr>
</tbody>
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### Agenda

- [✓] Public Hearing
- [✓] First Reading
- [ ] Contract
- [ ] Grant
- [ ] Action
- [ ] Consent

### Ordinance

- [✓] First Reading
- [ ] Second Reading

### Information: Please include additional information/request.

PUBLIC HEARING and ACTION on FIRST READING on ORDINANCE NUMBER 2020-235.94: To amend the Code of Ordinances, Chapter 348-Zoning, Art. IV-Use Districts, by adding Sec. 348-126.-Use District Exemptions to Div. 1-Generally; and by repealing Div. 5-Professional Office Use District (1C), Div. 6-Light Retail Use District (2C), Div. 7-Medium Retail Use District (3C), Div. 8-General Retail Use District (4C); and by repealing and replacing Div. 9-Light Commercial Use District (5C) and Div. 10-Medium Commercial Use District (6C) to create a newly established Div. 9-Light Commercial District (C-1) and Div. 10-Heavy Commercial District (C-2); and dealing with related matters.

### Reviewing Departments: Please review and forward to the next reviewing department in a timely manner.

<table>
<thead>
<tr>
<th>City Attorney</th>
<th>Date Reviewed:</th>
<th>By:</th>
</tr>
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<tbody>
<tr>
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<thead>
<tr>
<th>Finance Department</th>
<th>Date Reviewed:</th>
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<tr>
<td></td>
<td>Comments:</td>
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### City Commission

<table>
<thead>
<tr>
<th>Approved:</th>
<th>Yes</th>
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</tr>
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<tbody>
<tr>
<td>Date:</td>
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### Assistant City Manager

<table>
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<tr>
<th>Approved:</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
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<td></td>
</tr>
<tr>
<td>Date:</td>
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<td></td>
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### Deputy City Manager

<table>
<thead>
<tr>
<th>Approved:</th>
<th>Yes</th>
<th>No</th>
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<tr>
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<td></td>
<td></td>
</tr>
<tr>
<td>Date:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### City Manager's Approval

| Signature: | Date: |

Revised 3/2019
To: Mayor and City Commission

Through: Noel Bernal, City Manager

From: Rick Vasquez, Planning & Redevelopment Department Director

Date: April 7, 2020

RE: PUBLIC HEARING and ACTION on ORDINANCE No. 2020-235.94

Purpose
In order to provide more flexibility for the operation of businesses and to provide for orderly development of the community, staff proposes the following amendment to the City of Brownsville Code of Ordinances, Chapter 348.-Zoning, Article IV-Use Districts. This amendment consists of the consolidation of existing Commercial Use Districts along with exempting these from requirements within Article V.-Area Districts.

Commercial Use Districts
The consolidation of use districts consists of incorporating Professional Office (1C), Light Retail (2C), Medium Retail (3C), and General Retail (4C) into a new commercial category titled Light Commercial District (C-1), and incorporating Light Commercial (5C) and Medium Commercial (6C) into a new commercial category titled Heavy Commercial District (C-2). The uses permitted within existing use districts will be permitted in the proposed consolidated categories respectively.

<table>
<thead>
<tr>
<th>Current Use Districts (Chapter 348, Divisions 5 through 8)</th>
<th>Proposed Consolidation</th>
<th>Current Use District (Chapter 348, Division 9 and 10)</th>
<th>Proposed Consolidation</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Professional Office (1C)</td>
<td>Light Commercial District (C-1)</td>
<td>• Light Commercial (5C)</td>
<td>Heavy Commercial District (C-2)</td>
</tr>
<tr>
<td>• Light Retail (2C)</td>
<td></td>
<td>• Medium Commercial (6C)</td>
<td></td>
</tr>
<tr>
<td>• Medium Retail (3C)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• General Retail (4C)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The proposed categories as well as the existing Apartment use district will be exempt from requirements within Article V.-Area Districts. Article V requirements such as construction setbacks, height, and density will be controlled by building code requirements including landscaping, parking, fire code regulations, turnarounds, etc. This will streamline development and prevent delays by eliminating the need to rezone properties just for an area district change (to reduce setbacks), or for a change in use district to accommodate a use that may be allowed in a (3C) category but not in a (2C). On average, this amendment could reduce the development process up to 45 days. (See attached Exhibit “A” – Existing Ordinance being amended and Proposed Ordinance 2020-235.94)

Recommendation
There was no written or verbal opposition at the Planning and Zoning Commission Meeting on March 5, 2020. Planning and Zoning Commission approves this amendment to Chapter 348.-Zoning, Article IV-Use Districts regarding commercial use district consolidation and streamlining.

This item was presented as a work session item on March 17, 2020 at City Commission.
AN ORDINANCE OF THE BROWNSVILLE CITY COMMISSION, AMENDING THE CODE OF ORDINANCES, CHAPTER 348-ZONING, ART. IV-USE DISTRICTS, BY ADDING SEC. 348-126. – USE DISTRICT EXEMPTIONS TO DIV. 1-GENERALLY; AND BY REPEALING DIV. 5-PROFESSIONAL OFFICE USE DISTRICT (1C), DIV. 6-LIGHT RETAIL USE DISTRICT (2C), DIV. 7-MEDIUM RETAIL USE DISTRICT (3C), DIV. 8-GENERAL RETAIL USE DISTRICT (4C); AND BY REPEALING AND REPLACING DIV. 9-LIGHT COMMERCIAL USE DISTRICT (5C) AND DIV. 10-MEDIUM COMMERCIAL USE DISTRICT (6C) TO CREATE A NEWLY ESTABLISHED DIV. 9-LIGHT COMMERCIAL DISTRICT (C-1) AND DIV. 10-HEAVY COMMERCIAL DISTRICT (C-2); AND DEALING WITH RELATED MATTERS.

WHEREAS, this amendment will consolidate former use districts 1C, 2C, 3C, and 4C into Light Commercial District (C-1); and,

WHEREAS, this amendment will consolidate former use districts 5C and 6C into Heavy Commercial District (C-2); and,

WHEREAS, Apartment Use District, Light Commercial District (C-1), and Heavy Commercial District (C-2) will be exempt from area district requirements; and,

WHEREAS, the Planning and Zoning Commission has reviewed and recommended approval of the proposed amendment; and,

WHEREAS, this amendment will provide more flexibility for the operation of businesses throughout the City of Brownsville; and,

WHEREAS, this amendment will provide for orderly development of the community.

NOW, THEREFORE, BE IT ORDAINED by the City of Brownsville, as follows:

PART I. That Chapter 348-Zoning, Article IV-Use Districts, Division 1-Generally is hereby amended by adding Section 348-126. – Use District Exemptions, to read as follows:

Sec. 348-126. – Use District Exemptions

(1) Division 4 – Apartment Use District (A) shall be exempt from all regulations established in Chapter 348-Zoning, Article V-Area Districts.

(2) Division 9 – Light Commercial District (C-1), formerly 1C, 2C, 3C, and 4C use districts, shall be exempt from all regulations established in Chapter 348-Zoning, Article V.-Area Districts.

(3) Division 10 – Heavy Commercial District (C-2), formerly 5C and 6C use districts, shall be exempt from all regulations established in Chapter 348-Zoning, Article V.-Area Districts.

Sec. 348-127. – 348-155. - Reserved

PART II. That Chapter 348-Zoning, Article IV-Use Districts is hereby amended by repealing Division 5-Professional Office Use District (1C); Division 6-Light Retail Use District (2C); Division 7-
Medium Retail Use District (3C); and Division 8-General Retail Use District (4C), Sections 348-251 through 348-370, to read as follows:

**Sec. 348-251. – 348-370. - Reserved**

**PART III.** That Chapter 348-Zoning, Article IV-Use Districts is hereby amended by repealing and replacing Division 9-Light Commercial Use District (5C), Sections 348-371 through 348-400, to read as follows:

**Division 9. – Light Commercial District (C-1)**

**Sec. 348-371. – Applicability**

This division shall consolidate and allow all uses within commercial use districts formerly known as Professional Office (1C), Light Retail (2C), Medium Retail (3C), and General Retail (4C) and shall apply only to property lying wholly or partly within the boundaries of a Light Commercial District (C-1).

**Sec. 348-372. – Permitted Uses**

In a Light Commercial District (C-1), permitted uses are as follows:

1. Antique/Vintage Shop – Sale of non-clothing items
2. Auto Services – Drive Through/Quick Service
3. Apartments/senior care/living facilities
4. Bars/night-clubs (Must meet TABC spacing requirements)
5. Car Wash Full Service
6. Churches
7. Commercial
8. Commercial Amusement/Major Event Entertainment
9. Day Care
10. Farmers Market
11. Flea Market-Indoor
12. Funeral Home
13. Food Park
14. Gun Range/Sales Indoor
15. Hospitals/Labs/Clinics
16. Indoor Storage
17. Kiosks ATM/water/ice
18. Schools/daycare/adult care
19. Lodging
20. Micro Brewery
21. Nursery
22. Offices
23. Personal Services
24. Professional Offices
25. Public Facilities/Utilities
26. Restaurants
(27) Single-Family Homes
(a) New single-family subdivisions are excluded from this Section
(b) The following minimum setbacks shall be established for this use:
   i. Front – 25 feet
   ii. Side – 3.5 feet
   iii. Rear – 3.5 feet

(28) Temporary Building/Office
(29) Theater
(30) Transportation Terminal
(31) Watercraft Sales
(32) Zoo; and,
(33) Any use related to the aforementioned with the discretion of the Director of the Planning and Redevelopment Department.

Sec. 348-373. – 348-400. - Reserved

PART IV. That Chapter 348-Zoning, Article IV-Use Districts is hereby amended by repealing and replacing Division 10-Medium Commercial Use District (6C), Sections 348-401 through 348-430, to read as follows:

Division 10. – Heavy Commercial District (C-2)

Sec. 348-401. – Applicability

This division shall consolidate and allow all uses within commercial use districts formerly known as Light Commercial (5C) and Medium Commercial (6C) and shall apply only to property lying wholly or partly within the boundaries of a Heavy Commercial District (C-2).

Sec. 348-402. – Permitted Uses

In a Heavy Commercial District (C-2), permitted uses are as follows:

(1) Auto Sales (New Vehicles)
(2) Auto Repair (Heavy)
(3) Car Wash Self Service
(4) Freight Terminals
(5) Impound Lot/Wrecker Service; and,
(6) Any use related to the aforementioned with the discretion of the Director of the Planning and Redevelopment Department.

Sec. 348-403. – Conditional Uses

In a Heavy Commercial District (C-2), conditional uses are as follows and are subject to the following conditions: Commercial structures/buildings must have a minimum distance of 40 feet from all structures used as single family dwellings; this distance shall be measured at the closest points between structures.

(1) Pawn Shops – may not be located within ½ of a mile of an existing pawn shop
(2) Plasma Center – may not be located within 1 mile of an existing plasma center
(3) Sale/Rental Commercial Vehicles: 100 feet of frontage on any of the following thoroughfares:
(a) East 14th ST. (north of Expressway 77/83).
(b) Southmost Road (from East 14th ST. to Tulipan ST.)

Sec. 348-404. – Specific Use Permits

The following uses shall require a Specific Use Permit and are subject to the conditions established by Chapter 348-Zoning, Article VIII – Specific Use Permits.

(1) Car Title Lenders
(2) Cell Communication Infrastructure (Wireless Communication Facility)
(3) Check Cashing Office
(4) Flea Market Outdoor
(5) Manufactured Home Sales Lot
(6) Money Exchange
(7) Outdoor Public Storage
(8) Pay-day Loan Office, loan agency, personal and installment loan agencies.
(9) Ropa Usada/Used Clothing-Retail/Bulk Apparel

(a) Prohibited within the Downtown Overlay District

(10) Sexually Oriented Businesses
(11) Special Event Halls, Ball Rooms, Salons
(12) Used Car Sales
(13) Any use related to the aforementioned with the discretion of the Director of the Planning and Redevelopment Department.

Sec. 348-405. – 348-430. - Reserved

INTRODUCED for First Reading on the_____ day of_____________ 2020. PASSED on SECOND
and FINAL READING on the_____ day of_____________ 2020.

____________________________________
Juan “Trey” Mendez III, Mayor
City of Brownsville, Texas

Attest:

____________________________________
Griselda Rosas, Interim City Secretary

Approved as to form and legality:

____________________________________
Rene De Coss, City Attorney
ARTICLE IV. - USE DISTRICTS

DIVISION 1. - GENERALLY

Secs. 348-126—348-155. - Reserved.

DIVISION 2. - DWELLING USE DISTRICT (D)

Sec. 348-156. - Permitted uses.

(a) In a Dwelling use district no building or premises shall be used and no building shall be erected or structurally altered which is arranged or designed to be used for other than one or more of the following uses:

1. One-family dwelling; two-family dwelling, provided it meets area district requirements.
2. "Church," "school" or college; library; hospital.
3. "Private club," excepting a club, the chief activity of which is a service customarily carried on as a business.
4. Public park or playground; golf course, excepting a miniature golf course, where a fee is charged for playing; public recreation building; public museum; community building; fort.
5. Telephone exchange, providing no business office and no "storage" facilities are maintained; fire station; irrigation canal; water pump.
6. Water supply reservoir; filter bed; tank or tower; artesian well.
7. Railroad passenger station or right-of-way, but not including railroad yards.
8. Farming, truck gardening; citrus orchard, nursery or greenhouse, providing no sales office is maintained.
9. "Residential vehicle sales."
10. Uses customarily incident to any of the uses in this subsection when located upon the same lot and not involving the conduct of a business, including a customary home occupation engaged in by the occupants of the dwelling on the premises, and including the office of a "professional" person when situated in the same dwelling used by such professional person as his private dwelling; and the sale of fruit, flowers or vegetables, provided no structure is maintained for such purpose.

(b) No commercial or other advertising "sign" shall be permitted as an "accessory" use, except that a professional person may display a nameplate not exceeding one square foot in area containing the name and occupation of the resident, and excepting a sign not exceeding eight square feet in area pertaining to the lease, hire or sale of a building or premises or to activities contained in public or semipublic buildings.

(Code 1971, app. B, § 3; Ord. No. 87-235.12, § 7, 7-7-1987; Ord. No. 89-235.18, § 9, 1-17-1989; Ord. No. 2016-235.84, pt. 2, 7-5-2016)

Secs. 348-157—348-185. - Reserved.

DIVISION 3. - DWELLING/RETAIL USE DISTRICT (DR)

Sec. 348-186. - Applicability.
This division shall apply only to property lying wholly or partly within the boundaries of a Dwelling/retail use district.

(Code 1971, app. B, § 3.5; Ord. No. 235.4, § 1, 5-12-1981; Ord. No. 235.8, §§ 1, 2, 6-3-1986; Ord. No. 87-235.10, § 5, 3-3-1987)

Sec. 348-187. - Permitted uses.

In a Dwelling/retail use district, permitted uses are as follows:

(1) Any use or accessory use permitted in a Dwelling use district.

(2) Required off-street parking to serve the premises.

(Code 1971, app. B, § 3.5(a); Ord. No. 235.4, § 1, 5-12-1981; Ord. No. 235.8, §§ 1, 2, 6-3-1986; Ord. No. 87-235.10, § 5, 3-3-1987)

Sec. 348-188. - Conditional uses.

In a Dwelling/retail use district, conditional uses are as follows:

(1) Retail florist shop; on-premises storage or "manufacture" of groceries, foods, or beverages for retail sale on the premises but not for on-premises consumption; all subject to the following conditions:
   a. The lot, any outdoor lighting, and all structures shall have a residential appearance;
   b. The use shall be entirely contained within one or more buildings and shall be owned and operated by persons residing on the same lot;
   c. There shall be no drive-up window or curb service; and
   d. The maximum "gross floor area" on the premises occupied by business-related uses shall not exceed the following:
      1. Seven hundred square feet if the premises "front on" a road right-of-way that is at least 70 feet wide;
      2. Four hundred square feet if fronting on one that is at least 60 feet wide;
      3. Two hundred square feet if fronting on one that is at least 50 feet wide;
      4. One hundred square feet if fronting on one that is at least 40 feet wide; and
      5. Zero if fronting on one that is less than 40 feet wide.

(2) Karate/judo school, subject to subsection (1)a through (1)c of this section and the additional condition that the maximum gross floor area on the premises occupied by business-related uses shall not exceed 1,600 square feet and the premises shall front on an "arterial" or "collector."

(3) Permanent signs, subject to the condition that permanent signs shall pertain to the occupancy of the building, shall be mounted flat against the building, shall not exceed ten square feet per lot, and shall not be artificially illuminated.

(4) Other accessory uses, subject to the condition that the accessory use shall not pose a hazard to the community and shall not provide any external evidence of its existence.

(5) "Wet store," subject to subsection (1)a through (1)d of this section and the following additional conditions:
   a. The premises shall front on an existing arterial or collector; and
b. The premises shall nowhere be within a radius of 200 feet from public school property.

(6) Mobile food vendor base, subject to subsection (1)a, (1)c, and (1)d of this section and all of the following additional conditions:
   a. The use shall be owned and operated exclusively by persons residing on the same lot.
   b. The number of mobile food vending units associated with such lot shall be limited to one.
   c. The mobile unit shall leave such lot no more than three times and return to such lot no more than three times in any 24-hour period.
   d. The mobile unit shall not be moved or serviced at such lot from 9:00 p.m. to 6:00 a.m.
   e. The mobile unit shall be parked in a closed garage or parked as far away from streets as possible.
   f. Persons residing on such lot shall not allow any of their vehicles, including but not limited to family car, mobile unit, boat trailer, to be parked on a public sidewalk or inside any road right-of-way in conjunction with either the residential or nonresidential use of such lot. Such lot shall contain a paved area large enough to park at least three of such vehicles without extending into any road right-of-way. The paved area shall consist of concrete or asphalt, may be indoors or outdoors, and shall be connected to the road right-of-way by a paved driveway.
   g. When the mobile unit is parked at such lot, screening, such as a garage or vegetation, shall be used so that no sign on the unit is visible outside such lot.

(7) Dried food manufacture, subject to subsection (1)a through (1)d of this section and the following additional conditions:
   a. The maximum gross floor area on the premises occupied by business-related uses shall not exceed 500 square feet; the premises shall front on a street right-of-way that is at least 50 feet wide; all of the premises shall be within 700 feet of Expressway 77/83.
   b. There shall be no exterior signage. Outdoor refuse containers for the residence and business shall be limited to a total of three and shall be of the standard residential size and design. All food-drying fuel tanks shall be screened from public view. The business shall not be open to employees or deliveries at any time from 9:00 p.m. to 7:00 a.m.
   c. Incoming food deliveries shall be limited to a maximum of 2,000 pounds per week and shall be transported in vehicles no larger than a 2.5-ton truck with two axles and six tires.
   d. The maximum number of outgoing product deliveries from the site shall be three per week. Vehicles used for such deliveries shall be limited to unmarked vans or cars. All products shall be in individual packages containing no more than one pound each and being marked as "Texas inspected and passed."
   e. The use shall not pose a hazard or nuisance to the community.

(CODE 1971, APP. B, § 3.5(b); ORD. NO. 235.4, § 1, 5-12-1981; ORD. NO. 235.8, §§ 1, 2, 6-3-1986; ORD. NO. 87-235.10, § 5, 3-3-1987; ORD. NO. 95-235.26, PT. 1, 11-28-1995; ORD. NO. 99-235.45, PT. 1, 3-16-1999)

SEC. 348-189. - PROHIBITED USES.

IN A DWELLING/RETAIL USE DISTRICT, PROHIBITED USES ARE CAR TITLE LOAN BUSINESSES, CHECK CASHING BUSINESSES, DELIVERY SERVICES, AND PAYDAY ADVANCE OR LOAN BUSINESSES.

(CODE 1971, APP. B, § 3.5(c); ORD. NO. 235.4, § 1, 5-12-1981; ORD. NO. 235.8, §§ 1, 2, 6-3-1986; ORD. NO. 87-235.10, § 5, 3-3-1987; ORD. NO. 2010-1521, § 2, 1-26-2010)
DIVISION 4. - APARTMENT USE DISTRICT (A)

Sec. 348-216. - Permitted uses.

