1. AGENDA FOR APRIL 21, 2020
   Documents:
   
   A-04-21-2020.PDF

2. BINDER FOR APRIL 21, 2020
   Documents:
   
   BINDER04-21-2020.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 21, 2020, at 5:00 P.M. via Webex Teleconference Meeting by logging on at:
https://brownsville.webex.com/brownsville/j.php?MTID=ma2512928c1d611aea65821d4d53465c3
Meeting Number: 966 490 472

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 Webex Teleconference at the following numbers:

Join by phone
+1-408-418-9388 United States Toll
Access code: 966 490 472
Password: meeting

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) Invocation

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)

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.


b) Approval of the Minutes of the Regular Meeting of February 04, 2020.

c) Consideration and ACTION on Resolution Number 2020-029 to endorse the use of public funds for incentives, educational initiatives, and promotional activities to increase community participation in the 2020 Census. (Planning & Redevelopment Department)

d) APPROVAL on SECOND and FINAL 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))

e) APPROVAL on SECOND and FINAL 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)

f) APPROVAL on SECOND and FINAL 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)

g) APPROVAL on SECOND and FINAL READING on Ordinance Number 2020-235.94, to amend the Code of Ordinances, Chapter 348-Zoning, Article IV-Use Districts, by adding Section 348-126.-Use District Exemptions to Division 1-Generally; and by repealing Division 5-Professional Office Use District (1C), Division 6-Light Retail Use District (2C), Division 7-Medium Retail Use District (3C), Division 8-General Retail Use District (4C); and by repealing and replacing Division 9-Light Commercial Use District (5C) and Division 10-Medium Commercial Use District (6C) to create a newly established Division 9-Light Commercial District (C-1) and Division 10-Heavy Commercial District (C-2); and dealing with related matters. (Planning and Redevelopment Department)
ITEMS FOR INDIVIDUAL CONSIDERATION

1. Consideration and ACTION to approve Third Amended Declaration of Local State Disaster for Public Health Emergency. (City Manager’s Office)

2. Consideration and ACTION to award the Anacua Street and Naranjo Road Pavement, Sidewalk, Driveway and Drainage Improvement Project to the lowest responsible bidder Total Commitment Construction, in the amount of $2,810,332.75, as budgeted in the Fiscal Year 2020 Capital Improvement Plan (CIP), and authorize the Mayor to execute the construction contract. (Engineering/Public Works Department)

3. Consideration and ACTION to award an agreement for Professional Engineering and Surveying Services to Gonzalez Engineering and Surveying Incorporated for the Capital Improvement Project (CIP) Street Reconstruction in District 2, in the amount of $200,850, as budgeted. (Engineering/Public Works Department)

4. Consideration and ACTION to acknowledge the City’s Comprehensive Annual Financial Report (CAFR) for Fiscal Year ended September 30, 2019. (Finance Department)

5. Consideration and ACTION to acknowledge the Greater Brownsville Incentives Corporation (GBIC) Report regarding emergency assistance efforts provided to businesses in response to COVID-19. (Greater Brownsville Incentives Corporation (GBIC))

6. Consideration and ACTION to authorize Resolution Number 2020-030 for the filing of the Fiscal Year 2020 Coronavirus Aid, Relief and Economic Security Act (CARES Act) grant application in the amount of $7,599,697 with the Federal Transit Administration (FTA), an Operating Administration of the United States Department of Transportation, for Federal Transportation Assistance Authorized by 49 USC Chapter 53, Title 23, United States Code. (Multimodal Transportation Department)

BOARD APPOINTMENT(S)

7. Consideration and ACTION to appoint a member(s) to the LGBTQ Task Force. (City Manager’s Office)

EXECUTIVE SESSION

A) Consultation with attorney to receive confidential legal advice pursuant to Section 551.071(2) of the Texas Government Code, in connection with the City’s rights, duties, privileges, and obligations related to the Brownsville Public Utilities Board under the City of Brownsville Charter Articles I, II, V and VI, in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter. (City Manager’s Office)

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

NOTE: The City Commission of the City of Brownsville reserves the right to discuss any items in Executive Session whenever authorized under the Texas Open Meetings Act, Chapter 551 of the Texas Government Code.
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NOTE: The City of Brownsville does not discriminate on the basis of disability in the admission of, access to, treatment of, or employment in its programs, activities, or public meetings. Any individual with a disability in need of an accommodation is encouraged to contact the ADA Coordinator at 956/548-6037 (voice or Relay TX) by Monday, no later than 5:00 P.M., to make proper arrangements.

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

I certify that a copy of the April 21, 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 17, 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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By: Juan "Trey" Mendez III
    Mayor of the City of Brownsville

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Griselda Rosas, Interim City Secretary
To: Noel Bernal, City Manager  
From: Arturo Rodriguez, DNP, MPH, CPM Director of Public Health and Wellness  
Subject: Work Session  
Date: 3/12/2020  
Through: Helen Ramirez, Deputy City Manager

AGENDA ITEM  COMMISSION MEETING DATE 04/21/20

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

COVID-19 Updates

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

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<thead>
<tr>
<th>Department</th>
<th>Date Reviewed</th>
<th>By:</th>
<th>Comments</th>
<th>By:</th>
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<td>Finance Department</td>
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**City Commission**  
Approved: Yes No  
Date: Initials: Date:  

**Assistant City Manager**  
Approved: Yes No  
Initials: Date:  

**Deputy City Manager**  
Approved: Yes No  
Initials: Date:  

**City Manager’s Approval**  
Signature: Date:

Revised 3/2019
MINUTES of a Regular Meeting of the City Commission of the City of Brownsville, Texas, held in the Commission Chambers, on the Second Floor of the Brownsville City Hall – Old Federal Building, located at 1001 East Elizabeth Street, Brownsville, Cameron County, Texas, on Tuesday, January 21, 2020, at 5:00 P.M. with the following members present:

COMMISSIONERS

JOHN F. COWEN, JR.   Mayor Pro Tem
ROSE GOWEN    At-Large “B”
NURITH GALONSKY PIZANA  District 1
JESSICA TETREAU  District 2
JOEL MUNGUIA   District 3
BEN NEECE     District 4

NOEL BERNAL    CITY MANAGER
HELEN RAMIREZ  DEPUTY CITY MANAGER
ELIZABETH WALKER  ASSISTANT CITY MANAGER
BRYANT WALKER   ASSISTANT CITY MANAGER
ALFREDO PADILLA   DEPUTY CITY ATTORNEY
GRISELDA ROSAS  INTERIM CITY SECRETARY

ABSENT     JUAN “TREY” MENDEZ III – Mayor
RENE DE COSS – City Attorney

CALL TO ORDER

a) Roll Call
   A quorum being present, Ms. Griselda Rosas, Interim City Secretary, read the call to order to consider the matters as posted and filed for the record in The Office of the City Secretary on January 17, 2020.

b) Invocation
   Pastor Brad Burkes from Embassy of the Spirit Church led the invocation.

c) Pledge of Allegiance United States Pledge and Texas Pledge.
   Mayor Pro Tem John Cowen, Jr., led the Pledge of Allegiance and the Texas Pledge

d) Presentation(s)  
   Grant-Healthy Texas Mothers and Babies Community Coalition
   (Public Health Department)

   Dr. Arturo Rodriguez, DNP, MPH, CPM, Public Health and Wellness Director, briefly informed and updated the Commission on the completion of the first stage of the Maternal and Child Community Healthy Needs Assessment Grant and presented the most relevant findings from the Community Health Needs Assessment (CHNA).
PUBLIC COMMENT PERIOD

No one signed up for Public Comment Period.

CONSENT AGENDA ITEMS

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

Upon motion by Commissioner Nurith Galonsky Pizana, seconded by Commissioner Rose Gowen and carried unanimously, Consent Agenda Items were approved.

a) Approval of the Minutes of the Regular Meeting of December 10, 2019.

b) To acknowledge the following travel expenses:

<table>
<thead>
<tr>
<th>Employee</th>
<th>Department</th>
<th>Destination</th>
<th>Date</th>
</tr>
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<tbody>
<tr>
<td>Bryant Walker</td>
<td>Airport</td>
<td>Washington, DC</td>
<td>Jan. 28-31, 2020</td>
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<tr>
<td>Felipe Romero</td>
<td>Communications</td>
<td>Boerne, TX</td>
<td>Jan. 26-29, 2020</td>
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<tr>
<td>Monica Tellam</td>
<td>Communications</td>
<td>Boerne, TX</td>
<td>Jan. 26-29, 2020</td>
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<tr>
<td>Felipe Romero</td>
<td>Communications</td>
<td>Chicago, IL</td>
<td>Feb. 07-10, 2020</td>
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<tr>
<td>Monica Tellam</td>
<td>Communications</td>
<td>Chicago, IL</td>
<td>Feb. 07-10, 2020</td>
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<tr>
<td>Joanna Medina</td>
<td>Health</td>
<td>Austin, TX</td>
<td>Jan. 20-23, 2020</td>
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<tr>
<td>Sigifredo Zavala</td>
<td>Parks</td>
<td>Frisco, TX</td>
<td>Feb. 16-23, 2020</td>
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<tr>
<td>Damaris McGlone</td>
<td>Parks</td>
<td>Galveston, TX</td>
<td>Feb. 24-28, 2020</td>
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<tr>
<td>Graciela Salazar</td>
<td>Parks</td>
<td>Galveston, TX</td>
<td>Feb. 24-28, 2020</td>
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<tr>
<td>Gloria Gonzalez</td>
<td>Parks</td>
<td>Galveston, TX</td>
<td>Feb. 24-28, 2020</td>
</tr>
</tbody>
</table>

c) Consideration and ACTION to approve a Letter of Support for the Lopez Early College High School Band.