In an Apartment use district no building or premises shall be used and no building shall be erected or structurally altered which is arranged or designed to be used for other than one or more of the following uses:

1. A use permitted in a Dwelling use district.
2. "Hotel" or "apartment house," provided no goods, wares or merchandise are offered for sale to the general public, and there shall be no shops, stores or display windows in the exterior of the building, it being the purpose of this subsection that any goods, wares or merchandise offered for sale shall be so offered in the lobby or foyer of such hotel or apartment house for the convenience of the occupants thereof only.
3. "Boardinghouse" or "lodging house;" "tourist camp," provided no goods or materials of any sort are sold on the premises.
4. Institution of an educational or philanthropic nature, other than a penal or correctional institution.
5. Uses customarily incident to any of the uses in this section when located upon the same lot and not involving the conduct of a business, including a customary home occupation engaged in by the occupants of the dwelling on the premises and including the office of a professional person when situated in the same dwelling used by such professional person as his private dwelling; and the sale of fruit, flowers or vegetables, provided no structure is maintained for such purpose. No commercial or other advertising sign shall be permitted as an accessory use, except that a professional person may display a nameplate not exceeding one square foot in area containing the name and occupation of the resident and excepting a sign not exceeding eight square feet in area pertaining to the lease, hire or sale of a building or premises or to activities contained in public or semipublic buildings.

(Code 1971, app. B, § 4; Ord. No. 87-235.12, § 6, 7-7-1987)

Sec. 348-217. - Prohibited uses.

Prohibited uses in an Apartment use district are car title loan businesses, check cashing businesses, and payday advance or loan businesses.

(Ord. No. 2010-1521, § 3, 1-26-2010)

Secs. 348-218—348-250. - Reserved.

DIVISION 5. - PROFESSIONAL OFFICE USE DISTRICT (1C)[4]

Footnotes:

--- (4) ---

Cross reference— Businesses, ch. 22.
Sec. 348-251. - Applicability.

This division shall apply only to property lying wholly or partly within the boundaries of a Professional Office use district.


Sec. 348-252. - Permitted uses.

In the Professional Office use district, permitted uses are as follows:

1. One-family dwelling; apartment house.
2. Church; day care center; private school limited to grades K-12.
3. Public school; public college; public library; city park; fire station.
4. Residential vehicle sales.
5. Required off-road parking to serve the premises.


Sec. 348-253. - Conditional uses.

In the Professional Office use district, conditional uses are as follows:

1. "Office," subject to the following conditions:
   a. If the office provides services to persons visiting the premises, such services shall be of a professional nature;
   b. The lot, any outdoor lighting, and all structures shall have a residential appearance, with at least 95 percent of all visible walls and roofs being made of brick, lumber, glass, stone, stucco over masonry, or roof tiles or shingles; and
   c. No off-road parking shall be provided in the required front, rear, or side yard.

2. Signs, subject to the following conditions:
   a. Temporary signs shall pertain to the sale or rental of the premises and shall not exceed eight square feet in total area; and
   b. Permanent signs shall pertain to the occupancy of the building; shall not be artificially illuminated; shall have a total area per lot of not more than 0.4 square feet for each linear foot of the front line of the lot; and shall either be mounted flat against the building or be no further than five feet from the building, no higher than five feet above the natural grade of the lot, and parallel to the building.

3. Other accessory uses, subject to the condition that the accessory use shall not pose a hazard to the community and shall not provide any external evidence of its existence.

(Code 1971, app. B, § 4.6(b); Ord. No. 89-235.18, § 7, 1-17-1989; Ord. No. 2001-235.49, pt. 2(4.6), 4-24-2001)

Sec. 348-254. - Prohibited uses.
In the Professional Office use district, prohibited uses are as follows:

1. Hospital; clinic operated by more than two professionals; veterinary office.
2. "Group quarters."
3. Financial institution.
4. "Delivery service."
5. On-premises sale, rental, or manufacture of goods, except as permitted by section 348-253(3).
6. Car title loan businesses, check-cashing businesses, and payday advance or loan businesses.


Secs. 348-255—348-280. - Reserved.

DIVISION 6. - LIGHT RETAIL USE DISTRICT (2C)

Footnotes:

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Cross reference—Businesses, ch. 22.
Sec. 348-281. - Applicability.

This division shall apply only to property lying wholly or partly within the boundaries of a Light Retail use district.


Sec. 348-282. - Permitted uses.

In the Light Retail use district, permitted uses are as follows:

1. One-family dwelling; apartment house.
2. Church; day care center; private school limited to grades K-12.
3. Public school; public college; public library; city park; fire station.
4. Residential vehicle sales.
5. Required off-road parking to serve the premises.


Sec. 348-283. - Conditional uses.

In the Light Retail use district, conditional uses are as follows:
(1) Conditional uses, subject to the following conditions:
   a. The lot, any outdoor lighting, and all structures shall have a residential appearance, with at least 95 percent of all visible walls and roofs being made of brick, lumber, glass, stone, stucco over masonry, or roof tiles or shingles;
   b. The use shall not be located in the required front yard or side yard;
   c. The maximum gross floor area on the premises occupied by nonresidential uses shall not exceed 3,000 square feet; and
   d. No business, other than a "bed and breakfast," shall be open to the public at any time from 2:00 a.m. to 7:00 a.m.

(2) Other school, except karate/Judo school.

(3) Other "nonprofit organization."

(4) Bed and breakfast.

(5) Office.

(6) "Personal service outlet."

(7) Retail sale of new office equipment, furniture, or supplies.

(8) Retail sale of new "household items."

(9) Retail sale of nonalcoholic beverages or food for off-premises consumption.

(10) Wet store, subject to the additional conditions set forth in section 348-343(4).

(11) "Dry restaurant."

(12) "Wet restaurant," subject to the additional conditions set forth in section 348-343(5).

(13) Signs, subject to the additional condition that permanent signs shall pertain to the occupancy of the building and shall not be artificially illuminated after business hours.

(14) Other accessory uses, subject to the additional condition that the accessory use shall not pose a hazard to the community and shall not provide any external evidence of its existence.

(Code 1971, app. B, § 4.8(b); Ord. No. 89-235.18, § 6, 1-17-1989; Ord. No. 2001-235.49, pt. 2(4.8(B)), 4-24-2001)

Sec. 348-284. - Prohibited uses.

In the Light Retail use district, prohibited uses are as follows:

(1) Hospital; clinic operated by more than four professionals; veterinary office.

(2) Group quarters.

(3) "Money exchange business."

(4) Fast-food, quick-print, quick-photo, or similar business.

(5) For-profit sale of any used or secondhand item.

(6) For-profit sale, repair, painting, washing, parking, or other servicing of vehicles, trailers, tires, parts, oil, fuel, or similar items.

(7) Delivery service, drive-up window, curb service, or heliport.

(8) Sale of firewood, major appliances, or building materials.
Amusement arcade, appliance repair, gym, laundromat, dry cleaner, “miniwarehouse,” mortuary, or "sexually oriented business."

On-premises rental, lease, or manufacture of goods, except as permitted by section 348-283(14).

Car title loan businesses, check cashing businesses, and payday advance or loan businesses.


Sec. 348-285. - Landscaping.

In the Light Retail use district, landscaping shall be provided as follows:

1. At least 20 percent of the required "front yard" shall be landscaped.

2. The area between the road pavement and the "lot line" shall not be paved, except for permitted driveways, sidewalks, curbs, or roads.


Secs. 348-286—348-310. - Reserved.

DIVISION 7. - MEDIUM RETAIL USE DISTRICT (3C)

Footnotes:

--- (6) ---

Cross reference— Businesses, ch. 22.

Sec. 348-311. - Applicability.

This division shall apply only to property lying wholly or partly within the boundaries of a Medium Retail use district.


Sec. 348-312. - Permitted uses.

In a Medium Retail use district, permitted uses are as follows:

1. One-family dwelling; apartment house.

2. Church; day care center; private school limited to grades K-12.

3. Public school; public college; public library; city park; fire station.

4. Residential vehicle sales.
Sec. 348-313. - Conditional uses.

In a Medium Retail use district, conditional uses are as follows, subject to the condition that the maximum gross floor area on the premises occupied by nonresidential uses shall not exceed 10,000 square feet.

(1) Other school.
(2) Other nonprofit organization.
(3) Hotel; motel; tourist camp; boardinghouse or lodging house.
(4) Office.
(5) Personal service outlet.
(6) Retail sale of new office equipment, furniture, or supplies.
(7) Retail sale of new household items.
(8) Retail sale of nonalcoholic beverages or food for off-premises consumption.
(9) Wet store, subject to the additional conditions set forth in section 348-343(4).
(10) Dry restaurant.
(11) Wet restaurant, subject to the additional conditions set forth in section 348-343(5).
(12) Signs, subject to the additional condition that permanent signs shall pertain to the occupancy of the building.
(13) Other accessory uses, subject to the additional condition that the accessory use shall not pose a hazard or nuisance to the community.

Sec. 348-314. - Prohibited uses.

In a Medium Retail use district, prohibited uses are as follows:

(1) Hospital; veterinary offices.
(2) Group quarters.
(3) Money exchange business.
(4) For-profit sale of any used or secondhand item, other than antique store.
(5) For-profit sale, repair, painting, washing, or parking of: vehicles, trailers, tires, or parts.
(6) Heliport.
(7) Sale of building materials.
(8) Amusement arcade, appliance repair, miniwarehouse, mortuary, or sexually oriented business.
(9) On-premises rental, lease, or manufacture of goods, except as permitted by section 348-313(14).
(10) Car title loan businesses, check cashing businesses, and payday advance or loan businesses.


Secs. 348-315—348-340. - Reserved.

DIVISION 8. - GENERAL RETAIL USE DISTRICT (4C)

Footnotes:
--- (7) ---

Cross reference— Businesses, ch. 22.

Sec. 348-341. - Applicability.

This division shall apply only to property lying wholly or partly within the boundaries of a General Retail use district.


Sec. 348-342. - Permitted uses.

In a General Retail use district, permitted uses are as follows:

(1) Any use or accessory use permitted in a Light Retail or Medium Retail use district.
(2) On-premises sign.
(3) Bank, hotel, office, studio; retail nursery, retail greenhouse; ice delivery station; electric substation.
(4) Dry restaurant; theater; miniature golf course; tourist camp.
(5) Mortuary.
(6) On-premises or off-premises parking of passenger vehicles by customers or employees of any premises.
(7) Amusement arcade with no more than five gaming devices per building.


Sec. 348-343. - Conditional uses.

In a General Retail use district, conditional uses are as follows:

(1) Pressing, dry cleaning, or dyeing establishment, subject to the condition that no more than ten people shall be employed on the premises.
(2) Gasoline filling station; tire repair or battery shop; "public garage;" all subject to the condition that the use’s property line shall be no closer than 300 feet to each property line of any college, school, church, hospital, public park, or public playground.

(3) Veterinary clinic, subject to the following conditions:
   a. The use shall be entirely contained within soundproofed buildings equipped with complete odor-control and sanitation facilities; and
   b. Services shall be provided only for small animals such as dogs and cats.

(4) Wet store, subject to the following conditions:
   a. The premises shall front on an existing arterial or collector; and
   b. The premises shall nowhere be within a radius of 200 feet from public-school property.

(5) Wet restaurant, subject to the following conditions:
   a. The premises shall nowhere be within a radius of 200 feet from public-school property; and
   b. The premises shall be inside downtown or shall be an "existing heritage site" or front on any of the following "thoroughfares":
      1. East 14th ST.
      2. Expressway 77/83.
      3. FM 511 (from SH 48 to Charmaine RD).
      4. Mexico ST.
      5. Central BLVD (from Jefferson ST to FM 802).
      6. FM 802 (from Weslaco RD to Dana AVE).
      7. International BLVD (from Southmost RD to Jackson ST).
      8. Paredes Line RD (from Price RD to Boca Chica BLVD).
      9. East Elizabeth ST (from International BLVD to Ringgold RD).
     10. Billy Mitchell BLVD (from Iowa AVE to eastern end).
     11. Old Port Isabel RD (eastern side from Robin Hood DR to East Price RD).
     12. Old Port Isabel RD (western side from Columbus DR to Price RD).
     13. East 7th ST (from Expressway 77/83 to Jackson ST).
     14. East 6th ST (from Ringgold ST to Jackson ST).
     15. Southmost RD (from International BLVD to Esperanza RD).
     16. West Price RD (from Central BLVD to Barnard RD).
     17. Price RD (from Paredes Line RD to Old Alice RD).
     18. Sam Perl BLVD.
     19. Palm BLVD (from Calle Retama to railroad north of Belvedere).
     20. Boca Chica BLVD (south side from Reina Esther to Expressway 77/83).
     22. Paredes Line RD (from Old Coffee Port RD to Avenida Gregory).
     23. Old U.S. 77 (from Morrison RD to Expressway 77/83).
25. Hudson BLVD (from FM 802 to Resaca Calmada).

(6) Bar, subject to the following conditions:
   a. The premises shall nowhere be within a radius of 400 feet from public-school property or "charity" property; and
   b. The premises shall front on an arterial where both sides of the arterial are zoned to General Retail "H" or less restrictive classification, with such arterial being limited to any of the following:
      1. East 14th ST (from Lincoln ST to FM 802).
      2. Expressway 77/83 (from Boca Chica BLVD to McAllen RD [Morrison RD]).
      3. Boca Chica BLVD (from Expressway 77/83 to Reina Esther).
      4. Mexico ST (from Palm BLVD to eastern end).
      5. Central BLVD (from Los Ebanos BLVD to FM 802).
      6. FM 802 (from Central BLVD to Dana AVE).
      8. Paredes Line RD (from Boca Chica BLVD to Los Ebanos BLVD).
      9. East Elizabeth ST (from International BLVD to Ringgold RD).
     10. Billy Mitchell BLVD (from Iowa AVE to eastern end).

(7) Money exchange business, subject to the condition that the premises shall be inside downtown or front on the thoroughfare of International BLVD (from Ringgold ST to Madison ST).

(8) Retail sale/rental of goods or services, except as otherwise specified; subject to the condition that no such goods shall be located outdoors in public view.

(9) Amusement arcade with more than five gaming devices per building, subject to all the following conditions: If the building portion of the premises is within a radius of 200 feet from a Dwelling, Apartment, or Dwelling/retail use district or if the premises abuts any such use district, then a prerequisite for the arcade shall be the issuance of a class L permit limited to landscaping, screening, lighting, parking, noise, or similar matters (exclusive of hours of operation).

(10) Off-premises sign, subject to the following conditions:
   a. If facing a freeway, such sign shall have a state outdoor advertising sign permit;
   b. If facing any other "state-maintained arterial," such sign shall comply with the same standards as used by the state for freeways inside a city, except that a large sign (greater than 75 square feet) shall not be erected closer than 1,000 feet from another off-premises large sign on the same side of the street and except that a small sign (equal to or less than 75 square feet) shall not be erected closer than 500 feet from another off-premises sign on the same side of the street; or
   c. If facing any other street, such sign shall be no larger than 75 square feet, shall not be erected closer than 500 feet from another off-premises sign on the same side of the street, shall have no part of the sign higher than 16 feet above the centerline grade of the street, and shall have no artificial illumination.

(11) Car title loan businesses, check cashing businesses, and payday advance or loan businesses, subject to the following conditions:
a. Such businesses are registered with the City of Brownsville as required by section 22-625 of the City of Brownsville Business Code; and

b. Such businesses shall be located at least 1,000 feet from any lot zoned or used for residential purposes when measured from the nearest property lines.

(12) Other accessory uses, subject to the condition that the accessory use shall not pose a hazard or nuisance to the community.


Sec. 348-344. - Prohibited uses.

In a General Retail use district, prohibited uses are as follows:

(1) "Bulk apparel store;" "flea market."

(2) Sexually oriented business.


Secs. 348-345—348-370. - Reserved.

DIVISION 9. - LIGHT COMMERCIAL USE DISTRICT (5C)

Footnotes:

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Cross reference— Businesses, ch. 22.

Sec. 348-371. - Applicability.

This division shall apply only to property lying wholly or partly within the boundaries of a Light Commercial use district.


Sec. 348-372. - Permitted uses.

In a Light Commercial use district, permitted uses are as follows:

(1) Any use or accessory use permitted in Light Retail, Medium Retail, or General Retail use district.
(2) **Miniwarehouse.**


Sec. 348-373. - Conditional uses.

In a Light Commercial use district, conditional uses are as follows:

(1) **Carwash; outdoor sale, lease, or rental of new and/or used “passenger vehicles;” all subject to the condition that the premises shall have frontage on a state-maintained arterial or on the thoroughfare of East 14th ST, (north of Expressway 77/83).**

(2) **Wholesale showroom/office, subject to the following conditions:**

   a. The use shall involve neither used or secondhand goods nor the sale or storage or handling of any goods in bulk;
   
   b. Any accessory warehouse shall be attached to the showroom and shall be no larger than the showroom/office; and
   
   c. Areas for loading or unloading goods via “commercial vehicles” shall be screened from public view.

(3) **Other accessory uses, subject to the condition that the accessory use shall not pose a hazard or nuisance to the community.**

(Code 1971, app. B, § 5.4(b); Ord. No. 89-235.18, § 3, 1-17-1989; Ord. No. 2001-235.49, pt. 2(5.4(B)), 4-24-2001)

Sec. 348-374. - Prohibited uses.

In a Light Commercial use district, prohibited uses are as follows:

(1) **Bulk apparel store; flea market.**

(2) **Sexually oriented business.**


Secs. 348-375—348-400. - Reserved.

DIVISION 10. - MEDIUM COMMERCIAL USE DISTRICT (6C)\[9\]

Footnotes:

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*Cross reference— Businesses, ch. 22.*

Sec. 348-401. - Applicability.
This division shall apply only to property lying wholly or partly within the boundaries of a Medium Commercial use district.


Sec. 348-402. - Permitted uses.

In a Medium Commercial use district, permitted uses are as follows:

1. Any use or accessory use permitted in a Light Retail, Medium Retail, General Retail, or Light Commercial use district.
2. Pressing, dry cleaning, or dyeing establishment.
3. Gasoline filling station; tire repair or battery shop; public garage.
4. Commercial amusement park; skating rink; "dancehall."
5. Wholesale sales office; sample room.
6. Penal or correctional institution.
7. Electroplating; galvanizing.
8. Job printing; newspaper printing.
9. Monument works.
10. Bus terminal; storage warehouse; bottling works; ice cream manufacture; laundry; creamery; bakery; freight terminal; truck stop; loading and storage tracks.

(Code 1971, app. B, § 5.7(a); Ord. No. 89-235.18, § 2, 1-17-1989; Ord. No. 2001-235.49, pt. 2(5.7(A)), 4-24-2001; Ord. No. 2016-235.84, pt. 8, 7-5-2016)

Sec. 348-403. - Conditional uses.

In a Medium Commercial use district, conditional uses are as follows:

1. Lumberyard; bulk apparel store; flea market; all subject to the condition that the use shall not be located within the fire limits established by the city.
2. Outdoor sale/rental of commercial vehicles, subject to the condition that the premises shall have at least 100 feet of frontage on any of the following thoroughfares:
   a. East 14th ST. (north of Expressway 77/83).
   b. Southmost Road (from East 14th ST. to Tulipan ST.).
3. Sexually oriented business, subject to the following conditions:
   a. The premises shall front on a non-thoroughfare where both sides of the nonthoroughfare are zoned to Medium Commercial or less restrictive use district;
   b. The premises shall nowhere be within a radius of 150 feet from any thoroughfare;
   c. The premises shall nowhere be within a radius of 1,000 feet from school property, nonprofit-organization property, public park, Dwelling use district, Dwelling/retail use district, or Apartment use district;
   d. The premises shall be completely surrounded by an entirely opaque screening fence at least eight feet high, except that the fence shall be set back six feet from any "front line of
the lot" and shall have no gate or other opening through which parked vehicles or any other part of the use may be publicly visible at any time;

e. The premises shall have no public display of any sign, banner, flag, pennant, balloon, photograph, symbol, art, statuary, sculpture, representational architecture, neon light, fluorescent color, patterned or multicolored roof/wall/fence, or similar feature, with the following exceptions:

1. One street address number, with such number being black and being no more than four inches tall; and

2. One permanent on-premises sign which shall pertain to the occupancy of the building, shall not be artificially illuminated, shall have a total area per lot of not more than 0.4 square feet for each linear foot of the front line of the lot, shall be mounted flat against the required front screening fence with the top of the sign being no higher than five feet above the natural grade of the lot, shall be black and/or white, shall not directly or indirectly indicate that the nature of the use may be a sexually oriented business;

f. The use shall have no off-premises sign located inside this city's territorial jurisdiction;

g. A class W permit shall have been issued for such use; and

h. The conditions in this subsection shall always be applicable, even if a specific-use ordinance is approved, a zoning board application is approved, or the premises are zoned to a use district less restrictive than Medium Commercial.

(4) Sale of mobile homes or manufactured homes, subject to the following conditions:

a. The premises shall front on a state-maintained arterial.

b. For each such home, the minimum setback from the boundaries of the premises shall be 25 feet for the front yard and ten feet for the side or rear yard.

c. For each such home, the minimum setback from any other such home shall be six feet.

d. Asphalt or concrete pavement shall be installed on all areas used for parking, maneuvering, or transporting any such home.

e. Each such home shall be fully skirted.

f. If a federal tropical storm or hurricane watch or warning is issued for the county, the following preparations shall be commenced within one hour after such issuance and completed within seven hours after the initial issuance: The tongue of each such remaining home shall be turned into the forecasted peak wind and shall be dropped to the pavement or the ground.

g. No such home shall be more than ten years old when it enters the premises.

h. At least 51 percent of all mobile homes or manufactured homes on the premises shall be new.

(5) Other accessory uses, subject to the condition that the accessory use shall not pose a hazard or nuisance to the community.


Secs. 348-404—348-430. - Reserved.

DIVISION 11. - LIGHT INDUSTRIAL USE DISTRICT (7C)}
Sec. 348-431. - Applicability.

This division shall apply only to property lying wholly or partly within the boundaries of a Light Industrial use district.


Sec. 348-432. - Permitted uses.

In a Light Industrial use district, permitted uses include any use or accessory use permitted in a Light Retail, Medium Retail, General Retail, Light Commercial, or Medium Commercial use district.


Sec. 348-433. - Conditional uses.

In a Light Industrial use district, conditional uses are as follows:

(1) Sale of any goods located outdoors in public view, subject to the condition that the use shall not involve bulk storage or bulk sale.

(2) Manufacture of any kind, subject to the following conditions:
   a. The use shall not be listed in division 12 or 13 of this article; and
   b. The use shall not be noxious or offensive because of the emission of smoke, dust, odor, gas, fumes, noise, or vibration.


Sec. 348-434. - Prohibited uses.

In a Light Industrial use district, prohibited uses are any "hazardous material facility."


Secs. 348-435—348-460. - Reserved.

DIVISION 12. - MEDIUM INDUSTRIAL USE DISTRICT (8C)[11]
Sec. 348-461. - Permitted uses.

In a Medium Industrial use district, no building or premises shall be used and no building shall be erected or structurally altered which is arranged or designed to be used for other than one or more of the following uses:

1. Any use or accessory use permitted in a General Retail, Light Commercial, Medium Commercial, or Light Industrial use district.
2. Ice manufacture; cold storage plant; canning or preserving plant, pickle, sauerkraut or vinegar manufacture.
3. Textile manufacture; flour milling; grain elevator.
4. Storage of or the packing of poultry and fish or the dressing or killing of poultry.
5. Central power or lighting plant; coal pocket or coal tar trestle; railroad yards; coal hoists; railroad roundhouse; paving plant.
7. Stable; veterinary hospital; disinfectant or insecticide manufacture.
8. Bulk storage in the open of any material except junk, scrap iron, scrap paper or rags. Loading or storage tracks; storage in bulk of or warehouse for such material as artificial stone, asphalt, brick, cement, contractor’s equipment, coal, coke, cotton, cottonseed, films, feed, fertilizer, grain, gasoline, gravel, glass, grease, hay, hardware, ice, implements, iron, lead, lime, lumber, machinery, oil, paint, plaster, pipe, roofing materials, rope, sand, shop supplies, steel, stone, tar, tared or creosoted products, terracotta, turpentine, varnish, wood or wool, provided this shall not include the storage in bulk of junk or secondhand material.
9. Manufacture or industrial occupation of any kind not listed in subsections (1) through (8) of this section and exclusive of any use listed as a Heavy Industrial use in section 348-491(2) through (9), inclusive.


Secs. 348-462—348-490. - Reserved.

DIVISION 13. - HEAVY INDUSTRIAL USE DISTRICT (9C)
In a Heavy Industrial use district, no building or premises shall be used and no building shall be erected or structurally altered which is arranged or designed for other than one or more of the following uses:

1. Any use or accessory use permitted in a General Retail, Light Commercial, Medium Commercial, Light Industrial, or Medium Industrial use district.
2. Stone cutting.
4. Ammonia; bleaching powder; acid or other chemical plants emitting toxic fumes carrying beyond the limits of the premises; asphalt manufacture or refining; petroleum refining.
5. Boiler making; structural steel plant; iron or pipe works; power forge; tank manufacture; shipyards.
6. Distillation of bones; fat rendering; glue manufacture; slaughter of animals; stockyards.
7. Storage of hides or skins; curing or tanning of hides; fertilizer manufacture.
8. Soap manufacture; wool scouring.
9. Scrap iron or junk storage; scrap paper or rag storage or baling; “automobile wrecking yard.”
10. Any manufacture or industrial process not listed in this section, including any industrial process emitting dust, smoke, odor, gas, fumes, noise or vibration.


Secs. 348-492—348-540. - Reserved.
ARTICLE V. - AREA DISTRICTS

DIVISION 1. - GENERALLY

Secs. 348-541—348-570. - Reserved.

DIVISION 2. - "V" AREA DISTRICT

Sec. 348-571. - Applicability.

This division shall apply only to property lying wholly or partly within the boundaries of a "V" area district.


Sec. 348-572. - Yards.

In a "V" area district, yards shall be provided as follows:

(1) There shall be a front yard along the front line of the lot. The minimum depth of each front yard shall be 150 feet.

(2) There shall be a side (or rear) yard along each side (or rear) line of the lot. The minimum width (or depth) of such yard shall be 50.5 feet.


Sec. 348-573. - Height.

In a "V" area district, "height" limits shall be as follows:

(1) The height limit shall be two stories for a dwelling or other residential building.

(2) The height limit shall be 24 feet for any other structure, except that any portion of such structure may be erected higher than the limit, provided such portion is set back from all required yard lines four feet for each foot of its height above such limit.

(Code 1971, app. B, § 9.3(B); Ord. No. 95-235.23, pt. 1, 10-3-1995)

Sec. 348-574. - Lot area and width.

In a "V" area district, the minimum "lot area" shall be 200,000 square feet, and the minimum average width of the lot shall be 225 feet; provided, however, that such minima shall be 400,000 square feet and 320 feet, respectively, for any two-family dwelling.

(Code 1971, app. B, § 9.3(C); Ord. No. 95-235.23, pt. 1, 10-3-1995)

Sec. 348-575. - Intensity.

In a "V" area district, intensity shall be as follows:

(1) The maximum "number of dwelling units per gross acre" shall be 0.22.

(2) The maximum "floor-area ratio" shall be 0.05.
(Code 1971, app. B, § 9.3(D); Ord. No. 95-235.23, pt. 1, 10-3-1995)

Secs. 348-576—348-605. - Reserved.

DIVISION 3. - "W" AREA DISTRICT

Sec. 348-606. - Applicability.

This division shall apply only to property lying wholly or partly within the boundaries of a "W" area district.


Sec. 348-607. - Yards.

In a "W" area district, yards shall be provided as follows:

(1) There shall be a front yard along the front line of the lot. The minimum depth of each front yard shall be 125 feet.

(2) There shall be a side (or rear) yard along each side (or rear) line of the lot. The minimum width (or depth) of such yard shall be 30.5 feet.


Sec. 348-608. - Height.

In a "W" area district, height limits shall be as follows:

(1) The height limit shall be two stories for a dwelling or other residential building.

(2) The height limit shall be 24 feet for any other structure, except that any portion of such structure may be erected higher than the limit, provided such portion is set back from all required yard lines three feet for each foot of its height above such limit.


Sec. 348-609. - Lot area and width.

In a "W" area district, the minimum lot area shall be 80,000 square feet, and the minimum average width of the lot shall be 150 feet; provided, however, that such minima shall be 160,000 square feet and 200 feet, respectively, for any two-family dwelling.


Sec. 348-610. - Intensity.

In a "W" area district, intensity shall be as follows:

(1) The maximum number of dwelling units per gross acre shall be 1.0.

(2) The maximum floor-area ratio shall be 0.1.

DIVISION 4. - "X" AREA DISTRICT

Sec. 348-641. - Applicability.

This division shall apply only to property lying wholly or partly within the boundaries of an "X" area district.

(Code 1971, app. B, § 9.5; Ord. No. 87-235.12, § 2, 7-7-1987)

Sec. 348-642. - Yards.

In an "X" area district, yards shall be provided as follows:

(1) There shall be a front yard along the front line of the lot. The minimum depth of each front yard shall be 100 feet.

(2) There shall be a side (or rear) yard along each side (or rear) line of the lot. The minimum width (or depth) of such yard shall be 20.5 feet.

(Code 1971, app. B, § 9.5(a); Ord. No. 87-235.12, § 2, 7-7-1987)

Sec. 348-643. - Height.

In an "X" area district, height limits shall be as follows:

(1) The height limit shall be two stories for a dwelling or other residential building.

(2) The height limit shall be 24 feet for any other structure, except that any portion of such structure may be erected higher than the limit, provided such portion is set back from all required yard lines two feet for each foot of its height above such limit.

(Code 1971, app. B, § 9.5(b); Ord. No. 87-235.12, § 2, 7-7-1987)

Sec. 348-644. - Lot area and width.

In an "X" area district, the minimum lot area shall be 40,000 square feet, and the minimum average width of the lot shall be 100 feet; provided, however, that such minima shall be 80,000 square feet and 150 feet, respectively, for any two-family dwelling.

(Code 1971, app. B, § 9.5(c); Ord. No. 87-235.12, § 2, 7-7-1987)

Sec. 348-645. - Intensity.

In an "X" area district, intensity limits shall be as follows:

(1) The maximum number of dwelling units per gross acre shall be 2.0.

(2) The maximum floor-area ratio shall be 0.2.


Secs. 348-646—348-675. - Reserved.
DIVISION 5. - "Y" AREA DISTRICT

Sec. 348-676. - Applicability.

This division shall apply only to property lying wholly or partly within the boundaries of a "Y" area district

(Code 1971, app. B, § 9.7; Ord. No. 87-235.12, § 2, 7-7-1987)

Sec. 348-677. - Yards.

In a "Y" area district, yards shall be provided as follows:

(1) There shall be a front yard along the front line of the lot. The minimum depth of each front yard shall be 50 feet.

(2) There shall be a side (or rear) yard along each side (or rear) line of the lot. The minimum width (or depth) of such yard shall be 10.5 feet.

(Code 1971, app. B, § 9.7(a); Ord. No. 87-235.12, § 2, 7-7-1987)

Sec. 348-678. - Height.

In a "Y" area district, height limits shall be as follows:

(1) The height limit shall be two stories for a dwelling or other residential building.

(2) The height limit shall be 24 feet for any other structure, except that any portion of such structure may be erected higher than the limit, provided such portion is set back from all required yard lines two feet for each foot of its height above such limit.

(Code 1971, app. B, § 9.7(b); Ord. No. 87-235.12, § 2, 7-7-1987)

Sec. 348-679. - Lot area and width.

In a "Y" area district, the minimum lot area shall be 15,000 square feet, and the minimum average width of the lot shall be 65 feet; provided, however, that such minima shall be 30,000 square feet and 90 feet, respectively, for any two-family dwelling.

(Code 1971, app. B, § 9.7(c); Ord. No. 87-235.12, § 2, 7-7-1987)

Sec. 348-680. - Intensity.

In a "Y" area district, intensity limits shall be as follows:

(1) The maximum number of dwelling units per gross acre shall be 4.0.

(2) The maximum floor-area ratio shall be 0.4.


Secs. 348-681—348-710. - Reserved.

DIVISION 6. - "Z" AREA DISTRICT
Sec. 348-711. - Applicability.

This division shall apply only to property lying wholly or partly within the boundaries of a "Z" area
district.


Sec. 348-712. - Yards.

In a "Z" area district, yards shall be provided as follows:

(1) There shall be a front yard along the front line of the lot. The minimum depth of each front yard
shall be 30 feet.

(2) There shall be a side (or rear) yard along each side (or rear) line of the lot. The minimum width
(or depth) of such yard shall be 5.5 feet.

(Code 1971, app. B, § 9.8(A); Ord. No. 95-235.23, pt. 3, 10-3-1995; Ord. No. 96-235.31, pt. 1,
3-25-1996)

Sec. 348-713. - Height.

In a "Z" area district, height limits shall be as follows:

(1) The height limit shall be two stories for a dwelling or other residential building.

(2) The height limit shall be 24 feet for any other structure, except that any portion of such
structure may be erected higher than the limit, provided such portion is set back from all
required yard lines two feet for each foot of its height above such limit.


Sec. 348-714. - Lot area and width.

In a "Z" area district, the minimum lot area shall be 9,000 square feet, and the minimum average
width of the lot shall be 60 feet; provided, however, that such minima shall be 18,000 square feet and 80
feet, respectively, for any two-family dwelling.


Sec. 348-715. - Intensity.

In a "Z" area district, intensity shall be as follows:

(1) The maximum number of dwelling units per gross acre shall be 5.0.

(2) The maximum floor-area ratio shall be 0.4.


Secs. 348-716—348-745. - Reserved.

DIVISION 7. - "A" AREA DISTRICT
Sec. 348-746. - Applicability.

This division applies to buildings erected in the "A" area district.

(Code 1971, app. B, § 10)

Sec. 348-747. - Front yard.

In an "A" area district, there shall be a front yard along the front line of the lot. The minimum depth of such front yard shall be 25 feet.

(Code 1971, app. B, § 10(1))

Sec. 348-748. - Rear yard.

In an "A" area district, there shall be a rear yard along the rear line of the lot. The minimum depth of such rear yard shall be 25 feet.

(Code 1971, app. B, § 10(2))

Sec. 348-749. - Side yard.

In an "A" area district, there shall be a side yard along each line of the lot other than a front line or a rear line. The minimum width of the side yard shall be 5.5 feet.

(Code 1971, app. B, § 10(3))

Sec. 348-750. - Lot width.

In an "A" area district, the minimum average width of the lot shall be 50 feet for a one-family dwelling and 75 feet for a two-family dwelling.

(Code 1971, app. B, § 10(4))

Sec. 348-751. - Lot area.

In an "A" area district, the minimum area of the lot shall be 6,000 square feet for a one-family dwelling and 9,000 square feet for a two-family dwelling.

(Code 1971, app. B, § 10(5))

Sec. 348-752. - Height.

In an "A" area district, the height limit shall be 2.5 stories for a dwelling and 36 feet for any other building, except that any such building or portion of a building may be erected higher than the limit, provided such portion is set back from all required yard lines one foot for each foot of its height above such limit.

(Code 1971, app. B, § 10(6))
Sec. 348-753. - Intensity.

In an "A" area district, intensity limits shall be as follows:

1. The maximum number of dwelling units per gross acre shall be 8.5.
2. The maximum floor-area ratio shall be 0.4.

Secs. 348-754—348-785. - Reserved.

DIVISION 8. - "F" AREA DISTRICT

Sec. 348-786. - Applicability.

This division shall apply only to property lying wholly or partly within the boundaries of an "F" area district.

(Code 1971, app. B, § 10.5; Ord. No. 235.4, § 3, 5-12-1981)

Sec. 348-787. - Yards.

In an "F" area district, yards shall be provided as follows:

1. There shall be a front yard along the front line of the lot. The minimum depth of each front yard shall be 25 feet.
2. There shall be a rear yard along the rear line of the lot. The minimum depth of such rear yard shall be 15.5 feet for a lot on an alley or 5.5 feet for a lot not on an alley.
3. There shall be a side yard along each sideline of the lot. The minimum width of each side yard shall be 5.5 feet.

(Code 1971, app. B, § 10.5(a); Ord. No. 235.4, § 3, 5-12-1981)

Sec. 348-788. - Height.

In an "F" area district, height limits shall be as follows:

1. The height limit shall be two stories for a dwelling, apartment house, or other residential building.
2. The height limit shall be 24 feet for any other structure, except that any portion of such structure may be erected higher than the limit, provided such portion is set back from all required yard lines two feet for each foot of its height above such limit.

(Code 1971, app. B, § 10.5(b); Ord. No. 235.4, § 3, 5-12-1981)

Sec. 348-789. - Lot area and width.

In an "F" area district, the minimum lot area shall be 6,000 square feet, and the minimum average width of the lot shall be 50 feet; provided, however, that such minima shall be 9,000 square feet and 75 feet, respectively, for any two-family dwelling in a dwelling use district.

(Code 1971, app. B, § 10.5(c); Ord. No. 235.4, § 3, 5-12-1981)
Sec. 348-790. - Intensity.

In an "F" area district, intensity shall be as follows:

(1) The maximum number of dwelling units per gross acre shall be 8.5.

(2) The maximum floor-area ratio shall be 0.4.

(Code 1971, app. B, § 10.5(d); Ord. No. 235.4, § 3, 5-12-1981)

Secs. 348-791—348-810. - Reserved.

DIVISION 9. - "G" AREA DISTRICT

Sec. 348-811. - Applicability.

This division shall apply only to property lying wholly or partly within the boundaries of a "G" area district.


Sec. 348-812. - Yards.

In a "G" area district, yards shall be provided as follows:

(1) There shall be a front yard along the front line of the lot. The minimum depth of each front yard shall be 25 feet.

(2) There shall be a rear yard along the rear line of the lot. The minimum depth of such rear yard shall be 13.5 feet for a lot on an alley or 3.5 feet for a lot not on an alley.

(3) There shall be a side yard along each sideline of the lot. The minimum width of each side yard shall be 3.5 feet.

(Code 1971, app. B, § 11.5(a); Ord. No. 235.4, § 4, 5-12-1981)

Sec. 348-813. - Height.

In a "G" area district, height limits shall be as follows:

(1) The height limit shall be two stories for a dwelling, apartment house, or other residential building.

(2) The height limit shall be 24 feet for any other structure, except that any portion of such structure may be erected higher than the limit, provided such portion is set back from all required yard lines one foot for each foot of its height above such limit.

(Code 1971, app. B, § 11.5(b); Ord. No. 235.4, § 4, 5-12-1981)

Sec. 348-814. - Lot width.

In a "G" area district, lot width shall be as follows:

(1) The minimum average width of the lot shall be 50 feet.
(2) However, the minimum average width of the lot shall be 25 feet for any lot recorded in the county map records prior to July 14, 1945.

(Code 1971, app. B, § 11.5(c); Ord. No. 235.4, § 4, 5-12-1981)

Sec. 348-815. - Lot area.

In a "G" area district, lot area shall be as follows:

(1) The minimum lot area shall be 5,000 square feet.
(2) However, the minimum lot area shall be 6,000 square feet for a two-family dwelling in a dwelling use district.
(3) However, the minimum lot area shall be 2,500 square feet for any lot recorded in the county map records prior to July 14, 1945.

(Code 1971, app. B, § 11.5(d); Ord. No. 235.4, § 4, 5-12-1981)

Sec. 348-816. - Intensity.

In a "G" area district, intensity shall be as follows:

(1) The maximum number of dwelling units per gross acre shall be 12.5.
(2) The maximum floor-area ratio shall be 0.8.

(Code 1971, app. B, § 11.5(e); Ord. No. 235.4, § 4, 5-12-1981)

Secs. 348-817—348-850. - Reserved.

DIVISION 10. - "E" AREA DISTRICT

Sec. 348-851. - Applicability.

This division applies to buildings erected in the "E" area district.

(Code 1971, app. B, § 13-A)

Sec. 348-852. - Front yard.

In an "E" area district, there shall be a front yard along the front line of the lot. The minimum depth of such front yard shall be 25 feet.

(Code 1971, app. B, § 13-A(1))

Sec. 348-853. - Rear yard.

In an "E" area district, there shall be a rear yard along the rear line of the lot. The minimum depth of such rear yard shall be 25 feet.

Sec. 348-854. - Side yard.

In an "E" area district, there shall be a side yard along each line of the lot other than a front line or a rear line. The minimum width of such side yard, where required, shall be 5.5 feet.

(Code 1971, app. B, § 13-A(3))

Sec. 348-855. - Lot width.

In an "E" area district, the minimum average width of the lot shall be 25 feet for a one-family dwelling.


Sec. 348-856. - Lot area.

In an "E" area district, the minimum area of the lot shall be 3,000 square feet for a one-family dwelling and 6,000 square feet for a two-family dwelling.


Sec. 348-857. - Height.

In an "E" area district, the height limit shall be 2.5 stories for a dwelling or an apartment house and 36 feet for any other building, except that any such building or portion of a building may be erected higher than the limit, provided such portion of the building is set back from all required yard lines one foot for each foot of its height above such limit.