d) Consideration and ACTION to authorize the Brownsville Police Department to enter into a Memorandum of Understanding (MOU) between Bureau of Alcohol, Tobacco, Firearms and Explosives and the Brownsville Police Department.

e) Consideration and ACTION to award contract BID #POV-11-1219, for the purchase and delivery of vehicles for the Police Department, in the amount of $94,074.00, as budgeted.

f) Consideration and ACTION to approve the purchase of plotters for the amount not to exceed $39,000.00, as budgeted.

g) APPROVAL on SECOND and FINAL READING on Ordinance Number 2019-1664, annexing territory to the City of Brownsville, Cameron County, Texas and extending the boundaries of said City; and adopting a service plan.

h) APPROVAL on SECOND and FINAL READING on Ordinance Number 2020-1569-A, amending Chapter 102 “Utilities” and which provides for Electric, amending Sections 102-204 and 102-218 to provide for adjustments to Electrical Service Rates, Fees and Chargers for Municipal Street Lighting and Private Security Lightning; and providing a severability clause and effective date.
PUBLIC HEARINGS

1. Public Hearing and ACTION to approve Resolution Number 2020-005, authorizing publication and posting of Notice of Intention to issue Certificates of Obligation for the purpose of financing certain storm water improvements.

Lupe Granado, Finance Director introduced Mr. Tom Spurgeon, Bond Counsel, whom briefly informed the Commission that there were two (2) requirements under the Certificate of Obligation (CO) Act relating to giving notice to the public of the City’s intention to issue Certificate of Obligations (CO) by: (i) publishing the Notice of Intention in a local newspaper, and (ii) posting it on the City’s website. Mr. Spurgeon further noted that the statutory requirements are contained in Section 271.049(a)(1) and (2), of the Texas Local Government Code.

Brief discussion ensued amongst the Commission.

Upon motion by Commissioner Rose Gowen seconded by Commissioner Joel Munguia and carried unanimously, the public hearing was closed.

Commissioner Nurith Galonsky Pizana moved that Resolution Number 2020-005, authorizing publication and posting of Notice of Intention to issue Certificates of Obligation for the purpose of financing certain storm water improvements, be approved. The motion was seconded by Commissioner Rose Gowen and carried unanimously.

2. Public Hearing and ACTION on FIRST READING on Ordinance Number 235-2019-040, to rezone from Light Retail “G” (2CG)/Dwelling “G” (DG) to Apartment “H” (AH) for 0.2496 Acre of land out of the South 20.122 Acres of Block 19, El Jardin Subdivision, in Tract 33, Share 19, Espiritu Santo Grant, and a 0.017 Acre of land out of Lot 1, Block 1, Amending Plat of Canyon Valley Subdivision Re-plat, located at 2732 Old Port Isabel Road. (District 2)

Martin Vega, Senior Planner gave a brief explanation of the proposed rezoning ordinance, noting that the predominant land use in the surrounding area is a single family dwelling and additional uses, such as apartment and two-family dwellings (duplexes), are also present within proximity of the subject property to the East and South. Mr. Vega also mentioned that the proposed zoning designation change was originally presented at the August 8, 2019, Planning and Zoning Commission Meeting, where Mr. Armando Mendoza, neighbor, and owner of the property directly abutting the subject acreage along the West and South property lines, explained that he did not want the construction of apartments next to his property. Additionally, he stated that a portion of the land undergoing the zoning change, directly to the North of his property, belonged to him (20-foot easement fronting Old Port Isabel Road).
Brief discussion ensued amongst the Commission.

Upon motion by Commissioner Jessica Tetreau seconded by Commissioner Rose Gowen and carried unanimously, the public hearing was closed.

Commissioner Jessica Tetreau moved that Ordinance Number 235-2019-040, be adopted at first reading, to rezone from Light Retail “G” (2CG)/Dwelling “G” (DG) to Apartment “H” (AH) for 0.2496 Acre of land out of the South 20.122 Acres of Block 19, El Jardin Subdivision, in Tract 33, Share 19, Espiritu Santo Grant, and a 0.017 Acre of land out of Lot 1, Block 1, Amending Plat of Canyon Valley Subdivision Re-plat, located at 2732 Old Port Isabel Road. (District 2) The motion was seconded by Commissioner Joel Munguia and carried unanimously.

3. Public Hearing and ACTION on FIRST READING on Ordinance Number 235-2019-067, to rezone from General Retail “F” (4CF) to General Retail “G” (4CG) for Lot 2, Block 242, Brownsville Original Townsite, located at 744 East Ringgold Street. (District 4)

Martin Vega, Senior Planner gave a brief explanation of the proposed rezoning ordinance stating that the proposed use of the property was to build a duplex and that the request was consistent with the Comprehensive Plan and Future Land Use Plan. He further noted that the Planning & Zoning Commission Recommended approval of rezoning from General Retail “F” (4CF) to General Retail “G” (4CG).

Upon motion by Commissioner Nurith Galonsky Pizana seconded by Commissioner Rose Gowen and carried unanimously, the public hearing was closed.

Commissioner Rose Gowen moved that Ordinance Number 235-2019-067, be adopted at first reading, to rezone from General Retail “F” (4CF) to General Retail “G” (4CG) for Lot 2, Block 242, Brownsville Original Townsite, located at 744 East Ringgold Street. (District 4) The motion was seconded by Commissioner Jessica Tetreau and carried unanimously.

4. Public Hearing and ACTION on FIRST READING on Ordinance Number 235-2019-068, to rezone from Dwelling “G” (DG) to Apartment "G" (AG) for Lot 26, Block 1, St. Tropez Subdivision, located at 2521 Old Port Isabel Road. (District 2)

Martin Vega, Senior Planner gave a brief explanation of the proposed rezoning ordinance stating that the use of the property was to build apartments. He further noted that the predominant land use in the surrounding area was single-family dwelling and additionally City staff cited that the rezoning of the subject property to an Apartment use district would serve as a transition buffer between Dwelling to the North and Commercial use districts to the South.
Brief discussion ensued amongst the Commission and City staff in regards to the request of allowing apartments and a buffer being placed on the property.

Upon motion by Commissioner Rose Gowen seconded by Commissioner Joel Munguia and carried unanimously, the public hearing was closed.

Commissioner Jessica Tetreau seconded by Commissioner Rose Gowen and carried unanimously, the agenda item was tabled.

5. Public Hearing and ACTION on FIRST READING on Ordinance Number 235-2019-069, to rezone from Dwelling “Z” (DZ) to Light Commercial “Z” (5CZ) for 19.631 acres of land out of a 66.70 acre tract consisting of part of Blocks 45 and 55, Palo Alto Groves Subdivision Number 1, Share 22, Espiritu Santo Grant, located near Old Alice Road. (District 3)

Martin Vega, Senior Planner gave a brief explanation of the proposed rezoning ordinance noting that the use of the property would be for a Construction Company and Equipment Storage, in which the property was facing Old Alice Road. Mr. Vega further noted that staff recommended a six (6) foot vegetation buffer or screening fence with a minimum height of 6 feet along all property lines.

Javier Gonzalez, representative of G&T Paving was in favor of the proposed ordinance.

Upon motion by Commissioner Jessica Tetreau seconded by Commissioner Rose Gowen and carried unanimously, the public hearing was closed.

Commissioner Ben Neece moved that Ordinance Number 235-2019-069, be adopted at first reading, to rezone from Dwelling “Z” (DZ) to Light Commercial “Z” (5CZ) for 19.631 acres of land out of a 66.70 acre tract consisting of part of Blocks 45 and 55, Palo Alto Groves Subdivision Number 1, Share 22, Espiritu Santo Grant, located near Old Alice Road. (District 3) The motion was seconded by Commissioner Jessica Tetreau and carried unanimously.

6. Public Hearing and ACTION on FIRST READING on Ordinance Number 235-2019-070, to rezone from General Retail “F” (4CF) to General Retail “G” (4CG) for Lot 5, Block 95, Brownsville Original Townsite, located at 1012 East Jefferson Street. (District 4)

Martin Vega, Senior Planner gave a brief explanation of the proposed rezoning ordinance noting that the use of the property would be a duplex. Mr. Vega further noted that the request was consistent with the Comprehensive Plan and Future Land Use Plan.

Upon motion by Commissioner Ben Neece seconded by Commissioner Rose Gowen and carried unanimously, the public hearing was closed.

Commissioner Ben Neece moved that Ordinance Number 235-2019-070, be adopted at first reading, to rezone from General Retail “F” (4CF) to General Retail “G” (4CG) for
Lot 5, Block 95, Brownsville Original Townsite, located at 1012 East Jefferson Street. (District 4) The motion was seconded by Commissioner Rose Gowen and carried unanimously.

7. Public Hearing and ACTION on FIRST READING on Ordinance Number 235-2019-071, to rezone from General Retail “F” (4CF) to General Retail “H” (4CH) for Lots 8 through 21, Block 64, Tract I, Harden’s Addition to the City of Brownsville, located at 1230 South Expressway 77/83. (District 3)

Martin Vega, Senior Planner gave a brief explanation of the proposed rezoning ordinance for establishing a two-story mixed-use plaza, which would consist of commercial use in the first story, including a Vehicle Inspection Station and residential use on the second floor. Mr. Vega briefly informed the Commission that City staff raised some concerns related to potential noise complaints towards the proposed vehicle inspection station from abutting residences and further noted that the Planning and Zoning Commission imposed no conditions on the property.