Secs. 348-858—348-890. - Reserved.

DIVISION 11. - "H" AREA DISTRICT

Sec. 348-891. - Applicability.

This division shall apply only to property lying wholly or partly within the boundaries of an "H" area district.


Sec. 348-892. - Yards.

In an "H" area district, yards shall be provided as follows:

(1) There shall be a front yard along the front line of the lot. The minimum depth of each front yard shall be 25 feet for residential buildings and zero feet for other buildings.

(2) There shall be a side (or rear) yard along each side (or rear) line of the lot. The minimum width (or depth) of such yard shall be 3.5 feet for residential buildings and zero feet for other buildings.

Sec. 348-893. - Height.

In an "H" area district, height limits shall be as follows:

(1) The height limit shall be three stories for a residential building.

(2) The height limit shall be 36 feet for any other structure, except that any portion of such structure may be erected higher than the limit, provided such portion is set back from all required yard lines one foot for each foot of its height above such limit.

(Code 1971, app. B, § 12.1(b); Ord. No. 89-235.18, § 10, 1-17-1989)

Sec. 348-894. - Lot area and width.

In an "H" area district, the minimum lot area shall be 3,000 square feet, and the minimum average width of the lot shall be 50 feet for residential buildings and 40 feet for other buildings.

(Code 1971, app. B, § 12.1(c); Ord. No. 89-235.18, § 10, 1-17-1989)

Sec. 348-895. - Intensity.

In an "H" area district, intensity shall be as follows:

(1) The maximum number of dwelling units per gross acre shall be 25.

(2) The maximum floor-area ratio shall be 1.6.


Secs. 348-896—348-925. - Reserved.

DIVISION 12. - "J" AREA DISTRICT

Sec. 348-926. - Applicability.

This division shall apply only to property lying wholly or partly within the boundaries of a "J" area district.


Sec. 348-927. - Yards.

In a "J" area district, yards shall be provided as follows:

(1) There shall be a front yard along the front line of the lot. The minimum depth of each front yard shall be 25 feet for residential buildings and zero feet for other buildings.

(2) There shall be a side (or rear) yard along each side (or rear) line of the lot. The minimum width (or depth) of such yard shall be 3.5 feet for residential buildings and zero feet for other buildings.


Sec. 348-928. - Height.
In a "J" area district, height limits shall be as follows:

(1) The height limit shall be six stories for a residential building.

(2) The height limit shall be 100 feet for any other structure, except that any portion of such structure may be erected higher than the limit, provided such portion is set back from all required yard lines one foot for each two feet of its height above such limit.


Sec. 348-929. - Lot area and width.

In a "J" area district, the minimum lot area shall be 3,000 square feet, and the minimum average width of the lot shall be 50 feet for residential buildings and 40 feet for other buildings.


Sec. 348-930. - Intensity.

In a "J" area district, intensity shall be as follows:

(1) The maximum number of dwelling units per gross acre shall be 50.

(2) The maximum floor-area ratio shall be 3.2.


Secs. 348-931—348-960. - Reserved.
Public hearing and appropriate ACTION, regarding city towing rotation list application by Antonio Muraira d/b/a RANCHO TOWING pursuant to Chapter 110-63 of the City of Brownsville Code of Ordinances.

In accordance with City of Brownsville Ordinance Chapter 110, an application has been received by RANCHO TOWING for a Class 1 Wrecker Permit submitted for commission approval. On October 1, 2019, the city commission approved key revisions to the ordinance that included the transfer of licensing and inspections duties to the police department, recording all towed vehicles in an electronic database, an update on the fee schedules, and removing language that limited wreckers from the city rotation list.

The police department has conducted an inspection of the wrecker service and will issue a permit under Section 110-63 pursuant to commission approval.
Agenda: Public Hearing and ACTION regarding City towing rotation list application by Antonio Muraira d/b/a Rancho Towing pursuant to Chapter 110-63 of the City of Brownsville Code of Ordinances. (Police Department)

Pursuant to City of Brownsville Ordinance Chapter 110, an application has been received by Antonio Muraira d/b/a RANCHO TOWING for a Class 1 Wrecker Permit submitted for City Commission approval.

On October 1, 2019, the City Commission approved key revisions to the ordinance that included the transfer of licensing and inspections duties to the police department, recording all towed vehicles in an electronic database, an update on the fee schedules, and removing language that limited wreckers from the police rotation list.

The police department has conducted an inspection of the wrecker service and will issue a permit under Section 110-63 pursuant to City Commission approval.

Please see the enclosed inspection checklist for further details. The Brownsville Police Department recommends approval.
City of Brownsville
Tow Truck Permit Application

In accordance with the City of Brownsville’s Code and Ordinance, this application is to operate within the City of Brownsville as a wrecker/towing company. Application fees are listed and must be included as a check or money order along with this application. The application can be submitted to jackie@cob.us

A Tow Truck Permit is valid for one year from the date of issuance. Prior to expiration, a tow truck permit must be renewed.

<table>
<thead>
<tr>
<th>Application Type</th>
<th>Company TDLR #:</th>
<th>$50 Rotation Fee</th>
<th>$25 Inspection Fee</th>
<th>$200 per vehicle</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Permit</td>
<td>0652572</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Renewal Permit</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>II. Towing/Wrecker Company Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Company Name: Rancho Towing</td>
</tr>
<tr>
<td>Contact Person: Antonio Mursaiz</td>
</tr>
<tr>
<td>Phone Number: 956-620-4312</td>
</tr>
<tr>
<td>24 Hour</td>
</tr>
<tr>
<td>Business Address: 6529 Fm 1732</td>
</tr>
<tr>
<td>Mailing Address: 6529 Fm 1732</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>III. Insurance Coverage Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Insurance Company: Use Campos Insurance Agency</td>
</tr>
<tr>
<td>Address: 928 W Delano Dr, Pharr, TX 78577</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Liability Insurance Coverage</th>
</tr>
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<tbody>
<tr>
<td>Policy #: 4200904255</td>
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</table>

<table>
<thead>
<tr>
<th>Cargo Insurance Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy #:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>General Garage Liability Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy #:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>IV. Driver’s Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name: Antonio Mursaiz</td>
</tr>
<tr>
<td>TDLR License #: 39153</td>
</tr>
<tr>
<td>Name: Rodolfo Rangel</td>
</tr>
<tr>
<td>TDLR License #: 48616</td>
</tr>
<tr>
<td>Name: Alejandro Rivas</td>
</tr>
</tbody>
</table>

Tow Truck Permit Application
Revised December 2017
City of Brownsville
Tow Truck Permit Application

TDLR License# 43423
Name: Juan Carlos Herrera DL #: 17649853 Exp. Date: 02/19/2025
TDLR License# 44860
Name: DL #: Exp. Date:
TDLR License#
Name: DL #: Exp. Date:
TDLR License#

V. Wreckers Used Information
Make: Kenworth Model: Year: 19 VIN: 2NXKAHM6X3K272249 Tag #: 18583H
Make: Ford Model: F-450 Year: 19 VIN: 1FDUF468K6E47234 Tag #: T9783J
Make: Ford Model: F-450 Year: 17 VIN: 1FDUF46766E47234 Tag #: 
Make: Model: Year: VIN: Tag #:
Make: Model: Year: VIN: Tag #:
Make: Model: Year: VIN: Tag #:
Make: Model: Year: VIN: Tag #:

VI. Acknowledgement

I hereby certify that: I read, understand and will comply with the City of Brownsville's Codes and Ordinances, regulating the operations of wrecker businesses within the city limits, and there are no willful misrepresentations, omissions, or falsifications in the foregoing statements and answers to questions. I am fully aware that any such misrepresentations, omissions or falsifications may be grounds for immediate rejection of this application.

Name of Applicant/Owner: Antonio Muñoz Date: 11/06/19
Signature of Applicant/Owner:

Application Review (City Use Only)

All documents and fees have been reviewed and collected.

Approved Denied

Issued By: Date of Issuance: Date of Expiration:
City of Brownsville
VEHICLE STORAGE FACILITY INSPECTION CHECKLIST

<table>
<thead>
<tr>
<th>COMPANY NAME:</th>
<th>Rancho Towing</th>
<th>TDLR CERTIFICATE NO.:</th>
<th>0652572VSF</th>
<th>EXP. DATE</th>
<th>06/08/2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADDRESS:</td>
<td>6529 FM 1732</td>
<td>CITY: Brownsville</td>
<td></td>
<td>STATE:</td>
<td>TX</td>
</tr>
<tr>
<td></td>
<td></td>
<td>ZIP: 78520</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PHONE:</td>
<td>956 620-4312</td>
<td>OWNER/AGENT: Antonio Muraira</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>INSPECTOR NAME:</td>
<td>Sgt. De La Rosa #5307</td>
<td>INSPECTION DATE: 01/15/2020</td>
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<td></td>
</tr>
</tbody>
</table>

VIOLATIONS FOUND? Y/N: Y

**PRE-INSPECTION**

<table>
<thead>
<tr>
<th>Violations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

Is the company certificate (license) valid? If applicable, date license expired:

<table>
<thead>
<tr>
<th>Violations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

Is the company insurance active?
Expiration date: 06/07/2020

**SIGN AT MAIN ENTRANCE**

<table>
<thead>
<tr>
<th>Violations</th>
</tr>
</thead>
<tbody>
<tr>
<td>See attached picture</td>
</tr>
</tbody>
</table>

Name
Street address
Telephone No. for release of vehicles
License number preceded by “VSF LICENSE NUMBER”
2” letters min., contrasting, visible at 10’

**EXTERIOR INSPECTION - FACILITY**

<table>
<thead>
<tr>
<th>Violations</th>
</tr>
</thead>
<tbody>
<tr>
<td>See attached picture</td>
</tr>
</tbody>
</table>

**FENCING**

- 6 Feet high minimum.
- Gate locked at all times unless a VSF employee is present.
- Chain Link, Metal, Wood or Masonry (No Animal or Livestock Fencing)
- Only one VSF may operate within a single fenced area.

**STORAGE LOT SURFACE**

- All-weather surface that permits vehicle mobility.
- No overgrown vegetation.

**LIGHTING**

- Lighting operational
- Sufficient to allow for nighttime release/inspection of vehicles (1 light fixture of a minimum of 250-watt element per ¼ acre)

**EXTERIOR INSPECTION - VEHICLES**

<table>
<thead>
<tr>
<th>Violations</th>
</tr>
</thead>
<tbody>
<tr>
<td>none</td>
</tr>
</tbody>
</table>

**VEHICLES STORED BEHIND FENCE OR WITHIN SECURE BUILDING**

<table>
<thead>
<tr>
<th>Violations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

**VEHICLES NOT LOCKED, WINDOWS, DOORS, TRUNKS, HOODS & TOPS NOT CLOSED (IF IT CAN BE LOCKED IT MUST BE LOCKED)**

<table>
<thead>
<tr>
<th>Violations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

**VEHICLES WITH BROKEN WINDOWS, DOORS UNABLE TO BE CLOSED NOT TARPED AS REQUIRED**

COB-Fleet Div. FORM 01-18
November 5, 2019

Antonio Muraira  
2133 Barnard Road, Apt. 43  
Brownsville, Texas 78520

Re: Property located at 6529 FM 1732 Brownsville, Texas 78520 (GeoID: 73-5590-0140-0264-00)

Mr. Muraira:

Let this letter be a supplemental document to the Extraterritorial Jurisdiction Map requested for the above referenced property. The aforementioned tract lies outside of City of Brownsville limits but is within Brownsville’s Extraterritorial Jurisdiction.

If you have additional questions feel free to contact the Planning and Development Services Department at (956) 548-6150.

Sincerely,

[Signature]

Martin Vega  
Senior Planner – Planning & Redevelopment Services Department  
Zoning Division
CERTIFICATE OF LIABILITY INSURANCE

PRODUCER
Joe Campos Insurance Agency
928 W Nolana Ln
Wax, TX 78577
(56-787-8619)

INSURED
Rancho Auto Plex LLC
Rancho Towing
6529 FM 1732
Brownsville, TX 78520

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION
ONLY AND CONFER NO RIGHTS UPON THE CERTIFICATE
HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR
ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURERS AFFORDING COVERAGE

<table>
<thead>
<tr>
<th>INSURER A</th>
<th>Insurer B</th>
<th>Insurer C</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indian Harbor Insurance</td>
<td>Lloyds of London</td>
<td></td>
</tr>
</tbody>
</table>

COVERAGE

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

<table>
<thead>
<tr>
<th>TYPE OF INSURANCE</th>
<th>POLICY NUMBER</th>
<th>POLICY EFFECTIVE DATE</th>
<th>POLICY EXPIRATION DATE</th>
<th>LIMITS</th>
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<tbody>
<tr>
<td>GENERAL LIABILITY</td>
<td>4200904255</td>
<td>06/07/19</td>
<td>06/07/20</td>
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<tr>
<td>COMMERCIAL GENERAL LIABILITY CLAIMS MADE</td>
<td>X OCCUR</td>
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<tr>
<td>AUTOMOBILE LIABILITY</td>
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<td>06/07/20</td>
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<td>ANY AUTO ALLOWED AUTOS SCHEDULED AUTOS HIRED AUTOS NON-OWNED AUTOS</td>
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<tr>
<td>GARAGE LIABILITY</td>
<td>4200904255</td>
<td>06/07/19</td>
<td>06/07/20</td>
<td></td>
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<tr>
<td>ANY AUTO</td>
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<tr>
<td>EXCESS / UMBRELLA LIABILITY OCCUR CLAIMS MADE</td>
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<tr>
<td>WORKS COMPENSATION AND EMPLOYER'S LIABILITY</td>
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<tr>
<td>ANY PROPRIETOR/OWNER/EXECUTIVE OFFICER/MEMBER EXCLUDED</td>
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<tr>
<td>(Mandatory in NY) If yes, describe under SPECIAL PROVISIONS below</td>
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<tr>
<td>OTHER</td>
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<tr>
<td>Garage Keepers</td>
<td>4200904255</td>
<td>06/07/19</td>
<td>06/07/20</td>
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<td>Physical Damage</td>
<td>3697407757</td>
<td>06/07/19</td>
<td>06/07/20</td>
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<tr>
<td>Cargo/OnHook $100,000</td>
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<tr>
<td>Per policy schedule</td>
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<td></td>
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</tbody>
</table>

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS:
- 2017 Ford F450 1PDUF4GT6HEC47234 $60,000 Ded $1000
- 2009 Ford F450 1PDUF4HY5KEC47758 $65,000 Ded $1000
- 2019 KW 2NKH7M48XKM242649 $100,000 Ded $1000
- 2009 PTRB 2N6YHM5X19M779992

CERTIFICATE HOLDER
For Information Purposes Only

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL ______ DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT. BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

Jose Campos

ACORD 25 (2009/01)

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The ACORD name and logo are registered marks of ACORD.
Executive Session (City Attorney Only)

TO: Noel Bernal, City Manager
FROM: Felix Saucedo, Chief of Police
SUBJECT: Wrecker Application Ace Towing
DATE: 3/20/2020
THROUGH: Bryant Walker, Assistant City Manager

AGENDA ITEM COMMISSION MEETING DATE 04/07/20

<table>
<thead>
<tr>
<th>Executive Session (City Attorney Only)</th>
<th>Select</th>
<th>Agenda</th>
<th>Ordinance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Time Needed:</td>
<td></td>
<td>✓ Public Hearing</td>
<td>✓ First Reading</td>
</tr>
<tr>
<td>Action Item:</td>
<td></td>
<td>✓ Action</td>
<td>✓ Second Reading</td>
</tr>
</tbody>
</table>

Information: Please include additional information/request.

Public hearing and appropriate ACTION, regarding city towing rotation list application by Michael Trejo d/b/a ACE TOWING pursuant to Chapter 110-63 of the City of Brownsville Code of Ordinances.

In accordance with City of Brownsville Ordinance Chapter 110, an application has been received by Ace Towing for a Class 1 Wrecker Permit submitted for commission approval. On October 1, 2019, the city commission approved key revisions to the ordinance that included the transfer of licensing and inspections duties to the police department, recording all towed vehicles in an electronic database, an update on the fee schedules, and removing language that limited wreckers from the city rotation list.

The police department has conducted an inspection of the wrecker service and will issue a permit under Section 110-63 pursuant to commission approval.

Reviewing Departments: Please review and forward to the next reviewing department in a timely manner.

<table>
<thead>
<tr>
<th>City Attorney</th>
<th>Date Reviewed:</th>
<th>By:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Comments:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Finance Department</td>
<td>Date Reviewed:</td>
<td>By:</td>
</tr>
<tr>
<td>Comments:</td>
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<td></td>
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</table>

<table>
<thead>
<tr>
<th>City Commission</th>
<th>Assistant City Manager</th>
<th>Deputy City Manager</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approved:</td>
<td>Yes        No</td>
<td>Yes     No</td>
</tr>
<tr>
<td>Date:</td>
<td>Initials:   Date:</td>
<td>Initials: Date:</td>
</tr>
</tbody>
</table>

City Manager’s Approval

Signature: Date:
To: Mayor and City Commission

Through: Noel Bernal, City Manager

From: Felix Saucedo, Chief of Police

Date: April 2, 2020

Agenda: Public Hearing and ACTION regarding City towing rotation list application by Michael Trejo d/b/a Ace Towing & Recovery pursuant to Chapter 110-63 of the City of Brownsville Code of Ordinances. (Police Department)

Pursuant to City of Brownsville Ordinance Chapter 110, an application has been received by Michael Trejo d/b/a Ace Towing and Recovery for a Class 1 Wrecker Permit hereby submitted for City Commission approval.

On October 1, 2019, the City Commission approved key revisions to the ordinance that included the transfer of licensing and inspections duties to the police department, recording all towed vehicles in an electronic database, an update on the fee schedules, and removing language that limited wreckers from the police rotation list.

The police department has conducted an inspection of the wrecker service and will issue a permit under Section 110-63 pursuant to City Commission approval.

Please see the enclosed inspection checklist for further details.
City of Brownsville
Tow Truck Permit Application

In accordance with the City of Brownsville’s Code and Ordinance, this application is to operate within the City of Brownsville as a wrecker/towing company. Application fees are listed and must be included as a check or money order along with this application. The application can be submitted to jackie@cob.us

*A Tow Truck Permit is valid for one year from the date of issuance. Prior to expiration, a tow truck permit must be renewed.*

| Application Type         | Company TDLR #: 006479550C | $50 Rotation Fee
|-------------------------|-----------------------------|------------------|
| New Permit              |                             | $25 Inspection Fee
| Renewal Permit          | New                        | $200 per vehicle |

I. Towing Wrecker Company Info

| Company Name: ACE Towing & Recovery | Owner: Michael E. Trejo |
| Contact Person: Michael Trejo       | E-Mail: ace-towingandrecovery1@yahoo.com |
| Phone Number: 956-557-0700 (24 Hour) | Phone Number: 956-557-0700 (Business Office) |
| Business Address: 2850 Dana Ave | City, State, and Zip Code Brownsville, TX 78520 |
| Mailing Address:                 | City, State, and Zip Code |

II. Insurance Coverage Information

| Insurance Company: M&G Insurance | Agent’s Name: Mark |
| Address: 24022 La Tapicia | Phone: (210) 495-0074 |
| Liability Insurance Coverage | |
| Policy #: K2GP109055 | Effective Dates: 3-31-20 | Limit: $2,000,000 |
| Cargo Insurance Coverage | |
| Policy #: K2GP109055 | Effective Dates: 3-31-20 | Limit: $50,000 |
| General Garage Liability Coverage | |
| Policy #: K2GP109055 | Effective Dates: 3-31-20 | Limit: $50,000 |

III. Driver’s Information

| Name: Michael E. Trejo | DL #: TX 09001456 | Exp. Date: 3-18-2021 |
| TDLR License #: 242559 | |
| Name: Alejandro Rodriguez | DL #: 39474579 | Exp. Date: 10-19-2021 |
| TDLR License #: 48278 | | |
| Name:                        | DL #: | Exp. Date: |
City of Brownsville  
Tow Truck Permit Application

<table>
<thead>
<tr>
<th>Name:</th>
<th>DL #:</th>
<th>Exp. Date:</th>
</tr>
</thead>
<tbody>
<tr>
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</tr>
</tbody>
</table>

### V. Wreckers Used/Information

- **Make:** 
  - **Model:** 
  - **Year:** 08
  - **VIN:** 8HMMMA4L84T69644
  - **Tag #:** T97958D

- **Make:** 
  - **Model:** 
  - **Year:** 
  - **VIN:** 
  - **Tag #:**

- **Make:** 
  - **Model:** 
  - **Year:** 
  - **VIN:** 
  - **Tag #:**

- **Make:** 
  - **Model:** 
  - **Year:** 
  - **VIN:** 
  - **Tag #:**

- **Make:** 
  - **Model:** 
  - **Year:** 
  - **VIN:** 
  - **Tag #:**

- **Make:** 
  - **Model:** 
  - **Year:** 
  - **VIN:** 
  - **Tag #:**

### VI. Acknowledgement

I hereby certify that: I read, understand and will comply with the City of Brownsville’s Codes and Ordinances, regulating the operations of wrecker businesses within the city limits, and there are no willful misrepresentations, omissions, or falsifications in the foregoing statements and answers to questions. I am fully aware that any such misrepresentations, omissions or falsifications may be grounds for immediate rejection of this application.

**Name of Applicant/Owner:** Michael F. Trejo  
**Date:** 3-7-2020

**Signature of Applicant/Owner:**

**Application Review (City Use Only)**

All documents and fees have been reviewed and collected.

**Approved**  
**Denied**

**Issued By:**  
**Date of Issuance:**  
**Date of Expiration:**
# City of Brownsville

**VEHICLE STORAGE FACILITY INSPECTION CHECKLIST**

<table>
<thead>
<tr>
<th>COMPANY NAME</th>
<th>TDLR CERTIFICATE NO.</th>
<th>EXP. DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ace Towing and Recovery</td>
<td>0666894VSF</td>
<td>03/17/2021</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ADDRESS</th>
<th>CITY</th>
<th>STATE</th>
<th>ZIP</th>
</tr>
</thead>
<tbody>
<tr>
<td>2850 Dana rd. -A</td>
<td>Brownsville</td>
<td>TX</td>
<td>788520</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PHONE</th>
<th>OWNER/AGENT</th>
<th>INSPECTOR NAME</th>
<th>INSPECTION DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>956 551-0766</td>
<td>Michael E. Trejo</td>
<td>Sgt. A De La Rosa #5307</td>
<td>03/19/2020</td>
</tr>
</tbody>
</table>

**VIOLATIONS FOUND? Y/N**

<table>
<thead>
<tr>
<th>PRE-INSPECTION</th>
<th>Violations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td></td>
</tr>
</tbody>
</table>

- **Is the company certificate (license) valid? If applicable, date license expired:**
- **Is the company insurance active?**
  -Expiration date: 03/31/2020

**SIGN AT MAIN ENTRANCE**

- **Name**
- **Street address**
- Telephone No. for release of vehicles
  - License number preceded by "VSF LICENSE NUMBER"
  - 2' letters min., contrasting, visible at 10'

---

## EXTERIOR INSPECTION - FACILITY

<table>
<thead>
<tr>
<th>FENCING</th>
<th>Violations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>See attached photos</td>
</tr>
</tbody>
</table>

- 6 Feet high minimum.
- Gate locked at all times unless a VSF employee is present.
- Chain Link, Metal, Wood or Masonry (No Animal or Livestock Fencing)
- Only one VSF may operate within a single fenced area.

<table>
<thead>
<tr>
<th>STORAGE LOT SURFACE</th>
<th>Violations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>See attached photos</td>
</tr>
</tbody>
</table>

- All-weather surface that permits vehicle mobility.
- No overgrown vegetation.

<table>
<thead>
<tr>
<th>LIGHTING</th>
<th>Violations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>See attached photos</td>
</tr>
</tbody>
</table>

- Lighting operational
- Sufficient to allow for nighttime release/inspection of vehicles (1 light fixture of a minimum of 250-watt element per ¼ acre)

---

## EXTERIOR INSPECTION - VEHICLES

<table>
<thead>
<tr>
<th>VEHICLES STORED BEHIND FENCE OR WITHIN SECURE BUILDING</th>
<th>Violations</th>
</tr>
</thead>
<tbody>
<tr>
<td>none</td>
<td>New location no vehicles present</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>VEHICLES NOT LOCKED, WINDOWS, DOORS, TRUNKS, HOODS &amp; TOPS NOT CLOSED (IF IT CAN BE LOCKED IT MUST BE LOCKED)</th>
<th>VEHICLES WITH BROKEN WINDOWS, DOORS UNABLE TO BE CLOSED NOT TARPED AS REQUIRED</th>
</tr>
</thead>
</table>

---

COB-Fleet Div. FORM 01-18
# Certificate of Liability Insurance

**Date:** 2/26/2020  
**Producer:** M & G INSURANCE  
**Address:** 24022 La Tapiceria  
**City:** San Antonio  
**State:** TX  
**ZIP:** 78261

**Insured:** ACE TOWING & RECOVERY, LLC  
**Address:** P. O. Box 1149  
**City:** Harlingen  
**State:** TX  
**ZIP:** 78551

<table>
<thead>
<tr>
<th>Coverage</th>
<th>Certificate Number</th>
<th>Policy Limits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial General Liability</td>
<td>K2GP109055</td>
<td>03/31/20 - 03/31/21</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$1,000,000</td>
</tr>
<tr>
<td>Automobile Liability</td>
<td>K2GP109055</td>
<td>03/31/20 - 03/31/21</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$500,000</td>
</tr>
<tr>
<td>Cargo</td>
<td>K2GP109055</td>
<td>03/31/20 - 03/31/21</td>
</tr>
<tr>
<td></td>
<td>K2GP109055</td>
<td>03/31/20 - 03/31/21</td>
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<tr>
<td></td>
<td>$50,000</td>
<td></td>
</tr>
<tr>
<td>$50,000</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Certificate Holder

**Name:** HARLINGEN POLICE DEPT  
**Address:** 1018 Fair Park  
**City:** HARLINGEN  
**State:** TEXAS  
**ZIP:** 78550

**Signature:**  
**Date:**  
**Note:** The ACORD name and logo are registered marks of ACORD.
CERTIFICATE OF LIABILITY INSURANCE

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFER NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NECESSARILY EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES ISSUED BY THE INSURER(S). AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
M & G INSURANCE
24022 La Tapiceria
San Antonio, TX 78261

INSURED
ACE TOWING & RECOVERY, LLC dba A + TOWING
P. O. BOX 1149
3026 N., 77 SUNSHINE STRIP
HARLINGEN, TX 78551

CONTACT NAME:
E-mail: mandginsurance@att.net

INSURER A: AMGUARD INSURANCE COMPANY
142390

COVERAGES

<table>
<thead>
<tr>
<th>TYPE OF INSURANCE</th>
<th>POLICY NUMBER</th>
<th>LIMITS</th>
</tr>
</thead>
<tbody>
<tr>
<td>COMMERCIAL GENERAL LIABILITY</td>
<td>K2GP005444</td>
<td>$500,000</td>
</tr>
<tr>
<td>AGGREGATE LIMIT APPLIES PER</td>
<td></td>
<td></td>
</tr>
<tr>
<td>POLICY</td>
<td></td>
<td></td>
</tr>
<tr>
<td>OCCUR</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AUTOMOBILE LIABILITY</td>
<td>K2GP005444</td>
<td>$500,000</td>
</tr>
<tr>
<td>ANY AUTO</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ALL OWNED</td>
<td></td>
<td></td>
</tr>
<tr>
<td>HIRED</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SCHEDULED AUTOS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>NON-OWNED AUTOS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>UMBRELLA LIABILITY</td>
<td></td>
<td></td>
</tr>
<tr>
<td>OCCUR</td>
<td></td>
<td></td>
</tr>
<tr>
<td>EXCESS LIABILITY</td>
<td></td>
<td></td>
</tr>
<tr>
<td>WORKERS COMPENSATION AND EMPLOYER'S LIABILITY</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ANY PROPRIETOR, PARTNER, EXECUTIVE OFFICER AND OWNED CORPORATION</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Monetary in any one Accident)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>DESCRIPTION OF OPERATIONS BELOW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CARGO</td>
<td>K2GP005444</td>
<td>$50,000</td>
</tr>
<tr>
<td>GARAGEKEEPER'S</td>
<td>K2GP005444</td>
<td>$50,000</td>
</tr>
</tbody>
</table>

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER
ACERO
1 CABOT ROAD
MEDFORD, MA 02155

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE, THEREFORE NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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### AGENDA ITEM

**Subject:** Second Amended Declaration of Local State Disaster for Public Health Emergency

**Commission Meeting Date:** 04/07/20

<table>
<thead>
<tr>
<th>Executive Session (City Attorney Only)</th>
<th>Select</th>
<th>Agenda</th>
<th>Ordinance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Time Needed:</strong></td>
<td></td>
<td>🔄 Public Hearing</td>
<td>☑ First Reading</td>
</tr>
<tr>
<td><strong>Action Item:</strong></td>
<td></td>
<td>🔄 Contract</td>
<td>☑ Second Reading</td>
</tr>
<tr>
<td></td>
<td></td>
<td>✅ Action</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>☑ Consent</td>
<td></td>
</tr>
</tbody>
</table>

**Information:** Please include additional information/request.

Consideration and ACTION to approve Second Amended Declaration of Local State Disaster for Public Health Emergency.

---

### Reviewing Departments:

Please review and forward to the next reviewing department in a timely manner.

<table>
<thead>
<tr>
<th>Department</th>
<th>Date Reviewed:</th>
<th>By:</th>
<th>Comments:</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Attorney</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Finance Department</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>City Commission</th>
<th>Assistant City Manager</th>
<th>Deputy City Manager</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approved:</td>
<td>Yes ☑ No ☐</td>
<td>Yes ☑ No ☐</td>
</tr>
<tr>
<td>Date:</td>
<td>Initials:</td>
<td>Date:</td>
</tr>
</tbody>
</table>

**City Manager’s Approval**

<table>
<thead>
<tr>
<th>Signature:</th>
<th>Date:</th>
</tr>
</thead>
</table>
SECOND AMENDED DECLARATION OF LOCAL DISASTER FOR PUBLIC HEALTH EMERGENCY

WHEREAS, beginning in December 2019, a Novel Coronavirus, now designated COVID-19, was detected in Wuhan City, Hubei Province, China, and has since spread throughout the world; and

WHEREAS, symptoms of COVID-19 include fever, coughing, and shortness of breath, outcomes have ranged from mild to severe illness and in some cases the virus has caused death; and

WHEREAS, pursuant to the Texas Disaster Act of 1975, the Mayor is designated as the Emergency Management Director of the City of Brownsville, and may exercise the powers granted to the Governor on an appropriate local scale; and

WHEREAS, Section §418.108(a) of the Texas Government Code provides that the presiding officer of the governing body of a political subdivision may declare a state of local disaster; and

WHEREAS, a declaration of local disaster and public health emergency includes the ability to reduce the possibility of exposure to disease, control the risk, promote health, compel persons to undergo additional health measures that prevent or control the spread of disease, including the provision of temporary housing or emergency shelters for persons misplaced or evacuated, and request assistance from the governor of state resources; and

WHEREAS, by this Declaration of Disaster and Public Health Emergency, I declare all rules and regulations that may inhibit or prevent prompt response to this threat suspended for the duration of the incident; and

WHEREAS, pursuant to the authority granted to the Mayor under the Texas Disaster Act of 1975, I authorize the use of all available resources of state government and political subdivisions to assist in the City's response to this situation; and

WHEREAS, I, Juan “Trey” Mendez III, the Mayor of the City of Brownsville have determined that extraordinary and immediate measures must be taken to respond quickly, prevent and alleviate the suffering of people exposed to and those infected with the virus, as well as those that could potentially be impacted by COVID-19;
NOW, THEREFORE, BE IT PROCLAIMED BY THE CITY OF BROWNSVILLE, TEXAS CITY COMMISSION:

1. That a Local State of Disaster for Public Health Emergency was declared for the City of Brownsville, Texas pursuant to the Texas Disaster Act of 1975 and Section §418.108(A) of the Texas Government Code.

2. Pursuant to Section § 418.108(b) of the Government Code, the state of disaster and Public Health Emergency is hereby continued for a period of fourteen (14) days from the date of this declaration unless renewed by the City Commission of the City of Brownsville, Texas.

3. Pursuant to Section §418.108(c) of the Government Code, this declaration of this Amended Local State of Emergency and Public Health Emergency shall be given prompt and general publicity and shall be filed promptly with the City Secretary’s Office.

4. Pursuant to Section §418.020(c) of the Government Code, this declaration authorizes the City to commandeer or use any private property, temporarily acquire, by lease or other means, sites required for temporary housing units or emergency shelters for evacuees, subject to compensation requirements.

5. Pursuant to Section §122.006, of the Health and Safety Code, this declaration authorizes the City to take any actions necessary to promote health and suppress disease, including quarantine, and regulating hospitals, regulating ingress and egress from the City, and fining those who do not comply with the City’s rules.

6. This Declaration of Second Amended Local Disaster for Public Health Emergency shall take effect immediately from and after its issuance and the following measures shall be in place:

- Restaurants and bars shall permit delivery, pick up and take-out only so long as no more than 10 people congregate in the take-out area. Drive-thru and take-out patrons are to be instructed to remain in their vehicles. If take-out patrons are on foot, they must be seated at least 6 feet from each other. Businesses are encouraged to implement procedures whereby take-out patrons pay via telephone or electronic means. Downtown City metered parking will be continue to be suspended in order to support these measures. Parking areas within Shopping Areas are also strongly encouraged to create takeout and delivery designated parking spaces.
• Business establishments selling groceries or staples of daily living shall discourage persons under the age of 14 to enter the premises, unless absolutely necessary.

• Bingo establishments are closed.

• Religious and worship services should be provided by video and teleconference. If religious services cannot be conducted from home or through remote services, they should be conducted consistent with the Guidelines from the President and the CDC by practicing good hygiene, environmental cleanliness, and sanitation, and by implementing social distancing to prevent the spread of COVID-19.

• All elective medical, surgical, and dental procedures are prohibited anywhere in the City. Hospitals, ambulatory surgery centers, dental offices, and other medical facilities are directed to identify procedures that are deemed “elective” by assessing which procedures can be postponed or cancelled based on patient risk considering the emergency need for redirection of resources to COVID-19 response.

• Child day care centers shall not have more than ten (10) children per room and comply with the six (6) foot social distancing requirement, as well as state requirements.

• Adult day care centers shall not have more than ten (10) adults per room and comply with the six (6) foot social distancing requirement, as well as state requirements.

• Plasma centers shall not have more than ten (10) donors per room and comply with the six (6) foot social distancing requirement, as well as any other applicable local, state, or federal requirements.

• All City libraries are closed.

• All City of Brownsville residents are strongly encouraged to use online services and drive-thru services while doing business with the City.

• Brownsville bus service, BMetro is continuing to implement social distancing measures. No more than ten (10) individuals may ride a bus at one time.

• The Brownsville/South Padre Island Airport shall limit access into the Terminal Building to ticketed passengers only. All Airport users are required to participate in the Airport provided thermal scan or similar device.

• City events are cancelled until further notice.

• General Public and Private Community Events are cancelled until further notice.
• The City Commission will continue to meet remotely. We strongly encourage members of the public to watch proceedings on www.cob.us.

• In-person meetings of city advisory boards, commissions and bureaus are cancelled, however meetings may occur remotely.

• The City encourages members of the public to seek city services through the city's website or by telephone.

• Private events on city or private facilities are cancelled until further notice. Fees and deposits for the facility rentals will be refunded or applied toward a rescheduled event.

• Any action for eviction to recover possession of residential property under Chapter 24 of the Texas Property Code and Rule 510 of the Texas Rules of Civil Procedure, shall be in accordance with Texas Supreme Court Order Issued March 19, 2020, which states:

  a. No trial, hearing, or other proceeding may be conducted, and all deadlines are tolled, until after April 19, 2020;

  b. A writ of possession may issue, but the posting of the written warning required by § 24.0061(d)(1) of the Property Code and the execution of the writ of possession may not occur until after April 26, 2020, and the deadlines in Rules 510.8(d)(1)-(d)(2) are tolled while this Order remains in effect; and

  c. New filings may be accepted, but the time period in Rule 510.4(a)(10) is suspended, and issuance and service of citation may not occur until after April 19, 2020.

• Facial Coverings are recommended when outside of your home.

• An employer may not discharge, or in any other way, retaliate against any employee for complying with this order.

• The Peace Officers, City of Brownsville Health Inspectors, Code Enforcement/Ordinance Officers/Inspectors, Traffic Specialists and Brownsville Fire Marshal are hereby authorized to enforce this order. A violation of this order is a Class C Misdemeanor punishable by a fine not to exceed $500.00 in accordance with the City of Brownsville Code of Ordinances Chapter 1 - Section 1.13 General Penalty.
Unless otherwise stated, these measures shall be in place until April 21, 2020.

We understand the profound social and economic impact that the changes outlined above will have on you, your family and local businesses. I urge you to continue to shop locally, tip service providers, such as deliver, drivers generously, and if you are able, donate to a local charity of your choice.

Ordered this 7th day of April, 2020.

__________________________________
Juan “Trey” Mendez III
Mayor of the City of Brownsville

Attest:

__________________________________
Griselda Rosas
Interim City Secretary
City of Brownsville
AGENDA ITEM  COMMISSION MEETING DATE 04/07/20

<table>
<thead>
<tr>
<th>Executive Session (City Attorney Only)</th>
<th>Select</th>
<th>Agenda</th>
<th>Ordinance</th>
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<td>Action Item:</td>
<td>Action</td>
<td>Contract</td>
<td>Grant</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Action</td>
<td>Second Reading</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Consent</td>
<td></td>
</tr>
</tbody>
</table>

Information: Please include additional information/request.

Consideration and action to award a contract for Anacua St. and Naranjo Road Pavement, Sidewalk, Driveway and Drainage Improvement for the City of Brownsville in the amount of $2,810,332.75, as budgeted in Fiscal Year 2020 Capital Improvement Plan.

Summary
The City of Brownsville received eight bids for aforementioned project on February 26, 2020. The bids received were from Total Commitment Constructions Co, LLC, G & T Paving LLC, Pederson Construction, RG Enterprises DBA G&G Contractors, Foremost Paving INC, Jimmy Closner & Sons, 2GS, LLC, Clore Equipment LLC. Minor corrections were made as shown on attached bid tabulation. The lowest bid amount was submitted by Total Commitment Constructions Co, LLC in the amount of $2,810,332.75.

Scope of Work
The project consists of the construction of 1 mile plus Rd., that include a full construction road bringing to city standard requirement. Adding curb and gutter, ADA ramps and sidewalks. Drainage improvements to be added culverts, storm inlets, pipes and outfall. Utility work adjusting water lines and re-route an existing force main line.

Fundings for this project is available through account 803-8200-9994-26- Street Construction Naranjo Rd BID #ANP-16-0320

Reviewing Departments: Please review and forward to the next reviewing department in a timely manner.

<table>
<thead>
<tr>
<th>City Attorney</th>
<th>Date Reviewed:</th>
<th>By:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Date Reviewed:</td>
<td>By:</td>
</tr>
</tbody>
</table>

Finance Department

<table>
<thead>
<tr>
<th>Comments:</th>
<th>Funding available, contract will be forwarded by procurement division</th>
</tr>
</thead>
</table>

City Commission

<table>
<thead>
<tr>
<th>Approved:</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

Assistant City Manager

<table>
<thead>
<tr>
<th>Approved:</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

Deputy City Manager

<table>
<thead>
<tr>
<th>Approved:</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

City Manager's Approval

<table>
<thead>
<tr>
<th>Signature:</th>
<th>Date:</th>
</tr>
</thead>
</table>
To: Mayor and City Commission
Through: Noel Bernal, City Manager
From: Armando Gutierrez, P.E. Engineering and Public Works Director
Date: April 2, 2020

Agenda: Consideration and ACTION to award a contract for Anacua St. and Naranjo Road Pavement, Sidewalk, Driveway and Drainage Improvement for the City of Brownsville in the amount of $2,810,332.75, as budgeted in FY20 Capital Improvement Plan (CIP).

Summary:
The City of Brownsville received eight (8) bids for the Anacua St. and Naranjo Road project on February 6, 2020. The bids received were from Total Commitment Construction Co, G & T Paving LLC, Pederson Construction, RG Enterprises DBA G&G Contractors, Foremost Paving Inc., Jimmy Closner & Sons, 2GS, and LLC, Clore Equipment LLC. Minor corrections were made as shown on attached bid tabulation. The lowest bid amount was submitted by Total Commitment Construction in the amount of $2,810,332.75, as budgeted.