Brief discussion ensued amongst the Commission in regards to the proposed ordinance. Upon motion by Commissioner Rose Gowen seconded by Commissioner Jessica Tetreau and carried unanimously, the public hearing was closed.

After a brief discussion, Commissioner Jessica Tetreau seconded by Commissioner Rose Gowen and carried unanimously, the agenda item was tabled.

8. Public Hearing and ACTION on FIRST READING on Ordinance Number 235-2019-072, to rezone from Apartment “J” (AJ) to General Retail “J” (4CJ) for Lot 7, Block 82, Brownsville Original Townsite, located at 603 East Washington Street. (District 4)

Martin Vega, Senior Planner gave a brief explanation of the proposed ordinance noting that the purpose of the rezoning of the property is to establish a snack shop. Mr. Vega further noted that there was a verbal opposition of the neighboring property in regards to the parking and preservation of the historic aesthetic of the neighborhood.

Mr. Pete Salazar, owner of the property briefly explained to the Commission what the future establishment would entail.

Upon motion by Commissioner Ben Neece seconded by Commissioner Nurith Galonsky Pizana and carried unanimously, the public hearing was closed.

Commissioner Ben Neece moved that Ordinance Number 235-2019-072, be adopted at first reading, to rezone from Apartment “J” (AJ) to General Retail “J” (4CJ) for Lot 7, Block 82, Brownsville Original Townsite, located at 603 East Washington Street. (District 4) The motion was seconded by Commissioner Nurith Galonsky Pizana and carried unanimously.
ITEMS FOR INDIVIDUAL CONSIDERATION

9. Consideration and ACTION to award Change Order #6 to SpawGlass Contractors, Inc., for the Terminal Project at Brownsville South Padre Island International Airport, in the amount of $305,044.00.

Commissioner Nurith Galonsky Pizana moved that Change Order #6 to SpawGlass Contractors, Inc., for the Terminal Project at Brownsville South Padre Island International Airport, in the amount of $305,044.00, be approved. The motion was seconded by Commissioner Ben Neece and carried unanimously.

Commissioner Jessica Tetreau stepped out and did not vote on Agenda Item #9.

10. Consideration and ACTION to award contract BID #BEP-01-1220, to SAMES for the construction of the Battlefield Extension, in the amount of $1,027,152.00.

Mr. Doroteo Garcia, Assistant City Engineer gave a brief explanation of the proposed agenda item noting that the project consisted of a 2-mile extension of the existing battlefield towards Los Fresnos, Texas, and the entirety of the project is being funded by a grant from the Legacy Foundation Grant.

Commissioner Rose Gowen moved that award a contract BID #BEP-01-1220, to SAMES for the construction of the Battlefield Extension, in the amount of $1,027,152.00, be approved. The motion was seconded by Commissioner Jessica Tetreau and carried unanimously.

11. Consideration and ACTION to approve a Memorandum of Understanding (MOU) between the City of Brownsville and the Brownsville Public Utilities Board, regarding an Exploratory Energy Conservation Program.

Ms. Elizabeth Walker, Assistant City Manager briefly informed the Commission that the City of Brownsville and Brownsville Public Utilities Board were jointly exploring energy conservation projects. Ms. Walker further noted that the program would consist of three groups of projects such as Streetlights, Space lighting and HVAC, and Rebate Programs which would be pursued over time, as dictated by resource availability.

Commissioner Ben Neece moved that the Memorandum of Understanding (MOU) between the City of Brownsville and the Brownsville Public Utilities Board, regarding an Exploratory Energy Conservation Program, be approved. The motion was seconded by Commissioner Nurith Galonsky Pizana and carried unanimously.
12. Consideration and ACTION to approve Resolution Number 2020-006 requesting the Texas Department of Transportation to place the East Loop on the State Highway System.

Mr. Pete Sepulveda, Cameron County Regional Mobility Authority Director gave a brief explanation of the proposed item noting that the East Loop Project would create a new transportation corridor connecting the Veterans International Bridge at Los Tomates with the Port of Brownsville and reduce congestion to improve safety on International Boulevard.

Commissioner Ben Neece moved that Resolution Number 2020-006 requesting the Texas Department of Transportation to place the East Loop on the State Highway System, be approved. The motion was seconded by Commissioner Nurith Galonsky Pizana and carried unanimously.

13. Consideration and ACTION on Resolution Number 2020-003, to repeal and replace Resolution Number 2019-091, authorizing the execution of an advanced funding agreement between the City of Brownsville and the Texas Department of Transportation for Hazard Elimination/Safety Project Off-System.

Commissioner Jessica Tetreau moved that Resolution Number 2020-003, to repeal and replace Resolution Number 2019-091, authorizing the execution of an advanced funding agreement between the City of Brownsville and the Texas Department of Transportation for Hazard Elimination/Safety Project Off-System, be approved. The motion was seconded by Commissioner Ben Neece and carried unanimously.

14. Consideration and ACTION to award a term contract BID #HMA-07-1219, for the purchase, delivery and pickup of Hot Mix Asphalt Materials for the City of Brownsville.

Mr. Doroteo Garcia, Assistant City Engineer gave a brief explanation of the proposed item noting that the material will be utilized to complete pothole patching spot repairs and paving of in-house asphalt pavement.

Commissioner Jessica Tetreau moved that a term contract BID #HMA-07-1219, for the purchase, delivery and pickup of Hot Mix Asphalt Materials for the City of Brownsville, be approved. The motion was seconded by Commissioner Rose Gowen and carried unanimously.

BOARD APPOINTMENT(S)

15. Consideration and ACTION to appoint member(s) to the Environmental and Conservation Task Force.
Mr. Noel Bernal, City Manager moved to appoint Dr. Arturo Rodriguez, Public Health Director and Carol Vasquez, Public Works Environmental Coordinator Stormwater Manager as Staff Liaisons for the Environmental and Conservation Task Force.

Commissioner Rose Gowen moved to appoint Jude Benavides to the Environmental and Conservation Task Force. The motion was seconded by Commissioner Jessica Tetreau and carried unanimously.

Bridget Collis nominated by Commissioner Ben Neece
Christopher Gabler nominated by Commissioner Nurith Galonsky Pizana
Viro Cardenas nominated by Commissioner Jessica Tetreau
Sandra Morfitt nominated by Mayor Pro-Tem John Cowen, Jr.
Mayor Juan “Trey” Mendez III, advised Commissioner Rose Gowen of his nomination in which she advised the Commission that his nomination was Bill Burgos

Monica Davila nominated by Commissioner Joel Munguia

16. Consideration and ACTION on Resolution Number 2020-008 to appoint a member(s) to the Downtown Tax Increment Reinvestment Zone No. 3 (TIRZ), City of Brownsville Board of Directors. TABLED 01/07/2020

Resolution Number 2020-008 was approved as follow:

Commissioner Jessica Tetreau moved that Frank Wood be appointed to the Downtown Tax Increment Reinvestment Zone No. 3 (TIRZ), City of Brownsville Board of Directors. The motion was seconded by Commissioner Rose Gowen and carried unanimously.

ADJOURNMENT

There being no further business to come before the Commission, upon duly made motion the meeting adjourned at 6:46 p.m.

Approved this 21st day of April, 2020.

Juan “Trey” Mendez III
Mayor

Attest:

Griselda Rosas
Interim City Secretary

Respectfully submitted by:
Yolanda Galarza-Administrative Supervisor
Office of the City Secretary
CALL TO ORDER

a) Roll Call

A quorum being present, Ms. Griselda Rosas, Interim City Secretary, read the call to order to consider the matters as posted and filed for the record in The Office of the City Secretary on January 31, 2020.

b) Invocation

Pastor Brad Burkes from Embassy of the Spirit Church led the invocation.

c) Pledge of Allegiance

United States Pledge and Texas Pledge

Mayor Juan “Trey” Mendez, III, led the Pledge of Allegiance and the Texas Pledge.

d) Proclamations

Business Professionals of America

(Commissioners N. Galonsky Pizana/Commissioner J. Munguia)

The proclamation was read and presented by Commissioner Nurith Galonsky Pizana.
PUBLIC COMMENT PERIOD

Mr. Steve Perez, thanked the Commission for making East Loop a reality.

WORK SESSIONS

A) Grants Annual Presentation

Ms. Marina Zolezzi, Assistant to the City Manager, Efren Trujillo, Office of Strategic Initiatives Assistant Director, Athena Bournakis, Grant Manager, Nayeli Trejo, Grant Analyst, and Olga Moya, Grant Writer, briefly informed the Commission of the annual basis highlights, work plan information, and accomplishments from the previous year. The Grants Division presented the Grants Work Plan for Fiscal Year October 1st, 2018-September 30, 2019, Grants Submitted by Category, Grants Awarded by Category, Grant Highlights and upcoming grants. The goal of the Grants Division is to communicate the resources secured and share upcoming opportunities that align with the Commission Pillars and annual Work Plans of all City Departments.