Scope of Work
The project consists of the construction of 1 mile plus Rd., which include a full road construction to meet city standard requirements, adding curb and gutter, ADA ramps and sidewalks. Drainage improvements to be added include culverts, storm inlets, pipes and an outfall. Also included is utility work adjustments for water lines and re-routing of an existing force main line.

Funding for this project is available under the Street Construction Naranjo RD Account 803-8200-9994-26 as budgeted in the FY20 CIP.
At the request of the Engineering and Public Works Director, Armando Gutierrez, the Finance Department/Procurement Services solicited formal sealed bids for the aforementioned project.

Project milestones were accomplished as follows:

1. The legal advertisement appeared two times in *The Brownsville Herald* on January 26 and February 2, 2020 and was posted on the Purchasing and BidNet Direct websites.

2. One (1) "Pre-Bid" meeting was conducted on February 6, 2020 at 10:00 A.M. at the Finance Department/Procurement Services bid room. Seven (7) vendors were represented at the pre-bid meeting. One (1) addendum was released during the bid process to answer questions and allow for more competitive participation.

3. Sealed formal bids were opened for the subject project on February 26, 2020 at 3:00 P.M. A total of Eight (8) bids were received and publicly opened. The Engineering and Public Works Department tabulated the bids received for review and approval by City Commission. [Bookmark "A" Tabulation Sheet]

Procurement Summary

1. The responsive and responsible low bidder for the Reconstruction of Anacua St. & Naranjo Rd. is **Total Commitment Construction Co., LLC** of Mission, for a total bid amount of **$2,810,332.75** [Bookmark "A" Tabulation Sheet]

2. Completion time for this project is 270 Consecutive Calendar Days
TO: Jose Perez, Assistants Purchasing Director
FROM: Armando Gutierrez, P.E. Engineering / P.W. Director
DATE: March 25, 2020
RE: Award of Bid for the Street Paving & Drainage Improvements for Naranjo Rd

Summary

The City of Brownsville received eight (8) bids for aforementioned project on February 6, 2020. The bids received were from Total Commitment Construction Co, G & T Paving LLC, Pederson Construction, RG Enterprises DBA G&G Contractors, Foremost Paving Inc., Jimmy Closner & Sons, 2GS, and LLC, Clore Equipment LLC. Minor corrections were made as shown on attached bid tabulation. The lowest bid amount was submitted by Total Commitment Construction in the amount of $2,810,332.75

Scope of Work
The project scope consists of streets, drainage and utility reconstruction. The Naranjo Road reconstruction project is within Electoral District 3. The construction time for this project is estimated to be 270 consecutive calendar days from the issuance of the Notice to Proceed.

The Engineering & P.W. Department recommends that **Total Commitment Construction Co, LLC** be awarded the bid in the amount of **$2,810,332.75** for said project. Funding for this project is available under the Street Construction Naranjo RD account 803-8200-9994-26.
| DESCRIPTION                                                                 | QTY.  | UNIT | PRICE | AMOUNT | PRICE | AMOUNT | PRICE | AMOUNT | PRICE | AMOUNT | PRICE | AMOUNT | PRICE | AMOUNT | PRICE | AMOUNT | PRICE | AMOUNT | PRICE | AMOUNT | PRICE | AMOUNT | PRICE | AMOUNT | PRICE | AMOUNT | PRICE | AMOUNT | PRICE | AMOUNT | PRICE | AMOUNT | PRICE | AMOUNT | PRICE | AMOUNT | PRICE | AMOUNT | PRICE | AMOUNT | PRICE | AMOUNT | PRICE | AMOUNT | PRICE | AMOUNT | PRICE | AMOUNT | PRICE | AMOUNT | PRICE | AMOUNT | Price | AMOUNT |
# DRAINAGE IMPROVEMENTS FOR NARANJO RD

<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>QTY</th>
<th>UNIT</th>
<th>PRICE</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed 12&quot; (inch) RCP Class IV Complete in place</td>
<td>2</td>
<td>EA</td>
<td>$22,000.00</td>
<td>$44,000.00</td>
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<tr>
<td>Proposed 18&quot; (inch) RCP Class III</td>
<td>2</td>
<td>EA</td>
<td>$30,000.00</td>
<td>$60,000.00</td>
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<tr>
<td>Proposed 24&quot; (inch) RCP Class III</td>
<td>1</td>
<td>EA</td>
<td>$50,000.00</td>
<td>$100,000.00</td>
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<tr>
<td>Proposed 7&quot; (inch) RCP Class IV Complete in place</td>
<td>4</td>
<td>EA</td>
<td>$2,000.00</td>
<td>$8,000.00</td>
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<tr>
<td>Proposed Concrete Curb</td>
<td>6</td>
<td>EA</td>
<td>$30,000.00</td>
<td>$180,000.00</td>
</tr>
<tr>
<td>Proposed Concrete Rip-Rap</td>
<td>1</td>
<td>EA</td>
<td>$10,000.00</td>
<td>$10,000.00</td>
</tr>
<tr>
<td>Proposed Concrete Slab</td>
<td>2</td>
<td>EA</td>
<td>$20,000.00</td>
<td>$40,000.00</td>
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<tr>
<td>Proposed Surfacing Excavation and Shoring</td>
<td>1</td>
<td>EA</td>
<td>$5,000.00</td>
<td>$5,000.00</td>
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<tr>
<td>Remove and relocate existing fire hydrant</td>
<td>1</td>
<td>EA</td>
<td>$5,000.00</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>Furnish and install Water Meter</td>
<td>6</td>
<td>EA</td>
<td>$8,000.00</td>
<td>$48,000.00</td>
</tr>
<tr>
<td>Furnish and install Air &amp; Valve valve</td>
<td>1</td>
<td>EA</td>
<td>$5,000.00</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>Furnish and install dewatering system</td>
<td>1</td>
<td>EA</td>
<td>$4,000.00</td>
<td>$4,000.00</td>
</tr>
<tr>
<td>Furnish and install 4&quot; x 4&quot; J-Box Flange</td>
<td>200</td>
<td>LF</td>
<td>$150.00</td>
<td>$30,000.00</td>
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<tr>
<td>Adjust existing sanitary sewer manhole</td>
<td>3</td>
<td>EA</td>
<td>$225.00</td>
<td>$675.00</td>
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# TOTAL COMMITMENT

<table>
<thead>
<tr>
<th>G &amp; T PAVING LLC</th>
<th>PEDERSON CONSTRUCTION</th>
<th>HG ENTERPRISES DBA G &amp; G CONTRACTORS</th>
<th>FOREMOST PAVING INC</th>
<th>JIMMY CLOSNER &amp; SONS</th>
<th>ZGS, LLC</th>
<th>CLORE EQUIPMENT LLC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Commitment Construction Co, LLC</td>
<td>$71,008.00</td>
<td>$13,471.00</td>
<td>$1,200.00</td>
<td>$1,900.00</td>
<td>$2,284.54</td>
<td>$6,853.62</td>
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# UTILITY IMPROVEMENTS FOR NARANJO RD

<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>QTY</th>
<th>UNIT</th>
<th>PRICE</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Furnish and install single water service line</td>
<td>3</td>
<td>EA</td>
<td>$900.00</td>
<td>$2,700.00</td>
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<tr>
<td>Furnish and install single water service line (Long)</td>
<td>3</td>
<td>EA</td>
<td>$1,600.00</td>
<td>$4,800.00</td>
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<tr>
<td>Furnish and install 10&quot; 45° Bend</td>
<td>30</td>
<td>EA</td>
<td>$1,200.00</td>
<td>$36,000.00</td>
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<tr>
<td>Remove existing Fire Hydrant.</td>
<td>1</td>
<td>EA</td>
<td>$1,000.00</td>
<td>$1,000.00</td>
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<tr>
<td>Furnish and install new galvanized street valves and fittings.</td>
<td>1</td>
<td>EA</td>
<td>$5,000.00</td>
<td>$5,000.00</td>
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<tr>
<td>Replace and remove water meter</td>
<td>6</td>
<td>EA</td>
<td>$500.00</td>
<td>$3,000.00</td>
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<tr>
<td>Remove and relocate existing force main</td>
<td>1</td>
<td>EA</td>
<td>$16,500.00</td>
<td>$16,500.00</td>
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<tr>
<td>Furnish and install M/R W/C Valve</td>
<td>2</td>
<td>EA</td>
<td>$3,000.00</td>
<td>$6,000.00</td>
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<tr>
<td>Furnish and install Air &amp; Valve valve</td>
<td>1</td>
<td>EA</td>
<td>$3,500.00</td>
<td>$3,500.00</td>
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<tr>
<td>Furnish and install Temporary bypass system</td>
<td>1</td>
<td>EA</td>
<td>$15,000.00</td>
<td>$15,000.00</td>
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<tr>
<td>Furnish and install dewatering system</td>
<td>400</td>
<td>LF</td>
<td>$100.00</td>
<td>$40,000.00</td>
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<tr>
<td>Furnish and install 24&quot; steel casing exiting service main</td>
<td>200</td>
<td>LF</td>
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<td>$30,000.00</td>
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<td>Adjust existing sanitary sewer manhole</td>
<td>3</td>
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<td>$750.00</td>
<td>$2,250.00</td>
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# TOTAL COMMITMENT

<table>
<thead>
<tr>
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<th>PEDERSON CONSTRUCTION</th>
<th>HG ENTERPRISES DBA G &amp; G CONTRACTORS</th>
<th>FOREMOST PAVING INC</th>
<th>JIMMY CLOSNER &amp; SONS</th>
<th>ZGS, LLC</th>
<th>CLORE EQUIPMENT LLC</th>
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<tbody>
<tr>
<td>Total Commitment Construction Co, LLC</td>
<td>$260,009.00</td>
<td>$43,144.00</td>
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*Note: The table entries are in USD.*
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<th>Responsive and Responsible</th>
<th>Responsive and Responsible</th>
<th>Responsive and Responsible</th>
<th>Responsive and Responsible</th>
<th>Responsive and Responsible</th>
<th>Responsive and Responsible</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTAL DRAINAGE IMPROVEMENTS:</td>
<td>$394,950.00</td>
<td>$4,003,300.00</td>
<td>$2,890,697.50</td>
<td>$385,652.75</td>
<td>$393,996.00</td>
<td>$2,378,509.85</td>
<td>$2,758,065.00</td>
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<tr>
<td>TOTAL CONSTRUCTION IMPROVEMENTS:</td>
<td>$2,810,332.75</td>
<td>$3,365,211.00</td>
<td>$3,580,632.30</td>
<td>$2,378,509.85</td>
<td>$3,033,849.46</td>
<td>$3,365,211.00</td>
<td>$3,580,632.30</td>
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<tr>
<td>TOTAL STREET PAVING FOR NARANJO RD:</td>
<td>$2,262,930.00</td>
<td>$2,378,509.85</td>
<td>$2,758,065.00</td>
<td>$3,033,849.46</td>
<td>$2,997,063.75</td>
<td>$3,132,192.50</td>
<td>$2,890,697.50</td>
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<tr>
<td>TOTAL DRAINAGE IMPROVEMENTS:</td>
<td>$385,652.75</td>
<td>$361,989.75</td>
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<td>$506,773.00</td>
<td>$576,670.00</td>
<td>$717,652.50</td>
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<tr>
<td>TOTAL UTILITY IMPROVEMENTS:</td>
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<td>$154,210.00</td>
<td>$213,150.00</td>
<td>$177,126.05</td>
<td>$286,100.00</td>
<td>$247,100.00</td>
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Responsive and Responsible
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Responsive and Responsible

* Red indicates error on contractor's tabulation
TO: Mr. Noel Bernal, City Manager  
FROM: Armando Gutierrez, P.E. Engineering/P.W. Director  
SUBJECT: Traffic Signal Master Plan Phase 2-Scope of Services  
DATE: 3/13/2020  
THROUGH: Helen Ramirez, Deputy City Manager

AGENDA ITEM

<table>
<thead>
<tr>
<th>Executive Session (City Attorney Only)</th>
<th>Select</th>
<th>Agenda</th>
<th>Ordinance</th>
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<tbody>
<tr>
<td>Time Needed:</td>
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<td>☑ Public Hearing</td>
<td>☑ First Reading</td>
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<tr>
<td>Action Item:</td>
<td></td>
<td>☑ Contract</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>☑ Grant</td>
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<td></td>
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<td>☑ Action</td>
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<td></td>
<td></td>
<td>☑ Consent</td>
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</tr>
<tr>
<td></td>
<td></td>
<td>☑ Second Reading</td>
<td></td>
</tr>
</tbody>
</table>

Information: Please include additional information/request.

Consideration and Action to Award a Contract for Traffic Signal Master Plan Services- Phase 2 to Hanson Professional Services in the amount of $165,300.00, as budgeted

Project Number TDE-17-0218  
Funding for this project is 01-9111-876-1003-Contingency FA1590-TSIP Fiber Mjr Arterial

<table>
<thead>
<tr>
<th>Reviewing Departments: Please review and forward to the next reviewing department in a timely manner.</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Attorney</td>
</tr>
<tr>
<td>Comments:</td>
</tr>
<tr>
<td>Finance Department</td>
</tr>
<tr>
<td>Comments:</td>
</tr>
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<table>
<thead>
<tr>
<th>City Commission</th>
<th>Assistant City Manager</th>
<th>Deputy City Manager</th>
</tr>
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<tbody>
<tr>
<td>Approved: ☐ Yes ☐ No</td>
<td>Approved: ☐ Yes ☐ No</td>
<td>Approved: ☐ Yes ☐ No</td>
</tr>
<tr>
<td>Date: Initials: Date:</td>
<td>Initials: Date:</td>
<td>Initials: Date:</td>
</tr>
</tbody>
</table>

City Manager’s Approval

Signature: Date:

Revised 3/2019
To: Mayor and City Commission

Through: Noel Bernal, City Manager

From: Armando Gutierrez, P.E. Engineering/ P.W. Director

Date: April 2, 2020

Agenda: Consideration and ACTION to award a contract for Traffic Signal Master Plan Services- Phase 2 to Hanson Professional Services in the amount of $165,300.00, as budgeted in FY20 Capital Improvement Plan (CIP).

Summary:
This Traffic Masterplan focuses on corridor timings, traffic policy standards, and future traffic improvements. There are a total of two (2) phases. During the 1st Phase, Hanson completed the gathering of existing traffic data, mapping of existing corridors, creation plans of a proposed Command Center, and recommendations for timing upgrades.

The 2nd phase of the Traffic Masterplan will include the creation of a corridor timing improvement plan, which will outline a plan and schedule to provide updated timing plans in the City of Brownsville over a specified amount of time. The plan will provide updated timing plans for four (4) of the five (5) most critical corridors within the City of Brownsville.

Staff is recommending Hanson Professional Services to maintain continuity with the overall work of the Traffic Masterplan.

Funding for this project is 01-9111-876-1003-Contingency FA1590-TSIP Fiber Mjr Arterial with an original budget of $1,200,000 of which $220,016.88 has been allocated with a remaining balance of $979,983.12

The Engineering and Public department recommends approval.
# Traffic Masterplan

**Scope of Services**

<table>
<thead>
<tr>
<th>Master Planning Services</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Phase 1</strong> (Complete)</td>
<td></td>
</tr>
<tr>
<td>• Policy and Previous Study Review</td>
<td>$5,200.00</td>
</tr>
<tr>
<td>• Signal Equipment Modernization Plan</td>
<td>$15,200.00</td>
</tr>
<tr>
<td>• Develop Corridor Timing Standards</td>
<td>$16,100.00</td>
</tr>
<tr>
<td>• Corridor Timing Improvement Plan</td>
<td>$91,700.00</td>
</tr>
<tr>
<td>• Traffic Management Center Plan</td>
<td>$12,500.00</td>
</tr>
<tr>
<td>• Project Coordination and Meetings</td>
<td>$39,600.00</td>
</tr>
<tr>
<td><strong>Total Phase 1</strong></td>
<td><strong>$180,300.00</strong></td>
</tr>
</tbody>
</table>

**PHASE 2**

7. **Corridor Timing Improvement Plan**
   The corridor timing improvement plan will outline a plan and schedule to provide updated timing plans in the City of Brownsville over a specified amount of time. Within this task, approximately a quarter of the signals within the City will be retimed to improve traffic flow through the City.
   - a. Provide updated timing plans for **FOUR** of the five most critical corridors (up to 50 intersections, 3 peak hours each)
   - b. Determine timing plan improvement schedule, opinions of probable cost, and priorities.

8. **Project Coordination and Meetings**
   - a. Traffic engineering staff meet with COB, present to the City Council and complete site visits (2 people, 2 times)
   - b. Project management staff meet with COB (2 people, 4 times)

<table>
<thead>
<tr>
<th>Master Planning Services</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Phase 2</strong></td>
<td></td>
</tr>
<tr>
<td>• Corridor Timing Improvement Plan</td>
<td>$134,900.00</td>
</tr>
<tr>
<td>• Project Coordination and Meetings</td>
<td>$30,400.00</td>
</tr>
<tr>
<td><strong>Total Phase 2</strong></td>
<td><strong>$165,300.00</strong></td>
</tr>
</tbody>
</table>

**TOTAL (Phase 1 & 2)** $345,600
Scope of Services

PHASE 1

1. Policy and previous study review
   The purpose of this task will be to review existing studies and policies in order to identify gaps and provide recommendations.
   a. Review access control policy
   b. Review TxDOT corridor delay and travel times study
   c. Review new development policy
   d. Review master streets plan
   e. Review pedestrian and bicycle master plan
   f. Review capital improvement plan
   g. Identify gaps in policy as it relates to pedestrian and bicycle accommodations, new signal installation, unwarranted signal removal, and turn lane evaluations.

2. Signal Equipment Modernization Plan
   The City’s existing plan will be reviewed and updated if necessary. The signal equipment modernization plan will outline a plan and schedule to update all outdated signal equipment in the City of Brownsville over a specified amount of time.
   a. Review existing inventory and method
   b. Incorporate new information into City’s GIS database of existing information
   c. Review City’s inventory of communication capabilities and needs for individual corridors and city wide
   d. Review City’s list of equipment to be replaced
   e. Research brand compatibility and future products
   f. Review City’s replacement schedule, opinions of probable costs, and priorities and make recommendations if required

3. Develop corridor timing standards
   The corridor timing standards will provide a decision tree and metrics to determine when a corridor is operating below acceptable levels. The standards will also help meet pedestrian and bicycle goals
   a. Develop desired criteria for corridors based on roadway classification and ADT
   b. Review clearance intervals and pedestrian crossing standards
   c. Determine metrics to identify high priority corridors
   d. Provide corridor timing standards and policy recommendations

4. Corridor Timing Improvement Plan
   The corridor timing improvement plan will outline a plan and schedule to provide updated timing plans in the City of Brownsville over a specified amount of time. Within this task, approximately a quarter of the signals within the City will be retimed to improve traffic flow through the City.
   a. Identify corridors that do not meet the desired criteria developed
   b. Determine high priority corridors
Scope of Services

c. Provide updated timing plans for ONE of the five most critical corridors (up to 50 intersections, 3 peak hours each)
d. Determine timing plan improvement schedule, opinions of probable cost, and priorities.

5. Traffic Management Center Plan

The traffic management center plan will outline a plan and the steps necessary to create a traffic management center that meets the goals of the City of Brownsville.

a. Identify goals of a TMC
b. Research brand compatibility and future products

6. Project Coordination and Meetings

a. Traffic engineering staff meet with COB, present to the City Council and complete site visits (2 people, 1 times)
b. Project management staff meet with COB (2 people, 2 times)

Master Planning Services

<table>
<thead>
<tr>
<th>Service</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy and Previous Study Review</td>
<td>$5,200.00</td>
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<tr>
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<tr>
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</tr>
<tr>
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<td>$12,500.00</td>
</tr>
<tr>
<td>Project Coordination and Meetings</td>
<td>$39,600.00</td>
</tr>
</tbody>
</table>

Total Phase 1 $180,300.00
Scope of Services

Phase 2

PHASE 2

7. **Corridor Timing Improvement Plan**
   The corridor timing improvement plan will outline a plan and schedule to provide updated timing plans in the City of Brownsville over a specified amount of time. Within this task, approximately a quarter of the signals within the City will be retimed to improve traffic flow through the City.
   a. Provide updated timing plans for **FOUR** of the five most critical corridors (up to 50 intersections, 3 peak hours each)
   b. Determine timing plan improvement schedule, opinions of probable cost, and priorities.

8. **Project Coordination and Meetings**
   a. Traffic engineering staff meet with COB, present to the City Council and complete site visits (2 people, 2 times)
   b. Project management staff meet with COB (2 people, 4 times)

**Master Planning Services**

<table>
<thead>
<tr>
<th>Phase 2</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Corridor Timing Improvement Plan</td>
<td>$134,900.00</td>
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<tr>
<td>Project Coordination and Meetings</td>
<td>$30,400.00</td>
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</tbody>
</table>

**Total Phase 2** $165,300.00

**TOTAL (Phase 1 &2)** $345,600
TO: Noel Bernal, City Manager
FROM: Damaris McGlone, PARD Director
SUBJECT: Senior Center Renovation Project
DATE: 3/25/2020
THROUGH: ACM, E. Walker; Marina Zolezzi

AGENDA ITEM COMMISSION MEETING DATE 04/07/20

<table>
<thead>
<tr>
<th>Executive Session (City Attorney Only)</th>
<th>Select</th>
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<tbody>
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<tr>
<td></td>
<td></td>
<td>☑ Action</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>☑ Consent</td>
<td></td>
</tr>
</tbody>
</table>

Information: Please include additional information/request.

"Consideration, Discussion and Action to award contract to R. E. Friedrichs Co. for the Senior Center Renovation Project in the amount of $510,000 based out of Pharr, TX., as budgeted in Fiscal Year 2020 Capital Improvement Plan (CIP).

The project located on 6th and Madison, formerly known as the Mother of Perpetual Help -Building A; is within the $554,328.00 available budget. This is a 50:50 match between the City of Brownsville and Texas Parks and Wildlife Department via the Indoor Recreation Grant Program.

Bid #IRF-22-0419
Senior Center Renovation Project - CCR-05-0620
TPWD PN 51-000073

Reviewing Departments: Please review and forward to the next reviewing department in a timely manner.

<table>
<thead>
<tr>
<th>Department</th>
<th>Date Reviewed</th>
<th>By:</th>
<th>Comments</th>
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<tbody>
<tr>
<td>City Attorney</td>
<td>3/26/2020</td>
<td></td>
<td>Approved with minor changes to agenda language above and subject to procurement.</td>
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<tr>
<td>Finance Department</td>
<td>3/26/2020</td>
<td>Lupe Granado</td>
<td>Funding available.</td>
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Revised 3/2019
To: Mayor and City Commission
Through: Mr. Noel Bernal, City Manager
From: Damaris McGlone, Parks and Recreation Department (PARD) Director
Date: April 2, 2020

Agenda: Consideration and ACTION to award bid #IRF-22-0419 to R. E. Friedrichs Co. for the Senior Center Renovation Project in the amount of $510,000.00 based out of Pharr, Texas, as budgeted in FY20 Capital Improvement Plan (CIP). (Parks and Recreation Department)

Summary:
On March 23, 2017, PARD was awarded a 50:50 grant match for renovation improvements for the City building located on 6th and Madison, formerly known as the Mother of Perpetual Help - Building A in the amount of $277,164.00 for a project total of $554,328.00. The awarded grant match is between the City of Brownsville and Texas Parks and Wildlife Department via the Indoor Recreation Grant Program.

The City of Brownsville and Gignac I Architects sought and received six (6) competitive sealed bids for this project. After receipt of the architect review and recommendation, PARD is recommending to award the contract to R. E. Friedrichs Co. of Pharr, TX the responsible and responsive bidder for the City of Brownsville offering the best value for this project.

Bid #IRF-22-0419
Senior Center Renovation Project - CCR-05-0620
Texas Parks & Wildlife Department PN 51-000073

Funding is available from “Subdivision Park Fees” 01-569-115 FB01 as budgeted in FY20 CIP.

Agenda Item:
Parks and Recreation staff recommends approval of contract to R. E. Friedrichs Co. for the Senior Center Renovation Project in the amount of $510,000 based out of Pharr, Texas, as budgeted.
March 23, 2020

Mr. Alfonso Mendoza
City of Brownsville
1001 E. Elizabeth Street
1st Floor, Ste. 101
Brownsville, TX 78520

RE: 18.38 Brownsville Senior Center

Mr. Mendoza:

At your request, Gignac I Architects is providing this letter as a recommendation for the renovation of the Senior Center project.

After receiving competitive sealed bids, and evaluating the (6) bids submitted, we believe that R. E. Friedrichs Co. offers the City of Brownsville the best value for this project and recommend them to be the General Contractor.

Attached is a bid tabulation noting each of the bidder’s submission for your reference.

Should you require any additional information, please do not hesitate to contact our office.

Thank You

Juan Mujica, Jr.
Gignac I Architects
# 18.38 BROWNSVILLE SENIOR CENTER RENOVATIONS

**WEDNESDAY, MARCH 11, 2020**  
**3:00 PM C.S.T.**

| GENERAL CONTRACTOR | R. E. Friedrichs Co.  
| 3409 S. Jackson Rd.  
| Pharr, TX 78577  
| PH: 956-687-8261  
| Fax: 956-687-6164  
| Att: Austin Connor Friedrichs  
|  | NM Contracting  
| 2022 Orchid Ave.  
| McAllen, TX 78504  
| PH: 956-631-5667  
| Fax: 956-631-3959  
| Att: Noel Munoz  
|  | Scoggin Construction  
| 17862 Graham Rd.  
| Harlingen, TX 78552  
| PH: 956-421-3154  
| Fax: 956-421-3154  
| Att: Bill Scoggin  
|  | RG Enterprises  
| (G&G Contractors)  
| 711 E. Wisconsin Rd.  
| Edinburg, TX 78539  
| PH: 956-259-8046  
| Fax: 956-259-2925  
| Att: Rane Garza  
|  | Holchemont, LTD  
| 900 N. Main  
| McAllen, TX 78501  
| PH: 956-686-2901  
| Fax: 956-686-2925  
| Att: Michael Montalvo  
|  | H2O Construction  
| P.O. Box 532845  
| Harlingen, TX 78553  
| PH: 956-425-9922  
| Fax: 956-425-9922  
| Att: Chris Handy  

| Bid Bond | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| **BASE BID** | $510,000 | $517,800 | $595,000 | $595,820 | $647,000 | $675,855 |
| **CALENDAR DAYS to complete BASE BID** | 150 | 120 | 150 | 160 | 115 | 120 |
|  | 6 day/week | 6 day/week | 5 day/week | 5 day/week | 5 day/week | 5 day/week |

| Addenda | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |

| Owner's Criteria | Responsive & Responsible (Low Bidder) | Responsive & Responsible | Responsive & Responsible | Responsive & Responsible | Responsive & Responsible |

| **TOTAL** | $510,000 | $517,800 | $595,000 | $595,820 | $647,855 | $675,855 |
# Budget Performance Report

**Date Range** 10/01/19 - 09/30/20  
Include Rollup Account and Rollup to Account

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**Expenses**

**Fund 45 - Capital Projects Fund**

**Department 8229 - TP&W - Brownsville Senior Center**

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**Revenue**

**Expense Totals**

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TO: Pete Gonzalez, Deputy City Manager
FROM: Damaris McGlone, Parks and Recreation Director
SUBJECT: BCRC/TPWD Grant To Utilize Park Improvement Funds
DATE: 11/27/17
CC: Michael Lopez, ACM; Lupe Granado, Finance Director

See attached memo- character space is limited in this format.

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City Manager's Approval

Signature: [Signature]
Date: 12-5-17
The Parks and Recreation Department is requesting to utilize funding from the Parks improvement Fund “Subdivision Park Fees” [01-569-115 FB01] for the execution of the awarded grant from the Texas Parks and Wildlife Department for Building A of the Brownsville Community Resource Center to be used as a senior center which will serve the entire Brownsville community. It was confirmed on 11/06/17 that as of June 2017 the funding available in the account was in the amount of $280,000.00 which is sufficient to cover the city’s portion of the 50:50 match of $277,164.00 for the total project cost of $554,328.00. Please confirm funding amount so that we can use these funds for this project; so that we may execute the grant agreement to remain in good standing with the Texas Parks and Wildlife Department, a key funding agency for many City of Brownsville’s projects.

Sincerely,

ND McGlone, CTRS*
*Certified Therapeutic Recreation Specialist
Parks and Recreation Director

City of Brownsville | Parks and Recreation Department
1338 E 8th St. | Brownsville, TX 78520
Office 956-547 6870 | Cell 956-243-7970
damaris.mcglone@cob.us | www.cob.us
I have been advised of that the City of Brownsville is considering utilizing the Parks Dedication Fund as the funding source to provide the 50:50 grant match for the awarded (March 23, 2017 – July 15, 2020) Texas Parks and Wildlife Recreation Grants Local Park Grant Program TPWD Project Number 51-000073 in the amount $277,164.00. I understand that the total project cost is $554,328.00 and will be used for the renovation improvements to Building A of the Brownsville Community Resource Center, located at the intersection of 6th St. and Madison and legally described as: TRACT I: Lots 1, 2 and 3, Block 109 and Lots 5 & 6, Block 110, ORIGINAL TOWNSITE OF BROWNSVILLE, Cameron County, Texas, 0.4132 ACRE and TRACT II: The Front ¼ of Lot 4, Block 109, ORIGINAL TOWNSITE OF BROWNSVILLE, Cameron County, Texas, 0.0689 ACRE.

To satisfy City Ordinance Number 2016-1479-C, section 332-171 (1) d. please be advised that I am in agreement with the use of funds for the above referenced tracts of land for park improvements. These improvements align with the 2015 PARD Master Plan, ordinances and the planned use of Building A as the future site for a senior recreation center is located in a highly densely populated area that lacks parks and programming for this segment of our population. This improvement will help provide the entire city much needed senior services.

My understanding is that if agreed by City Management, the funds for this transaction will be from the Parks Dedication Fund that currently has a balance of $285,282.00 and made available through account number 01-9115-848-174.

Should you have any questions please do not hesitate to contact me at any time.
ORDINANCE NUMBER 2016-1479-C

AN ORDINANCE OF THE CITY OF BROWNSVILLE REPEALING CURRENT SECTION 332-171 OF CHAPTER 332, ARTICLE IV OF THE CITY OF BROWNSVILLE SUBDIVISIONS CODE AND REPLACING IT WITH NEW SECTION 332-171 FEES IN LIEU OF DEDICATION.

WHEREAS, this ordinance bears a substantial relationship to the public health, safety, or general welfare and all procedural requirements for the passage hereof have been met;

BE IT ORDAINED by the City of Brownsville:

Sec 332-171- Fees in Lieu of Dedication

(1) The city will require fees in lieu of dedication of parkland for subdivisions in which dedication amount is calculated to be less than five acres under Section 332-171(D) as follows:

a. For single-family residential subdivisions, a park fee of equal to fair market value of the required land per dwelling unit requirement. Fair Market Value will be determined by the land value as shown in the Cameron County Appraisal District records.

b. All land subdivided for commercial, industrial, nonresidential or multi-family uses shall pay a park fee in lieu of parkland dedication equaling the amount of two and half percent of the fair market value as determined by Cameron County Appraisal District records.

c. Should the city accept any monies in lieu of parkland, the finance department shall be responsible for processing and collecting the fees before the approval of such plat.

d. Funds received in lieu of dedication shall be used for acquisition or improvement of park land, preferably located within 2 miles from the subdivision or for acquisition of park land in highly populated/dense areas without adequate park land available. Acquisition, improvements, and location shall be determined by the City Planning and Development and Parks and Recreation Departments in accordance with the Master Parks Plan.

INTRODUCED and PASSED on FIRST READING on this the 1st day of March, 2016.

Passed and Approved, this 15th day of March, 2016.

Antonio Martinez
Mayor

Attest:

Michael Lopez
City Secretary
Approved as to form and legality:

[Signature]

Allison Bastian, Assistant City Attorney
RESOLUTION NO. 2016-040

A RESOLUTION OF THE CITY OF BROWNSVILLE, TEXAS HEREINTO REFERRED TO AS "APPLICANT." DESIGNATING CERTAIN OFFICIALS AS BEING RESPONSIBLE FOR, ACTING FOR, AND ON BEHALF OF THE APPLICANT IN DEALING WITH THE TEXAS PARKS AND WILDLIFE DEPARTMENT, HEREINAFTER REFERRED TO AS "DEPARTMENT," FOR THE PURPOSE OF PARTICIPATING IN THE LOCAL PARKS GRANT PROGRAM, HEREINAFTER REFERRED TO AS THE "PROGRAM"; CERTIFYING THAT THE APPLICANT IS ELIGIBLE TO RECEIVE PROGRAM ASSISTANCE; CERTIFYING THAT THE APPLICANT MATCHING SHARE IS READILY AVAILABLE; DEDICATING THE PROPOSED SITE FOR PERMANENT (OR FOR THE TERM OF THE LEASE FOR LEASED PROPERTY) PUBLIC PARK AND RECREATIONAL USES; AND CERTIFYING THAT THE APPLICATION HAS BEEN SUBMITTED TO THE APPROPRIATE REGIONAL COUNCIL OF GOVERNMENTS FOR THE TEXAS REVIEW AND COMMENT SYSTEM (TRACS) REVIEW.

WHEREAS, the applicant is fully eligible to receive assistance under the Program; and

WHEREAS, the applicant is desirous of authorizing an official to represent and act for the Applicant in dealing with the Department concerning the Program;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF BROWNSVILLE:

SECTION 1: That the Applicant hereby certifies that they are eligible to receive assistance under the Program, and that notice of the application has been posted according to local public hearing requirements.

SECTION 2: That the Applicant hereby certifies that the matching share for this application is readily available at this time.

SECTION 3: That the Applicant hereby authorizes and directs its Parks and Recreation Department Director, Damaris McGlone to act for the Applicant in dealing with the Department for the purposes of the Program, and that Damaris McGlone is hereby officially designated as the representative in this regard.

SECTION 4: The Applicant hereby specifically authorizes the official to make application to the Department concerning the site to be known as the Brownsville Community Resource Center in the City of Brownsville of Cameron County for use as a park site and is hereby dedicated (or will be dedicated upon completion of the proposed acquisition) for public park and recreation purposes in perpetuity (or for the lease term, if legal control is through a lease). Projects with federal monies may have differing requirements.

SECTION 5: That the Applicant hereby certifies that a copy of the application has appropriate regional council of governments for Texas Review and Comments System consideration.

Introduced, read and passed by the affirmative vote of the "Applicant on this 6th day of September, 2016.

Attest: ________________________________

Antonio "Tony" Martinez
Mayor

______________________________
Michael Lopez
City Secretary

Resolution2016-040 (09-16) – Page 1 of 1
management standards, requiring additional special conditions and restrictions as determined by grant management standards.

SIGNATURES

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date(s) set forth below.

TEXAS PARKS AND WILDLIFE DEPARTMENT

By: ____________________________
Tim Hogsett, Director of Recreation Grants
Name and Title

Date: 6-29-17
TPWD Approval Date

CITY OF BROWNsville

Sponsor (Political Subdivision)

By: ____________________________
Charlie Cabler, City Manager
Name and Title

Date: ____________________________

SAM Number, Date, Initials: 3VAU2, 06-23-2017, re __________

Attachment A – Budget Summary of Project Costs
Attachment B – Project Boundary Map, signature required
Attachment C – Certificate of Land Dedication, signature required
Attachment A

BUDGET SUMMARY OF PROJECT COSTS
Ms. Vamans McGlone  
Parks & Recreation Director  
1338 E. 8th Street  
Brownsville TX 78520

Re: Brownsville Senior Center  
Project Number 51-000073

Dear Ms. McGlone:

On March 23, 2017, the Texas Parks and Wildlife Commission approved the City’s grant proposal for the Senior Center through the Texas Recreation and Parks Account.

Please print, sign, and upload the attached grant agreement documents under the assigned task in RGO. Once we have received the grant agreement, the required pre-construction tasks will appear. It is imperative that you do not start construction on your project without a “Notice to Proceed” from TPWD.

For additional information you can find the “Instructions for Approved Projects” manual under the Resources tab in RGO. We have also attached comments to this packet from the resource review conducted on your application.

If planning a groundbreaking or park dedication ceremony please let us know ASAP so we can get it on our calendar. We would also like to encourage you to notify your state and local officials.

I will be your project coordinator and can be reached at 512-389-8040 or at aaron.friar@tpwd.texas.gov. We look forward to being a part of the successful completion of your project.

Sincerely,

Aaron Friar  
Grants Coordinator  
Local Park Grants Program  
Recreation Grants Branch
Recreation Grants Local Park Grant Program
Texas Recreation & Parks Account
GRANT AGREEMENT

TPWD P.O. Number: 51-000073

Project Number: 51-000073

Sponsor Name: City of Brownsville

Project Name: Brownsville Senior Center

Sponsor Unique Identifier (DUNS): 036772820

Pre-award Date: 08/22/2016

Agreement Term: March 23, 2017 - July 15, 2020

Obligated State Funds: $277,164.00

Sponsor Cost Share: $277,164.00

Total Project Cost: $554,328.00

This award is entered into by the Texas Parks and Wildlife Department (Department), and the City of Brownsville (Sponsor). This award is funded through the Department, under the authority of Chapter 24 of the Parks and Wildlife Code.

PROJECT DESCRIPTION AND LOCATION:
The City of Brownsville will renovate and develop a 2,796 sq' Senior Center to include event/activity/recreation areas, event/activity/teaching kitchen, restroom, walkways, community garden with irrigation, demolition and utilities.

Brownsville Senior Center is located in the southwest area of the city at 519 E. Madison, Brownsville, Cameron County, Texas.

PRE-AWARD INCURRENCE OF COSTS:
The Sponsor shall be entitled to reimbursement of $50,228.00 in pre-award project planning costs incurred on or after August 22, 2016. Such costs are allowable only to the extent that they would have been allowable if incurred after the start date of the award and only with the written approval of Department.
KEY OFFICIALS:
A. Key officials are essential to ensure maximum coordination and communications between the parties and the work being performed. They are:

FOR TEXAS PARKS AND WILDLIFE DEPARTMENT:

Tim Hogsett
Director of Recreation Grants
4200 Smith School Road
Austin, Texas 78744
(512)389-8224
Tim.hogsett@tpwd.texas.gov

Dana Lagarde
Local Park Grant Manager
Recreation Grants Branch
4200 Smith School Road
Austin, Texas 78744
(512)389-8175
Dana.lagarde@tpwd.texas.gov

Project Coordinator:
Aaron Friar
Grant Coordinator
Local Park Grants Program
Recreation Grants Branch
4200 Smith School Road
Austin, Texas 78744
512-389-8040
aaron.friar@tpwd.texas.gov

FOR PROJECT SPONSOR:

Official Point of Contact
Damaris McGlone
Director
Parks and Recreation Department
1338 E. 8th Street
Brownsville, TX 78520
(956) 547-6874
damaris.mcgione@cob.us

Recipient Project Coordinator
Marina Zolezzi
Director
Office of Grant Management & Community Development
1150 E. Adams
Brownsville TX 78520
(956) 548-6197
mzolezzi@cob.us

Recipient Fiscal Contact
Lupe Granando, III
Finance Director
City of Brownsville
1034 E. Levee Street
Brownsville TX  78520
(956) 548-6019
lupe@cob.us

AWARD AND PAYMENT:
A. Department will provide funding to the Sponsor in an amount not to exceed $277,164.00 for the project described under Project Description and Location above and in accordance with the Department approved Budget Summary (Attachment A).

B. The Sponsor shall obtain prior approval for budget and program revisions and shall request payment in accordance with the most current version of the Instructions for Approved Projects Recreation Grant Programs PWD BK P4000-1146.

C. In order to receive a financial assistance award and to ensure proper payment, it is required that the Sponsor maintain their registration with the System for Award Management (SAM), accessed at http://www.sam.gov

D. Allowable and Eligible Costs. Expenses charged against awards under the Agreement may not be incurred prior to the beginning of the Agreement unless specifically approved as a pre-award cost or with prior approval from the Department via a Waiver of Retroactivity, and may be incurred only as necessary to carry out the approved objectives, scope of work, and budget of the project. The Sponsor shall not incur costs or obligate State funds for any purpose pertaining to the operation of the project, program, or activities beyond the expiration date stipulated in the award.

E. Recipient Cost Share or Match. Any non-State share, whether in cash or in-kind, is expected to be paid out at the same general rate as the State share. The Sponsor must meet their cost share commitment over the life of the award. At least 50% non-State cost-share is required for costs incurred under this Agreement.

REPORTS AND/OR DELIVERABLES
A. Specific projects, tasks or activities for which State funds are reimbursed will be tracked and reported by submission of a quarterly status report via Recreation Grants Online.