CONSENT AGENDA ITEMS

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

Upon motion by Commissioner Nurith Galonsky Pizana seconded by Commissioner John F. Cowen and carried unanimously, Consent Agenda Items were approved.

a) Approval of the Minutes of the Regular Meeting of January 07, 2020.
b) To acknowledge the following travel expenses:

<table>
<thead>
<tr>
<th>Employee</th>
<th>Department</th>
<th>Destination</th>
<th>Date</th>
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<tbody>
<tr>
<td>Francisco Partida</td>
<td>Airport</td>
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<td>Feb. 17-22, 2020</td>
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<tr>
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<td>Airport</td>
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<td>Odee Leal</td>
<td>Fire</td>
<td>San Marcos, TX</td>
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<td>Health</td>
<td>Austin, TX</td>
<td>Feb. 19-21, 2020</td>
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<td>Feb. 19-21, 2020</td>
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<td>Apr. 13-17, 2020</td>
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<td>Norma Cabrera</td>
<td>Health</td>
<td>New Orleans, LA</td>
<td>Apr. 13-17, 2020</td>
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<tr>
<td>Constanza Miner</td>
<td>Planning</td>
<td>Minneapolis, MN</td>
<td>Feb. 09-14, 2020</td>
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e) Consideration and ACTION to approve Resolution Number 2020-010 supporting the submittal of the grant application for FY 2020-2021 Solid Waste Grant Program to the Lower Rio Grande Valley Development Council’s (LRGVDC).

d) APPROVAL on SECOND and FINAL READING on Ordinance Number 235-2019-040, to rezone from Light Retail “G” (2CG)/Dwelling “G” (DG) to Apartment “H” (AH) for 0.2496 Acre of land out of the South 20.122 Acres of Block 19, El Jardin Subdivision, in Tract 33, Share 19, Espiritu Santo Grant, and a 0.017 Acre of land out of Lot 1, Block 1, amending Plat of Canyon Valley Subdivision Re-plat, located at 2732 Old Port Isabel Road. (District 2)

e) APPROVAL on SECOND and FINAL READING on Ordinance Number 235-2019-067, to rezone from General Retail “F” (4CF) to General Retail “G” (4CG) for Lot 2, Block 242, Brownsville Original Townsite, located at 744 East Ringgold Street. (District 4)

f) APPROVAL on SECOND and FINAL READING on Ordinance Number 235-2019-069, to rezone from Dwelling “Z” (DZ) to Light Commercial “Z” (5CZ) for 19.631 acres of land out of a 66.70 acre tract consisting of part of Blocks 45 and 55, Palo Alto Groves Subdivision Number 1, Share 22, Espiritu Santo Grant, located near Old Alice Road. (District 3)

g) APPROVAL on SECOND and FINAL READING on Ordinance Number 235-2019-070, to rezone from General Retail “F” (4CF) to General Retail “G” (4CG) for Lot 5, Block 95, Brownsville Original Townsite, located at 1012 East Jefferson Street. (District 4)

h) APPROVAL on SECOND and FINAL READING on Ordinance Number 235-2019-072, to rezone from Apartment “J” (AJ) to General Retail “J” (4CJ) for Lot 7, Block 82, Brownsville Original Townsite, located at 603 East Washington Street. (District 4)

PUBLIC HEARINGS

1. Public Hearing and ACTION on FIRST READING on Ordinance Number 2020-1033-B, amending Chapter 14-Aviation, Article II by repealing and replacing Sections 14-56, 14-60, 14-61, 14-62, 14-63 and 14-64.

Mr. Shawn Schroeder, Airport Assistant Director briefly informed the Commission that the Airport strives to increase efficiency, reduce burden, and streamline process; therefore the ordinance will amend the Airport Advisory Board to align with, and reflect the City of Brownsville’s Policy regarding Boards and Commissions.

Brief discussion ensued amongst the Commission regarding the Airport Advisory Board.

Upon motion by Commissioner John F. Cowen seconded by Commissioner Ben Neece and carried unanimously, the public hearing was closed.
Commissioner Ben Neece moved that Ordinance Number 2020-1033-B, be adopted at first reading, amending Chapter 14-Aviation, Article II by repealing and replacing Sections 14-56, 14-60, 14-61, 14-62, 14-63 and 14-64. The motion was seconded by Commissioner John F. Cowen, Jr. and carried unanimously.

2. Public Hearing and ACTION on FIRST READING on Ordinance Number 2020-898-FF, amending Chapter 74—“Parks and Recreation”, by repealing and replacing Section 74-18 “Local Standards of Care for the City Parks and Recreation Department’s Childrens Recreation Programs” and by adding Section 74-19 “Parks and Recreation Advisory Board Committee” creating a Parks and Recreation Advisory Board Committee, authorizing appointment of initial members thereof, and ordaining other matters pertaining thereto.

Ms. Damaris McGlone, Parks and Recreation Director briefly informed the Commission that Section 74-18, as a municipality, the City was exempt from childcare license requirements, provided the City follows the correct process and procedures as per the Texas Department of Family and Protective Services; Child Welfare and Protective Services, as decreed in the Human Resources Code Title 2. Ms. McGlone further noted that the Parks and Recreation Advisory Board Committee (PABC) was created by an ordinance in 1991.

Upon motion by Commissioner Ben Neece seconded by Commissioner Nurith Galonsky Pizana and carried unanimously, the public hearing was closed.

Commissioner John Cowen, Jr., moved that Ordinance Number 2020-898-FF, be adopted at first reading, amending Chapter 74—“Parks and Recreation”, by repealing and replacing Section 74-18 “Local Standards of Care for the City Parks and Recreation Department’s Childrens Recreation Programs” and by adding Section 74-19 “Parks and Recreation Advisory Board Committee” creating a Parks and Recreation Advisory Board Committee, authorizing appointment of initial members thereof, and ordaining other matters pertaining thereto. The motion was seconded by Commissioner Nurith Galonsky Pizana and carried unanimously.

Commissioner Joel Munguia arrived to the meeting at 5:50 p.m.

3. Public Hearing and ACTION on FIRST READING on Ordinance Number 235-2019-038-CO, to rezone from Light Retail “F” (2CF) to Light Retail “H” (2CH) for Lot 47, Block 3, Forest North Subdivision Section 7, located at 5511 Achievement Avenue, with a Conditional Overlay. (District 3)

Martin Vega, Senior Planner gave a brief explanation and background of the proposed ordinance noting that the purpose was to provide for certain uses, due to their unique characteristics or potential impacts on adjacent land uses that are not permitted in certain
zoning districts as a matter of right-of-way which may, under the right set of circumstances and conditions be acceptable in certain specific locations and does not change the area district of a property.

Brief discussion ensued amongst the Commission and City Staff, and in which a group of residents within the area expressed their concerns of the structure height, increased in traffic flow, congestion on Achievement Avenue, pedestrian safety, high unit density, maintaining neighborhood’s single-family character, uniform architecture within neighborhood, adequate parking and the loss of property value.

Upon motion by Commissioner John Cowen, Jr., seconded by Commissioner Joel Munguia and carried unanimously, the public hearing was **closed**.

Commissioner Ben Neece moved that Ordinance Number 235-2019-038-CO, be **adopted** at first reading, to rezone from Light Retail “F” (2CF) to Light Retail “H” (2CH) for Lot 47, Block 3, Forest North Subdivision Section 7, located at 5511 Achievement Avenue, with a Conditional Overlay and with all conditions and illustration. (District 3)

The motion was seconded by Commissioner Joel Munguia and carried unanimously.

4. **Public Hearing and ACTION on Ordinance Number 235-2018-031-S**, an appeal of a denial by the Planning and Zoning Commission to grant a time extension on a specific use permit that would allow a used car lot, a Light Commercial (5C) use, in Medium Retail “a” (3CA) for Lot 18 and 19, Block 12, Ebony Heights Subdivision, Cameron County, Texas, save and except a 0.167 acre tract out of Lot 19, located at 1805 Greenbriar Avenue. (District 3)

Martin Vega, Senior Planner gave a brief explanation of the proposed ordinance noting that the applicant was appealing the denial by the Planning and Zoning Commission to grant a time extension on a previously approved Specific Use Permit.

Saul Quintero, property owner, expressed his concern that he had been in business for 25 years and has tried to stay in compliance to maintain the property clean.

Brief discussion ensued amongst the Commission.

Upon motion by Commissioner John Cowen, Jr., seconded by Commissioner Nurith Galonsky Pizana and carried unanimously, the public hearing was **closed**.

Commissioner Joel Munguia moved that Ordinance 235-2018-031-S, be **adopted** at first reading. The motion failed due to lack of a second motion.

Commissioner Ben Neece moved that Ordinance Number 235-2018-031-S, be denied.

The motion was seconded by Commissioner Nurith Galonsky Pizana and carried as follow:

- **Ayes**: Commissioners Galonsky Pizana, Cowen, Jr., Neece and Mayor Mendez
- **Nays**: Commissioner Munguia
ITEMS FOR INDIVIDUAL CONSIDERATION

5. Consideration and ACTION to award Change Order #7 to SpawGlass Contractors, Inc., for the Terminal Project at Brownsville South Padre Island International Airport, in the amount $5,026,139.79.

Commissioner Ben Neece moved that Change Order #7, be awarded to SpawGlass Contractors, Inc., for the Terminal Project at Brownsville South Padre Island International Airport, in the amount $5,026,139.79. The motion was seconded by Commissioner Nurith Galonsky Pizana and carried unanimously.

6. Consideration and ACTION to Award a Term Contract for Architectural Design and Consulting Services for the City of Brownsville, Contract # ASC-41-0719.