B. The Texas Comptroller of Public Accounts and the Department or their duly authorized representatives, will have access, for the purpose of financial or programmatic review and examination, to any books, documents, papers, and records that are pertinent to
the Agreement at all reasonable times during the period of retention in accordance with the State of Texas Uniform Grant Management Standards (UGMS).

C. The Sponsor, in accordance with Chapter 24 of the Parks and Wildlife Code Subchapter A shall, on each anniversary date of the grant for five years after the grant is made, furnish to the department a comprehensive report detailing the present and anticipated use of the property, any contiguous additions to the property, and any major changes in the character of the property, including the extent of park development which may have taken place.

MODIFICATION, REMEDIES FOR NON-COMPLIANCE TERMINATION
A. This Agreement may be modified only by a written instrument executed by the parties. Modifications will be in writing and approved by the Department and the authorized representative of Sponsor.

B. Additional conditions may be imposed by the Department if it is determined that the Sponsor is non-compliant to the terms and conditions of this Grant Agreement.

C. This Agreement may be terminated consistent with applicable termination provisions for Agreements found in the Texas Local Park Grants Programs Manual (PWD RP P4000).

GENERAL PROVISIONS:
I. Definitions
A. The term "Department" as used herein means the Texas Parks & Wildlife Department or any representative delegated authority to act on behalf of the Department.

B. The term "Project" as used herein means a single project which is the subject of this Grant Agreement.

C. The term "Sponsor" as used herein means the political subdivision which is party to the Grant Agreement.

D. The term "LPGP" as used herein means the Local Park Grant Program.

E. The term "Manual" as used herein means the Local Park Grant Programs Manual PWD RP P4000-1445.

II. Continuing Assurances
A. The parties to the Grant Agreement specifically recognize that receipt of program assistance creates an obligation to maintain the property described in the Grant Agreement consistent with the Manual, and the following requirements:

B. The Sponsor agrees that the property described in the Grant Agreement and in the signed and dated project boundary map (Attachment B), made part of that Grant Agreement as is being acquired or developed with program assistance, and that it shall not be converted to other than public recreation use but shall be maintained in public recreation in perpetuity, or for the term of the lease in the case of leased property (Attachment C).

C. The Sponsor agrees that the benefit to be derived by the State of Texas from the full compliance by the Sponsor with the terms of this Grant Agreement is the preservation, protection, and the net increase in the quality of public recreation facilities and resources which are available to the people of the State, and such benefit exceeds to an immeasurable
and unascertainable extent the amount of money furnished by the State by way of assistance under the terms of this Grant Agreement.

D. The Sponsor agrees that the property and facilities described in the Grant Agreement shall be operated and maintained as prescribed by the Retention, Operation & Maintenance Responsibilities guidelines of the Manual.

E. The Sponsor agrees that a permanent record shall be kept and available for public inspection to the effect that the property described in the scope of the Grant Agreement, and the dated project boundary map made part of that Grant Agreement, has been acquired or developed with program assistance and that it cannot be converted to other than public recreation use.

F. Nondiscrimination

The Sponsor shall comply with Title VI of the Civil Rights Act of 1964, which in part,

1. Prohibits discriminatory employment practices resulting in unequal treatment of persons who are or should be benefiting from the grant-aided facility.

2. Prohibits discriminating against any person on the basis of residence.

III. Project Assurances

A. Applicable Laws

The Sponsor shall comply with applicable regulations, policies, guidelines and requirements including State Uniform Grant and Contract Management Act, Federal Office of Management and Budget 2 CFR Part 200 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards), as they relate to the application, acceptance and use of State funds for grant assisted projects.

The Sponsor is obligated to adhere to all requirements established for the Local Park Grant Program, including program guidelines set out at 31 Texas Administrative Code (TAC) Sec. 61.131-61.139.

It is the responsibility of the grant Sponsor to have a Single Audit done annually according to the Texas Single Audit Circular. A copy of this audit must be furnished to the Department when completed.

B. Project Application

1. The application for Local Park Grant Assistance bearing the same project name as the agreement and associated documents is by this reference made a part of the Agreement.

C. Project Execution

1. The Sponsor will cause work on the project to be commenced within a reasonable time after receipt of notification that State funds have been approved and assure that the project will be prosecuted to completion with reasonable diligence.

2. The Sponsor will require the facility to be designed to comply with the Texas Architectural Barriers Act (Article 9102 - Texas Civil Statutes), and the Architectural
Barriers Act of 1968 (Public Law 90-480). The Sponsor will be responsible for registering the project with the Texas Department of Licensing and Regulation.

3. The Sponsor shall secure completion of the work in accordance with approved construction plans and specifications, and shall secure compliance with all Federal, State, and local laws and regulations.

4. In the event the project covered by the Grant Agreement cannot be completed in accordance with the plans and specifications for the project, the Sponsor shall bring the project to the point of recreational usefulness agreed upon by the Sponsor and the Department.

5. The Sponsor will provide for and maintain competent and adequate architectural and engineering supervision and inspection at the construction site to ensure that the completed work conforms with approved plans and specifications; that it will furnish progress reports and such other information as the Department may require.

6. The Sponsor will comply with the provisions of: Executive order 11988, relating to evaluation of flood hazards; Executive Order 11288, relating to the prevention, control, and abatement of water pollution; Executive Order 11990, relating to the protection of wetlands; and the Flood Disaster Protection Act of 1973 (P.L. 93-234) 87 Stat. 975.

7. The Sponsor will assist the Department in its compliance with the Texas Antiquities Code by
   a) consulting with the Texas Historical Commission on the conduct of investigations, as necessary, to identify properties listed or eligible for listing as State Antiquities Landmarks, and to notify the Department of the existence of any such properties; and by
   b) complying with all requirements established by the Department to avoid or mitigate adverse effects upon such properties.

D. Construction

Construction by the Sponsor shall meet the following requirements:

1. Contracts for construction must be in compliance with the Local Government Code Chapter 252 (for municipalities), Chapter 262 (for counties), and Chapter 375 (for municipal utility districts). Copies of all advertisements, bids and a copy of the contract shall be provided to the Department.

2. The Sponsor shall inform all bidders on contracts for construction that State funds are being used to assist in construction.

3. Written change orders shall be issued for all necessary changes in the facility being constructed. Such change orders shall be submitted to the Department for review and, if approved, shall be made a part of the project file and should be kept available for audit.

4. No construction on the project by the Sponsor shall commence until written notice to proceed has been received from the Department.

5. The Sponsor shall install and maintain at the project site a permanent funding acknowledgment sign as prescribed by the Department.
E. Conflict of Interests

1. No official or employee of the State or local government who is authorized in his/her official capacity to negotiate, make, accept, or approve, or to take part in such decisions regarding a contract or subcontract in connection with this project shall have any financial or other personal interest in any such contract.

2. No person performing services for the State or local government in connection with this project shall have a financial or other personal interest other than his/her employment or retention by the State or local government, in any contract or subcontract in connection with this project. No officer or employee of such interest is openly disclosed upon the public records of the State, and such officer, employee or person has not participated in the acquisition for or on behalf of the Participant.

F. Project Costs

Project costs eligible for assistance shall be determined upon the basis of the criteria set forth by the Manual.

G. Retention and Custodial Requirements for Records

1. Financial records, supporting documents, statistical records, and all other records pertinent to this grant shall be retained for a period of three years after final payment; except the records shall be retained beyond the three-year period if audit findings have not been resolved.

2. The retention period starts from the date of the final expenditures report for the project.

3. The Department, State Comptroller of Public Accounts, State Auditor Office, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the Sponsor which are pertinent to a specific project for the purpose of making audits, examinations, excerpts and transcripts.

H. Project Termination

1. The Department may temporarily suspend program assistance under the project pending corrective action by the Sponsor or pending a decision to terminate the grant by the Department.

2. The Sponsor may unilaterally terminate the grant at any time prior to the first payment on the project. After the initial payment, the project may be terminated, modified, or amended by the Sponsor only by mutual agreement with the Department.

3. The Department may terminate the project in whole, or in part, at any time before the date of completion, whenever it is determined that the Sponsor has failed to comply with the conditions of the grant. The Department will promptly notify the Sponsor in writing of the determination and the reasons for termination, together with the effective date. Payments made to the Sponsor or recoveries by the Department under projects terminated for cause shall be in accord with the legal rights and liabilities of the parties.

4. The Department or Sponsor may terminate grants in whole, or in part, at any time before the date of completion, when both parties agree that the continuation of the project would not produce beneficial results commensurate with the further expenditure of State funds. The two parties shall agree upon the termination conditions, including the effective date.
and, in the case of partial termination, the portions to be terminated. The Sponsor shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The Department may allow full credit to the Sponsor for the State share of the non-cancelable obligations, properly incurred by the Sponsor, pending written receipt of the determination and the reasons for termination, together with the effective date. Payments made to the Sponsor or recoveries by the Department under projects terminated for cause shall be in accord with the legal rights and liabilities of the parties.

5. Termination either for cause or for convenience requires that the project in question be brought to a state of recreational usefulness agreed upon by the Sponsor and the Department, or that all State funds provided by the Department be returned.

I. In the event that the Sponsor does not comply with provisions as set forth in the Grant Agreement and the Manual regarding both active project compliance and compliance at previously assisted grant sites, the following actions may be taken:

1. The Department may withhold payment to the Sponsor;

2. The Department may withhold action on pending projects proposed by the Sponsor;

3. If the above actions do not achieve program compliance, the Department may involve the State Attorney General's Office, pursuant to Section 24 of the Parks & Wildlife Code.

ADDITIONAL GUIDELINES:
The following additional guidelines for administration of Local Park Grant Program Acquisition and Development Projects is hereby made part of this Grant Agreement.

The Texas Parks & Wildlife Commission, by authority of Chapters 13 and 24 of the Parks & Wildlife Code, has adopted Guidelines for Administration of Grant Acquisition and Development Projects, to read as follows:

It is the Commission's policy that the Department shall administer local grant projects in accord with the following guidelines, with interpretation of intent to be made to provide the greatest number of public recreational opportunities for citizens of Texas.

Approved projects shall be pursued in a timely manner by the Sponsor, unless delays result from extraordinary circumstances beyond the Sponsor's control. Failure to meet the following time frames may be grounds for the Department to initiate cancellation of the affected project in order to recommend reallocation of available State funds to other projects, or to deny requests for additional State funds for new projects:

<table>
<thead>
<tr>
<th>ACTIVITY</th>
<th>TIME FRAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commission Approval</td>
<td>Begin 3-year project period (4-year max)</td>
</tr>
<tr>
<td>Grant Agreement Execution (Department &amp; Sponsor)</td>
<td>As soon as possible after Commission approval</td>
</tr>
</tbody>
</table>
Pending Documentation such as:
- U.S. Army Corps of Engineers 404
- TCEQ Permits
- Environmental Resources Survey
- THC Cultural Resources Survey and Clearance
- TPWD Biological Consultations
- ROW Abandonment
- Lease/Joint-Use Agreement Execution, etc.

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Timeline/Condition</th>
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<tbody>
<tr>
<td>Quarterly Status Reports (beginning with Commission approval)</td>
<td>On or before January 15th, April 15th, July 15th and October 15th</td>
</tr>
<tr>
<td>Appraisal Submission</td>
<td>As soon as possible after grant agreement date</td>
</tr>
<tr>
<td>Appraisal Approval</td>
<td>Within 6 months of appraisal submission</td>
</tr>
<tr>
<td>Land Acquisition</td>
<td>As soon as possible after appraisal approval</td>
</tr>
<tr>
<td>Construction Plan Submission</td>
<td>Accomplished prior to first construction reimbursement.</td>
</tr>
<tr>
<td>Periodic Reimbursement Billings</td>
<td>Every 90 days if possible (minimum $10,000 request)</td>
</tr>
<tr>
<td>Project Completion and Grant Close-Out</td>
<td>Within 3 years after Commission approval (but in no case after the 4th fiscal year)</td>
</tr>
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</table>

The following criteria will be used to determine Sponsor eligibility for additional funding by the application deadline. Performance is based on all grant programs administered by the Recreation Grants Branch:

- Funding history and previous performance
- All previously completed Department Sponsored grant projects must be in compliance with all the terms of the Grant Agreement under which they received assistance and all program guidelines; and
- For active grants, all required project documentation (such as appraisals, construction plans, quarterly status reports, and reimbursement requests) must be complete and have been received on schedule, if due; and
- All active projects which are at least two years old must be reimbursed for a minimum fifty (50) percent of the approved grant amount; and
- The total of approved State funds which have not been reimbursed may not exceed $2 million for all active grant projects.

A grantee may also be considered to be “high risk” based on financial stability or non-conforming
management standards, requiring additional special conditions and restrictions as determined by grant management standards.

SIGNATURES

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date(s) set forth below.

TEXAS PARKS AND WILDLIFE DEPARTMENT
By: [Signature]
Tim Hogsett, Director of Recreation Grants
Name and Title
Date: 6-29-17
TPWD Approval Date

CITY OF BROWNSVILLE
Sponsor (Political Subdivision)
By: [Signature]
Pete Gonzalez, Deputy City Manager
Name and Title
Date: 7-14-17

SAM Number, Date, Initials: 3VAU2, 06-23-2017, re

Attachment A – Budget Summary of Project Costs
Attachment B – Project Boundary Map, signature required
Attachment C – Certificate of Land Dedication, signature required
# BUDGET SUMMARY

**PROJECT:** BROWNSVILLE Senior Center  
**PROJECT NUMBER:** 51-000073  
**PERIOD COVERED:**

<table>
<thead>
<tr>
<th>1. PROFESSIONAL SERVICES</th>
<th>ESTIMATE</th>
<th>COMPLETED LAST REQUEST</th>
<th>COMPLETED THIS PERIOD</th>
<th>TOTAL COMPLETE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction Plans/Specifications, permits</td>
<td>$50,228.00</td>
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</table>

**LIMITED TO 12% OF CONSTRUCTION COSTS**

**PRE-AGREEMENT AWARD:** $500,000

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<tr>
<th>2. CONSTRUCTION ELEMENTS</th>
<th>ESTIMATE</th>
<th>COMPLETED LAST REQUEST</th>
<th>COMPLETED THIS PERIOD</th>
<th>TOTAL COMPLETE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Site Preparation/Grading</td>
<td>$1,500.00</td>
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<td>2. Demolition</td>
<td>$7,100.00</td>
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<tr>
<td>3. Utilities</td>
<td>$49,900.00</td>
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<tr>
<td>4. Building Renovation</td>
<td>$76,400.00</td>
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<tr>
<td>5. Kitchen Renovation w/new appliances and restroom</td>
<td>$351,000.00</td>
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<tr>
<td>6. Community Garden w/Irrigation</td>
<td>$18,200.00</td>
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</table>

**Construction Cost** $504,100.00

**Less Retainage** $0.00

**TOTAL CONSTRUCTION** $504,100.00

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<tr>
<th>3. LAND ACQUISITION</th>
<th>ESTIMATE</th>
<th>COMPLETED LAST REQUEST</th>
<th>COMPLETED THIS PERIOD</th>
<th>TOTAL COMPLETE</th>
</tr>
</thead>
</table>

**TOTAL PROJECT COST** $554,328.00

**MATCH:** $277,164.00  
**0%**

(04/2010)
Attachment B

PROJECT BOUNDARY MAP

Signature Required
Attachment C

CERTIFICATE OF LAND DEDICATION

Signature Required
TEXAS PARKS AND WILDLIFE DEPARTMENT
CERTIFICATE OF LAND DEDICATION FOR PARK USE

TEXAS RECREATION & PARKS ACCOUNT

This is to certify that a permanent record shall be kept in the CITY OF BROWNSVILLE public property records and be made available for public inspection to the effect that the property described in the scope of the Grant Agreement for BROWNSVILLE Senior Center, Project Number 51-000073, and the dated project boundary map made part of that Agreement, has been acquired or developed with Texas Recreation & Parks Account assistance and that it cannot be converted to other than public recreation use without the written approval of the Texas Parks and Wildlife Department.

CITY OF BROWNSVILLE
Sponsor (Political Subdivision)

By Pete Gonzalez, Deputy City Manager
Name and Title

12-16-17
Date
Consideration and ACTION to approve the Brownsville Community Improvement Corporation’s Brownsville Cares Grant Program intended to assist businesses with grants that can be used to obtain an SBA loan or interest payment reimbursements on emergency/bridge-loans.
AGENDA ITEM  COMMISSION MEETING DATE 04/07/20

**Executive Session**  (City Attorney Only)

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**Information:** Please include additional information/request.

Closed session pursuant to Section 551.072 of the Tex. Gov’t Code regarding the lease of real property if deliberation in an open meeting would have a detrimental effect on the position of the City of Brownsville in negotiations with a third person; and pursuant to Section 551.087 of the Tex. Gov’t Code to deliberate financial or other incentives to a business prospect the City seeks to have locate within the City, in relation to the lease of land and provision of financial incentives for Project Alpha.

---

**Reviewing Departments:** Please review and forward to the next reviewing department in a timely manner.

<table>
<thead>
<tr>
<th>City Attorney</th>
<th>Date Reviewed:</th>
<th>By:</th>
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<td>Comments:</td>
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</table>

| City Commission |  | Assistant City Manager |  | Deputy City Manager |  |
|-----------------|  |                       |  |                    |  |
| Approved:       |  | Yes                  |  | Yes                |  |
| No              |  |                      |  | No                  |  |
| Date:           |  | Initials:            |  | Date:               |  |

**City Manager’s Approval**

<table>
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<th>Signature:</th>
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**Executive Session (City Attorney Only)**

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<td>Second Reading</td>
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**Information:** Please include additional information/request.

Attorney consultation pursuant to Section 551.071, Texas Gov’t Code, to provide legal advice and counsel with respect to the City of Brownsville’s rights, duties, privileges and obligation under the Residential Solid Waste Services agreement with Republic Services and related legal issues.

**Reviewing Departments:** Please review and forward to the next reviewing department in a timely manner.

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<th>By</th>
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<tr>
<td>Finance Department</td>
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**City Commission**

*Approved: [ ] Yes [ ] No*  
*Date: Initials: [ ] Yes [ ] No*  
*Date: [ ] Yes [ ] No*  
*City Manager’s Approval*

*Signature: [ ] Date: [ ]*
**Executive Session (City Attorney Only)**

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<td>Public Hearing</td>
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<tr>
<td>First Reading</td>
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<td>Second Reading</td>
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**Information:** Please include additional information/request.

Discussion and deliberation of personnel matters pursuant to Section 551.074(1) of the Texas Government Code, related to the employment and duties of the City Auditor.

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**Reviewing Departments:** Please review and forward to the next reviewing department in a timely manner.

<table>
<thead>
<tr>
<th>City Attorney</th>
<th>Date Reviewed:</th>
<th>By:</th>
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<tr>
<th>City Commission</th>
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<th>Deputy City Manager</th>
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**City Manager’s Approval**

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<th>Signature:</th>
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Revised 3/2019
Closed session pursuant to Section 551.087 of the Tex. Gov’t Code to deliberate financial or other incentives to a business prospect the City seeks to have locate within the City, in relation to the possible provision of financial incentives for Project Maple.
**TO:** Noel Bernal, City Manager  
**FROM:** Perla Cepeda, Organizational Development and Human Resources Director  
**SUBJECT:** City Auditor (CAU) Employment Agreement  
**DATE:** 4/2/2020  
**THROUGH:** Noel Bernal, City Manager

**AGENDA ITEM**  
**COMMISSION MEETING DATE 04/07/20**

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**Information:** Please include additional information/request.

Consideration and Action to approve the City Auditor Employment Agreement between the City of Brownsville and Patrick Zacchini.

**Reviewing Departments:** Please review and forward to the next reviewing department in a timely manner.

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**City Manager’s Approval**

| Signature: | Date: |
To: Mayor and City Commission

Through: Noel Bernal, City Manager

From: Perla Cepeda, Organizational Development & Human Resources Director

Date: April 3, 2020

Subject: Consideration and ACTION to approve the City Auditor Employment Agreement between of the City of Brownsville and Patrick Zacchini.

______________________________________________________________________________

**Summary:**
The City Commission commissioned the creation of the Audit Committee which includes the appointment of a City Auditor. City staff has facilitated the hiring process leading the City Commission’s selection of the most qualified candidate who has been extended an offer of employment.

The responsibilities of the City Auditor are outlined in Audit Committee by-laws and provides for internal auditing of operational and financial audits, contract and lease reviews, fraud investigations, best practices of internal control measures, and the prevention of waste and abuse of City resources.

**Resolution:**
The City of Brownsville facilitated the appropriate hiring and selection process enabling the City Commission’s selection of Patrick Zacchini for City Auditor.