Commissioner Joel Munguia moved that a term contract for Architectural Design and Consulting Services for the City of Brownsville, Contract # ASC-41-0719, be approved. The motion was seconded by Commissioner John Cowen, Jr., and carried as follow:

Ayes: Commissioners Cowen, Jr., Tetreau, Munguia, Neece and Mayor Mendez
Nays: Commissioner Galonsky Pizana

7. Consideration and ACTION on Resolution Number 2020-009, in supporting the submission of the Fiscal Year 2021 First Responder Mental Health Program Grant Application through the Office of the Governor, Public Safety Office Criminal Justice Division.

Commissioner Joel Munguia moved that Resolution Number 2020-009, in support of the submission of Fiscal Year 2021 First Responder Mental Health Program Grant Application through the Office of the Governor, Public Safety Office Criminal Justice Division, be approved. The motion was seconded by Commissioner Ben Neece and carried unanimously.

8. Consideration and ACTION on Resolution Number 2020-007, to approve an Interlocal Agreement between the City of Brownsville and the City of McAllen for use of a 2020 Census parade float in return of a financial agreement not to exceed $5,000.00.

Commissioner Nurith Galonsky Pizana moved that Resolution Number 2020-007, to approve an Interlocal Agreement between the City of Brownsville and the City of McAllen for use of a 2020 Census parade float in return of a financial agreement not to exceed $5,000.00, be approved. The motion was seconded by Commissioner Ben Neece and carried unanimously.
BOARD APPOINTMENT(S)

9. Consideration and ACTION on Resolution Number 2020-018, to remove member(s) from the Airport Advisory Board.

Mr. Shawn Schroeder, Airport Assistant Director, briefly informed the Commission that the Airport Advisory Board shall be established and composed of seven (7) members; and with the movement of changing the composition of the Board terms, two (2) Board members would soon expire, therefore recommending that the Board members be removed once their term expires.

Commissioner Ben Neece moved that Resolution Number 2020-018, to remove member(s) from the Airport Advisory Board, be approved. The motion was seconded by Commissioner John Cowen, Jr., and carried unanimously.

EXECUTIVE SESSION

Upon motion by Commissioner Joel Munguia, seconded by Commissioner John Cowen, Jr., and carried unanimously, the Executive Session convened at 7:02 p.m. to discuss the following item:

A) Attorney consultation pursuant to Section 551.071, Texas Gov’t Code to receive legal advice and counsel pertaining to BFFA Grievance No. 2019-03, which alleges a contract violation under Article 24 of the current Fire Labor Agreement, the demand for arbitration, and other related legal issues.

B) Texas Government Code Section 551.072, Real Property to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person, to wit:

1. Easements, portions of parcels, or parcels located near parks within the city and possibly needed for park and utility public purposes for “Project Beta”.
2. Certain downtown parcel(s) of real property related to “Project Gamma”.

C) Texas Government Code Section 551.087, Economic Development to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations or to deliberate the offer of a financial or other incentive to a business prospect, to wit:

1. “Project Founder”.
2. “Project Hotel” and the Hernandez Foundation.
3. “Project Riverfront TIRZ”.

Minutes February 04, 2020 – Page 7 of 9
D) In addition to the foregoing exceptions, the City Commission reserves the right under Section 551.071, Consultation with Attorney, to seek the advice of its attorney on the posted matters if the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act.

Upon conclusion of Executive Session, Mayor Juan “Trey” Mendez, III, convened the Regular meeting at 9:30 p.m. There was no action taken in Executive Session.

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

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

B) 1. Consideration and possible ACTION “Project Beta”.

Commissioner John Cowen, Jr., moved to proceed as advised by Legal Counsel. The motion was seconded by Commissioner Joel Munguia and carried as follow:

Ayes: Commissioner Cowen, Jr., Munguia, Tetreau and Mayor Mendez
Nays: Commissioner Galonsky Pizana
Abstained: Commissioner Neece

B) 2. Consideration and possible ACTION “Project Gamma”.

No action taken.

C) 1. Consideration and possible ACTION “Project Founder”.

No action taken.

C) 2. Consideration and possible ACTION “Project Hotel” and the Hernandez Foundation.

No action taken.

C) 3. Consideration and possible ACTION “Project Riverfront TIRZ”.

Commissioner John Cowen, Jr., moved to proceed as advised by Legal Counsel. The motion was seconded by Commissioner Joel Munguia and carried unanimously.

ADJOURNMENT

There being no further business to come before the Commission, upon duly made motion the meeting adjourned at 9:32 p.m.

Approved this 21st day of April, 2020.
CONSIDERATION and ACTION on Resolution Number 2020-029 to endorse and approve the use of public funds for incentives, educational initiatives, and promotional activities to increase community participation in the 2020 Census.
To: Mayor and City Commission

Through: Noel Bernal, City Manager

From: Rick Vasquez, Planning & Redevelopment Department Director

Date: 04/21/2020

RE: Consideration and ACTION on Resolution Number 2020-029 to endorse the use of public funds for incentives, educational initiatives, and promotional activities to increase community participation in the 2020 Census.

Purpose
A resolution by the City of Brownsville endorsing and approving the use of public funds for incentives, educational initiatives, and promotional activities to increase community participation in the 2020 Census. A budget in the amount of $35,000 is being requested in order to complete all planned and upcoming initiatives through the newly set Census deadline of October 31, 2020.

Background
Due to COVID-19 the City of Brownsville’s Complete Count Committee has been unable to host various Census events where would have been able to secure public attendance and Census participation. Our initiatives must be realigned and will focus on incentivizing the publics participation through social media giveaways and will work to support members of the public, local businesses, and organizations that have been affected by the pandemic. COVID-19 has put a strain on our community and we believe that providing assistance in the form of gift cards to local restaurants, essential packets from grocery stores, and potentially financial relief from their bills will lift that strain while benefitting the community over the next decade due to high census response rates.
RESOLUTION 2020-029

A RESOLUTION BY THE CITY OF BROWNSVILLE, TEXAS ENDORsing AND APPROVING THE USE OF PUBLIC FUNDS FOR INCENTIVES, EDUCATIONAL INITIATIVES, AND PROMOTIONAL ACTIVITIES TO INCREASE COMMUNITY PARTICIPATION IN THE 2020 CENSUS.

WHEREAS, the City of Brownsville is committed to continuing 2020 Census awareness and participation during the COVID-19 pandemic; and

WHEREAS, apportionment of federal funds for health, education, transportation, emergency preparedness, public and social support programs depend on complete and accurate population counts and demographic information gathered every decennial; and

WHEREAS, an accurate Census is essential for the allocation of representatives of the United States House of Representatives, the Texas State Legislature, and within the city and county voting districts; and

WHEREAS, response rates are currently lower than the last decennial, the City of Brownsville believes that collaborative efforts and incentives are necessary to increase response rate for the future of the community; and

WHEREAS, the City Commission recognizes the importance of the 2020 Census and the effect it will have on our community over the next decade and believes that collaborating with local entities in order to incentivize the residents of Brownsville to complete the Census while practicing social distancing will assist in providing high response rates.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF BROWNSVILLE:

That the City Commission has determined that the purposes for which public funds will be expended to promote participation in the 2020 Census clearly serves a public purpose; and

That the City Commission authorizes the City Manager, or his designee, that funds allocated in the amount of $50,000 for the promotion of the Census may be used for incentives, educational initiatives, and promotional activities in collaboration with local and non-local entities/businesses.

APPROVED ON THIS 21st DAY OF April 2020.

_______________________
Juan “Trey: Mendez III
Mayor of the City of Brownsville

Attest:

________________________
Griselda Rosas
Interim City Secretary
### AGENDA ITEM

**EXECUTIVE SESSION (City Attorney Only)**

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

Approval on Second and Final 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.

### Reviewing Departments:

- **City Attorney**
  - Date Reviewed: [ ]
  - By: [ ]
  - Comments: [ ]

- **Finance Department**
  - Date Reviewed: [ ]
  - By: [ ]
  - Comments: [ ]

### City Commission

- Approved: [ ] Yes [ ] No
- Date: [ ]

### Assistant City Manager

- Approved: [ ] Yes [ ] No
- Initials: [ ]
- Date: [ ]

### Deputy City Manager

- Approved: [ ] Yes [ ] No
- Initials: [ ]
- Date: [ ]

### City Manager’s Approval

- Signature: [ ]
- Date: [ ]
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
BROWNVILLE, 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
**Executive Session (City Attorney Only)**

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

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**AGENDA ITEM**

**COMMISSION MEETING DATE** 04/21/2020

**Agenda**

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

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

APPROVAL on SECOND and FINAL 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 18-686.- Adopted, and by creating Article XIII.- Existing Buildings; and dealing with related matters.

**City Commission**

- Approved: [ ] Yes [ ] No

**Assistant City Manager**

- Approved: [ ] Yes [ ] No

**Deputy City Manager**

- Approved: [ ] Yes [ ] No

**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 21, 2020

RE: APPROVAL on SECOND and FINAL READING on Ord. 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)

Recommendation
This item was presented as a work session item on April 7, 2020 at City Commission and was approved at 1st Reading on April 7, 2020.
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.

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.

shall be part of this ordinance.

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

*Approved as to Form and Legality
This 20th day of March 2020

Title
Office of the Brownsville City Attorney
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 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 or fraction thereof.

valuation over $100,000.00 up to and including $500,000.00 the fee 00 for the first $100,000.00 plus $3.00 for each additional 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:

<table>
<thead>
<tr>
<th>Type</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brick Veneered or Masonry Construction</td>
<td>$56.00/sq. ft.</td>
</tr>
<tr>
<td>Wood Frame Construction</td>
<td>$39.00/sq. ft.</td>
</tr>
<tr>
<td>Garages (three or more sides covered)</td>
<td>$22.00/sq. ft.</td>
</tr>
<tr>
<td>Roofed carports or patios</td>
<td>$15.00/sq. ft.</td>
</tr>
<tr>
<td>Detached Storage Room</td>
<td>$18.00/sq. ft.</td>
</tr>
</tbody>
</table>

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 must 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 1. 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.
(b) 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.

(c) 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 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 amounts 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.

Secs. 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) Purchasers 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:

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

**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 entrances 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 1/2 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 1/2 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-eights 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 I. 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-eighths 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):

<table>
<thead>
<tr>
<th>Range</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>33,000 BTU (1 Bhp) to 165,000 (5 Bhp)</td>
<td>$10.00</td>
</tr>
<tr>
<td>165,000 BTU (5 Bhp) to 330,000 (10 Bhp)</td>
<td>$10.00</td>
</tr>
<tr>
<td>330,001 BTU (10 Bhp) to 1,165,000 (52 Bhp)</td>
<td>$15.00</td>
</tr>
<tr>
<td>1,165,000 (52 Bhp) to 3,300,000 (98 Bhp)</td>
<td>$25.00</td>
</tr>
<tr>
<td>Over 3,300,000 BTU</td>
<td>$35.00</td>
</tr>
</tbody>
</table>

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:

- Initial fee for issuing each permit: $40.00
- Plus the following when provided:
  - Plumbing fixture, floor drain or trap, including water and drainage piping, each: 6.00
  - House sewer, each: 10.00
  - House sewer having to be replaced or repaired, each: 10.00
  - Cesspool, each: 5.00
  - Septic tank and seepage pit or drainfield, each: 10.00
Water heater and/or vent, each  
Installation, alteration or repair of water piping and/or Water treating equipment  
Repair or alteration of drainage or vent piping  
Vacuum breakers or backflow protective devices installed Subsequent to the installation of the piping or equipment Served  
One to five  
Over five, each  
Reinspection  

(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>Description</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.
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 coder 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 than $500.00 for all other violations of this article. Each day of 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 of 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 BROWNsville that the following Articles and Sections of the Code be amended to read as follows:

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 or 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.

[Signature]
Tony Martinez, Mayor
City of Brownsville, Texas

Attest:

[Signature]
Griselda Rosas, City Secretary
City of Brownsville, Texas

Approved as to form and legality:

[Signature]
Rene de Coss, City Attorney

[Office Seal]
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.

[Signature]
Juan "Troy" Mendez
Mayor
City of Brownsville, Texas

Attest:

[Signature]
Griselda Rosas, City Secretary
City of Brownsville, Texas

Approved as to form and legality:

[Signature]
Rene de Coss, City Attorney
AGENDA ITEM

COMMISSION MEETING DATE 04/21/20

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<td>Action Item:</td>
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Time Needed: Public Hearing

Contract

Grant

Action

Consent

Second Reading

Information: Please include additional information/request.

APPROVAL on SECOND and FINAL 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.

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

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<th>City Attorney</th>
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<th>By:</th>
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<th>Deputy City Manager</th>
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<tr>
<th>City Manager's Approval</th>
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<td>Signature:</td>
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</table>

Revised 3/2019
To: Mayor and City Commission
Through: Noel Bernal, City Manager
From: Rick Vasquez, Planning & Redevelopment Department Director
Date: April 21, 2020

RE: APPROVAL on SECOND and FINAL READING on Ord. 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 and was approved at 1st Reading on April 7, 2020.
ORDINANCE NO. 2020-235.93

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.
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.

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.

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.

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.

Curb Cuts.

Curb cuts and access restrictions are regulated by the City Engineer. Other zoning standards or design guidelines may apply.

Minimum Required Parking Spaces

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.

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.
### RESIDENTIAL LAND USE PARKING STANDARDS

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<td></td>
<td>Single Resident Occupancy</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>are exempt</td>
<td></td>
</tr>
</tbody>
</table>

### COMMERCIAL PARKING STANDARDS

<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>Commercial Outdoor Recreation</td>
<td></td>
<td>20 per acre of site</td>
<td>30 per acre of site</td>
</tr>
<tr>
<td>Commercial Parking Lots</td>
<td></td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Drive Through Facility</td>
<td></td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Major Entertainment Event</td>
<td></td>
<td>1 per 8 seats</td>
<td>1 per 5 seats</td>
</tr>
<tr>
<td>Office</td>
<td>General Office</td>
<td>1 per 500 sq. ft. of floor area</td>
<td>1 per 200 sq. ft. of floor area</td>
</tr>
<tr>
<td></td>
<td>Medical/Dental Office</td>
<td>1 per 500 sq. ft. of floor area</td>
<td>1 per 200 sq. ft. of floor area</td>
</tr>
<tr>
<td>Quick Vehicle Servicing</td>
<td>Retail, Personal Service, Repair-oriented</td>
<td>1 per 330 sq. ft. of floor area</td>
<td>1 per 200 sq. ft. of floor area</td>
</tr>
<tr>
<td></td>
<td>Restaurants and Bars</td>
<td>1 per 250 sq. ft. of floor area</td>
<td>1 per 60 sq. ft. of floor area</td>
</tr>
<tr>
<td>Retail Sales and Service</td>
<td>Health Clubs, Gyms, Lodges, Meeting Rooms and similar</td>
<td>1 per 330 sq. ft. of floor area</td>
<td>1 per 180 sq. ft. of floor area</td>
</tr>
<tr>
<td></td>
<td>continuous entertainment such as Arcades and Bowling</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Alleys</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Temporary Lodging</td>
<td>1 per rentable room; for associated uses see above</td>
<td>1.5 per rentable room; for associated uses see above</td>
</tr>
<tr>
<td></td>
<td>Theaters</td>
<td>1 per 4 seats or 1 per 6 feet of bench area</td>
<td>1 per 2.7 seats or 1 per 4 feet of bench area</td>
</tr>
<tr>
<td></td>
<td>Retail sales of appliances, furniture, equipment</td>
<td>1 per 1,000 sq. ft. of floor area</td>
<td>1 per 200 sq. ft. of floor area</td>
</tr>
<tr>
<td>Mini-storage facilities</td>
<td></td>
<td>Same as Warehouse and Freight Movement</td>
<td>Same as Warehouse and Freight Movement</td>
</tr>
<tr>
<td>Vehicle Repair</td>
<td></td>
<td>1 per 750 sq. ft. of floor area</td>
<td>1 per 200 sq. ft. of floor area</td>
</tr>
</tbody>
</table>

### INDUSTRIAL PARKING STANDARDS

<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>Industrial Services, Railroad Yards, Wholesale Sales</td>
<td></td>
<td>1 per 1,000 sq. ft. of floor area</td>
<td>1 per 200 sq. ft. of floor area</td>
</tr>
<tr>
<td>Manufacturing and Production</td>
<td></td>
<td>1 per 1,000 sq. ft. of floor area</td>
<td>1 per 200 sq. ft. of floor area</td>
</tr>
<tr>
<td>Warehouse and Freight Movement</td>
<td></td>
<td>1 per 1,000 sq. ft. of floor area for the first 3,000 sq. ft. of floor area and then 1 per 3,500 sq. ft. or floor area thereafter</td>
<td>1 per 200 sq. ft. of floor area</td>
</tr>
</tbody>
</table>
### INSTITUTIONAL USES

<table>
<thead>
<tr>
<th>Use Categories</th>
<th>Land Use Specifically</th>
<th>Minimum Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>Basic Utilities</td>
<td></td>
<td>None</td>
</tr>
<tr>
<td>Colleges/Universities</td>
<td>1 per 600 sq. ft. of floor area exclusive of dormitories, plus 1 per 4 dorm rooms</td>
<td>1 per 200 sq. ft. of floor area exclusive of dormitories, plus 1 per 2.6 dorm rooms</td>
</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>
</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>
</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>
</tr>
<tr>
<td>Parks and Open Areas</td>
<td>As determined by Parks Department</td>
<td>As determined by Parks Department</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>
</tr>
<tr>
<td>Schools</td>
<td>Elementary, Junior and High</td>
<td>1 per classroom</td>
</tr>
</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>
<td></td>
</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>
<td></td>
</tr>
<tr>
<td>Wireless Communication Facilities</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Rail and Utility Facilities</td>
<td>None</td>
<td>None</td>
<td>None</td>
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</table>

### Table 2: Shared Parking Table

<table>
<thead>
<tr>
<th>Use</th>
<th>Weekday</th>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Night</td>
<td>Day</td>
<td>Evening</td>
</tr>
<tr>
<td></td>
<td>(12AM to 6AM)</td>
<td>(9AM to 4PM)</td>
<td>(6PM to 12AM)</td>
</tr>
<tr>
<td>Residential</td>
<td>100%</td>
<td>60%</td>
<td>90%</td>
</tr>
<tr>
<td>Office</td>
<td>5%</td>
<td>100%</td>
<td>10%</td>
</tr>
<tr>
<td>Retail / Commercial</td>
<td>5%</td>
<td>70%</td>
<td>90%</td>
</tr>
<tr>
<td>Overnight accommodations</td>
<td>80%</td>
<td>80%</td>
<td>100%</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></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 De Coso, 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>Select</th>
<th>Agenda</th>
<th>Ordinance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Action Item:</td>
<td>Time Needed:</td>
<td>Public Hearing</td>
<td>First Reading</td>
</tr>
<tr>
<td></td>
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<td>Contract</td>
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</tr>
<tr>
<td></td>
<td></td>
<td>Grant</td>
<td></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.

APPROVAL on SECOND and FINAL 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>Reviewing Departments</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>
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### City Commission

<table>
<thead>
<tr>
<th>Approved: Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date:</td>
<td></td>
</tr>
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</table>

### Assistant City Manager

<table>
<thead>
<tr>
<th>Approved: Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initials:</td>
<td></td>
</tr>
<tr>
<td>Date:</td>
<td></td>
</tr>
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</table>

### Deputy City Manager

<table>
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<tr>
<th>Approved: Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initials:</td>
<td></td>
</tr>
<tr>
<td>Date:</td>
<td></td>
</tr>
</tbody>
</table>

### City Manager’s Approval

<table>
<thead>
<tr>
<th>Signature:</th>
<th>Date:</th>
</tr>
</thead>
</table>

Revised 3/2019
To: Mayor and City Commission
Through: Noel Bernal, City Manager
From: Rick Vasquez, Planning & Redevelopment Department Director
Date: April 21, 2020

RE: APPROVAL on SECOND and FINAL READING on Ord. 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>
</tr>
</thead>
<tbody>
<tr>
<td>• Professional Office (1C)</td>
<td>Light Commercial District (C-1)</td>
</tr>
<tr>
<td>• Light Retail (2C)</td>
<td></td>
</tr>
<tr>
<td>• Medium Retail (3C)</td>
<td></td>
</tr>
<tr>
<td>• General Retail (4C)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Current Use District (Chapter 348, Division 9 and 10)</th>
<th>Proposed Consolidation</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Light Commercial (5C)</td>
<td>Heavy Commercial District (C-2)</td>
</tr>
<tr>
<td>• Medium Commercial (6C)</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 and was approved at 1st Reading on April 7, 2020.
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.


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)
Secs. 348-190—348-215. - Reserved.

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:

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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.
(9) Amusement arcade, appliance repair, gym, laundromat, dry cleaner, "miniwarehouse," mortuary, or "sexually oriented business."

(10) On-premises rental, lease, or manufacture of goods, except as permitted by section 348-283(14).

(11) 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:

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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.
(5) Required off-road parking to serve the premises.


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.

(Code 1971, app. B, § 4.9(b); Ord. No. 89-235.18, § 5, 1-17-1989; Ord. No. 2001-235.49, pt. 2(4.9(B)), 4-24-2001)

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: 
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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.
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.

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)
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)[13]
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, tarred 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.
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.


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.
<table>
<thead>
<tr>
<th>Executive Session (City Attorney Only)</th>
<th>Select</th>
<th>Agenda</th>
<th>Ordinance</th>
</tr>
</thead>
<tbody>
<tr>
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<td>Public Hearing</td>
<td>First Reading</td>
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<td>Contract</td>
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**Information:** Please include additional information/request.

Consideration and ACTION to approve Third Amended Declaration of Local State Disaster for Public Health Emergency.

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

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

- Approved: [ ] Yes [ ] No
- Date: [ ]

**Assistant City Manager**

- Approved: [ ] Yes [ ] No
- Initials: [ ]
- Date: [ ]

**Deputy City Manager**

- Approved: [ ] Yes [ ] No
- Initials: [ ]
- Date: [ ]

**City Manager’s Approval**

- Signature: [ ]
- Date: [ ]
THIRD 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 Third 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. Employees shall wear gloves and facial coverings. 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 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 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.

- 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 while this Declaration is in full force and effect or until specifically allowed by order of the Governor of the State of Texas. 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.

- Schools shall be temporarily closed to in-person classroom attendance by students during the pendency of this Declaration or until specifically reopened by order of the Governor of the State of Texas. Nothing herein shall be construed to prevent a school from distributing meals, conducting remote classes or online classes. “Schools” shall be defined as all K-12 campuses, trade schools, vocational schools, colleges or universities not otherwise designated by the State of Texas as a State agency, State agent or State contractor providing governmental services.

- 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.

- Employees of child day care centers, adult day care centers, nursing facilities, plasma centers and medical facilities/hospitals shall not work at more than one center/facility/hospital.

- 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 and facial coverings are required at all times.
• 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.

• Facial Coverings (e.g. bandana, sewn cloth face covering, t-shirt face covering) are required for all individuals over the age of five (5) in public settings where other social distancing measures are difficult to maintain (e.g., grocery stores and pharmacies), especially in areas of significant community-based transmission. The cloth face coverings recommended are not surgical masks or N-95 respirators. Those are critical supplies that should continue to be reserved for healthcare workers and other medical first responders, as recommended by current CDC guidance.

• 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 by way of a citation. 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 May 5, 2020.
Furthermore, the Provisions of this Declaration shall remain in full force or effect during its pendency or until any provision or any portion thereof, is specifically addressed or countermanded by order of the Governor of the State of Texas.

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 21st 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

Consideration and Action to award the Anacua Street and Naranjo Road Pavement, Sidewalk, Driveway and Drainage Improvement Project to the lowest responsible bidder Total Commitment Construction, in the amount of $2,810,332.75, as budgeted in the FY2020 Capital Improvement Plan (CIP), and authorize the Mayor to execute the construction contract. (Engineering/Public Works Department)

Fundings for this project is available under account 803-8200-9994-26.

BID #ANP-16-0320

### Executive Session (City Attorney Only)

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

Consideration and Action to award the Anacua Street and Naranjo Road Pavement, Sidewalk, Driveway and Drainage Improvement Project to the lowest responsible bidder Total Commitment Construction, in the amount of $2,810,332.75, as budgeted in the FY2020 Capital Improvement Plan (CIP), and authorize the Mayor to execute the construction contract. (Engineering/Public Works Department)

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BID #ANP-16-0320

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

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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: Armando Gutierrez, P.E. Engineering and Public Works Director
Date: April 15, 2020

Agenda: Consideration and ACTION to award the Anacua Street and Naranjo Road Pavement, Sidewalk, Driveway and Drainage Improvement project to the lowest responsible bidder Total Commitment Construction, in the amount of $2,810,332.75, as budgeted in the FY2020 Capital Improvement Plan (CIP), and authorize the Mayor to execute the construction contract. (Engineering/Public Works Department)

____________________________

Summary:

The Engineering & Public Works Department is recommending approval to award a contract for Capital Improvement Project (CIP) Street Reconstruction in Electoral District 3 to the lowest bidder Total Commitment Construction Company in the amount of $2,810,332.75 as budgeted.

The City of Brownsville received eight (8) bids for subject project on February 6, 2020. The bids received were as follows:

1. Total Commitment Construction Co in the amount of $2,810,332.75.
2. G & T Paving LLC in the amount of $2,894,709.60.
3. Pederson Construction in the amount of $3,365,211.00.
4. RG Enterprices DBA G&G Contractors in the amount of $3,580,632.30.
5. Foremost Paving Inc. in the amount of $3,699,936.75.
7. 2GS, and LLC, in the amount of $4,003,300.00.
8. Clore Equipment LLC in the amount of $4,525,307.76.

The scope of work is for street paving, drainage and utility improvements for 5,570 linear feet of street. This project also consist of installation of sidewalk and handicap ramps and concrete aprons. The project is estimate to complete within 270 calendar days.

Funding for this project is available under Account 803-8200-9994-26.
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 Enterprices 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 $2,810,332.75 for said project. Funding for this project is available under the Street Construction Naranjo RD account 803-8200-9994-26.
<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>QTV.</th>
<th>UNIT</th>
<th>PRICE</th>
<th>AMOUNT</th>
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<tr>
<td>Remove existing asphalt and base all depths excluding existing Speed humps, bus pads etc.</td>
<td>19,200</td>
<td>SY</td>
<td>$ 3.60</td>
<td>$ 69,120.00</td>
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<td>1 inch H.M.A. (Type D)</td>
<td>1,450</td>
<td>SY</td>
<td>$ 13.50</td>
<td>$ 19,575.00</td>
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<td>Crushed Concrete mix complete in place.</td>
<td>1,450</td>
<td>SY</td>
<td>$ 16.00</td>
<td>$ 23,200.00</td>
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<tr>
<td>4 inch H.M.A. (Type D) in two lifts</td>
<td>24,900</td>
<td>SY</td>
<td>$ 23.00</td>
<td>$ 572,700.00</td>
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<tr>
<td>Crushed Lime mix (complete in place)</td>
<td>24,900</td>
<td>SY</td>
<td>$ 18.50</td>
<td>$ 460,650.00</td>
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<td>Er Island Trench Trench 5-6 (no subsection)</td>
<td>27,800</td>
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<td>$ 4.00</td>
<td>$ 111,200.00</td>
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<td>Prime Coat (0.05 Gal/SY)</td>
<td>2,570</td>
<td>GAL</td>
<td>$ 7.00</td>
<td>$ 36,890.00</td>
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<td>Prime coat (0.05 Gal/SY)</td>
<td>1,245</td>
<td>GAL</td>
<td>$ 7.00</td>
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<tr>
<td>Remove &amp; Replace existing curb &amp; gutter</td>
<td>600</td>
<td>LF</td>
<td>$ 13.00</td>
<td>$ 7,800.00</td>
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<td>Proposed concrete curb &amp; gutter (standard)</td>
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<td>Proposed concrete curb &amp; gutter Type A</td>
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<td>Proposed concrete streetcar (meets ADA standard)</td>
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<td>Proposed Landscaping with intersecting improvements</td>
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<td>Remove and replace concrete curbs include lay-down curb (curb &amp; cap as needed)</td>
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<td>Propose S wide concrete valley</td>
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<td>Proposed reinforced concrete apron 7&quot;</td>
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<td>Propose S 4&quot; transformed concrete curb median</td>
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<td>Remove and relocate existing speed humps</td>
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<td>Furnish and placing soil lift</td>
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<td>Placing stone materials at cost base, and 25% cement</td>
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<td>Roadway work &amp; time stabilized compacted to 95% Standard Proctor Density (at 3%)</td>
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<td><strong>JIMMY CLOSER &amp; SONS</strong></td>
<td></td>
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<tr>
<td><strong>2GS, LLC</strong></td>
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<td><strong>CLORE EQUIPMENT LLC</strong></td>
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<td><strong>CLORE EQUIPMENT LLC</strong></td>
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**BID TABULATION**

**STREET PAVING & DRAINAGE IMPROVEMENTS FOR NARANJO ROAD STREET IMPROVEMENT PROJECT**

BID #ANP-16-0320 February 26, 2020 at 3:00 P.M.

**CITY OF BROWNSVILLE**

**PAVING IMPROVEMENTS**

**Total Commitment Construction Co, LLC**

**G & T PAVING LLC**

**Pederson Construction**

**RG ENTERPRISES**

**DBA G & G INC**

**Contractors**

**FOREMOST PAVING INC**

**JIMMY CLOSER & SONS**

**2GS, LLC**

**CLORE EQUIPMENT LLC**
<table>
<thead>
<tr>
<th>QTY</th>
<th>UNIT</th>
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<th>PRICE</th>
<th>AMOUNT</th>
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<tbody>
<tr>
<td>75</td>
<td>LF</td>
<td>Proposed 12&quot; (inch) RCP Class IV Complete system</td>
<td>$2.134</td>
<td>$2,134.00</td>
</tr>
<tr>
<td>1,050</td>
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<td>Proposed 18&quot; (inch) RCP Class III</td>
<td>$0.00</td>
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<tr>
<td>1,350</td>
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<td>Proposed 18&quot; (inch) RCP Class III</td>
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<td>1,450</td>
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<td>Proposed 24&quot; (inch) RCP Class III</td>
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<td>450</td>
<td>LF</td>
<td>Proposed 24&quot; (inch) RCP Class IV</td>
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<tr>
<td>1,575</td>
<td>SF</td>
<td>Proposed Concrete Canasta</td>
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<td>$0.00</td>
</tr>
<tr>
<td>950</td>
<td>SF</td>
<td>Proposed Concrete Rip-Rap</td>
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<tr>
<td>2</td>
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<tr>
<td>16</td>
<td>EA</td>
<td>Proposed Type &quot;A&quot; Club inlet</td>
<td>$0.00</td>
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<tr>
<td>2</td>
<td>EA</td>
<td>Proposed Storm sewer manholes</td>
<td>$0.00</td>
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<td>2</td>
<td>EA</td>
<td>Proposed 6'x4' Grate Inlet</td>
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<td>440</td>
<td>LF</td>
<td>Elevate existing culverts pipes</td>
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<tr>
<td>12</td>
<td>EA</td>
<td>Remove and replace safety ends</td>
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<tr>
<td>1,750</td>
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<td>Furnish Trench Excavation and shoring</td>
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<td>1</td>
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<td>Furnish Trench Excavation and Shoring Plan agreed and executed by Texas</td>
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<td>2</td>
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<td>Furnish and install 4x4&quot; Jersey</td>
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<td>1</td>
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<td>Furnish and install new Fire hydrant</td>
<td>$0.00</td>
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<tr>
<td>7</td>
<td>EA</td>
<td>Remove and relocate existing force main</td>
<td>$0.00</td>
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<tr>
<td>3</td>
<td>EA</td>
<td>Furnish and install new fire hydrant street valves and fittings</td>
<td>$0.00</td>
<td>$0.00</td>
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<tr>
<td>6</td>
<td>EA</td>
<td>Remove and replace water meter</td>
<td>$0.00</td>
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<tr>
<td>1</td>
<td>LS</td>
<td>Elevate and relocate existing force main</td>
<td>$0.00</td>
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<tr>
<td>2</td>
<td>EA</td>
<td>Furnish and install 6&quot; B/C Grade valve</td>
<td>$0.00</td>
<td>$0.00</td>
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<tr>
<td>1</td>
<td>EA</td>
<td>Furnish and install Air &amp; Valve stub piping</td>
<td>$0.00</td>
<td>$0.00</td>
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<tr>
<td>1</td>
<td>LS</td>
<td>Furnish and install Temporary bypass system</td>
<td>$0.00</td>
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<tr>
<td>400</td>
<td>LF</td>
<td>Furnish and install dewatering system</td>
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<tr>
<td>250</td>
<td>LF</td>
<td>Furnish and install 24&quot; steel casing existing force main</td>
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<tr>
<td>3</td>
<td>EA</td>
<td>Adjust existing sanitary sewer manhole</td>
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### Utility Improvements for Naranjo RD

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<th>DESCRIPTION</th>
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<th>AMOUNT</th>
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<td>Furnish and install single water service valve</td>
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<td>EA</td>
<td>Furnish and install single water service Long</td>
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<td>20</td>
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<tr>
<td>1</td>
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<tr>
<td>1</td>
<td>EA</td>
<td>Furnish and install new fire hydrant street valves and fittings</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>6</td>
<td>EA</td>
<td>Remove and replace water meter</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>1</td>
<td>LS</td>
<td>Elevate and relocate existing force main</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>2</td>
<td>EA</td>
<td>Furnish and install 6&quot; B/C Grade valve</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>1</td>
<td>EA</td>
<td>Furnish and install Air &amp; Valve stub piping</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>1</td>
<td>LS</td>
<td>Furnish and install Temporary bypass system</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>400</td>
<td>LF</td>
<td>Furnish and install dewatering system</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>250</td>
<td>LF</td>
<td>Furnish and install 24&quot; steel casing existing force main</td>
<td>$0.00</td>
<td>$0.00</td>
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<tr>
<td>3</td>
<td>EA</td>
<td>Adjust existing sanitary sewer manhole</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Specification Criteria</td>
<td>Responsive and Responsible Low Bidder</td>
<td>Responsive and Responsible</td>
<td>Responsive and Responsible</td>
<td>Responsive and Responsible</td>
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<td>-----------------------------</td>
</tr>
<tr>
<td>CITY OF BROWNSVILLE NARANJO ROAD IMPROVEMENTS PROJECT</td>
<td>Total Commitment Construction Co, LLC</td>
<td>G &amp; T PAVING LLC</td>
<td>PEDERSON CONSTRUCTION</td>
<td>RG ENTERPRISES DBA G &amp; G CONTRACTORS</td>
</tr>
<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>
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<td>TOTAL DRAINAGE IMPROVEMENTS</td>
<td>$385,652.75</td>
<td>$361,989.75</td>
<td>$393,996.00</td>
<td>$369,656.79</td>
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<td>TOTAL UTILITY IMPROVEMENTS</td>
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<td>$154,210.00</td>
<td>$213,150.00</td>
<td>$177,126.05</td>
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<tr>
<td>TOTAL CONSTRUCTION IMPROVEMENTS</td>
<td>$2,810,332.75</td>
<td>$2,894,709.60</td>
<td>$3,365,211.00</td>
<td>$3,580,632.30</td>
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* Red indicates error on contractor's tabulation
Consideration and Action to Award an agreement for Professional Engineering and Surveying Services to Gonzalez Engineering and Surveying Incorporated for the Capital Improvement Project (CIP) Street Reconstruction in District 2 in the amount of $200,850.00, as budgeted.
To: Mayor and City Commission
Through: Noel Bernal, City Manager
From: Armando Gutierrez, P.E. Engineering and Public Works Director
Date: April 14, 2020
Agenda: Consideration and ACTION to award an agreement for Professional Engineering and Surveying Services to Gonzalez Engineering and Surveying Incorporated for the Capital Improvement Project (CIP) Street Reconstruction in District 2 in the amount of $200,850.00, as budgeted

Summary:

The Engineering & Public Works Department is recommending approval on an agreement for Professional Engineering & Surveying services to Gonzalez Engineering & Surveying Incorporated for the Capital Improvement Project (CIP) Street Reconstruction in Electoral District 2 in the amount of $200,850.00 as budgeted.

This agreement is part of the executed Statement of Qualifications Bid Number QES-25-0417 rotation list to provide professional engineering and surveying services to the City of Brownsville paving and drainage improvement projects.

The City of Brownsville is recommending street paving and drainage improvements for Resaca Grande Subdivision and Portway Place Subdivision located in Electoral District 2. The streets considered under this project are Grande BLVD, Lourdes BLVD, 11th & 12th Street. This agreement is between Gonzalez Engineering and the City of Brownsville (COB, Owner).

Funding for this project is available as part of the FY20 CIP Account 804-8200-9994.
April 3, 2020

Mr. Noe Bernal  
City Manager  
1001 E. Elisabeth St.  
Brownsville, Texas 78520

Re: City of Brownsville Street Improvement Project:  
Resaca Grande Sub. (Portions of Grande Blvd. & to Lourdes Blvd.)  
Portway Place Sub. (11th St. and 12th St.)

Mr. Bernal,

Our firm proposes to provide professional surveying and engineering services for the survey of existing conditions, engineering design & bid process assistance, and as-built survey drawings for the City of Brownsville Street Improvement Project to include the following streets:

Resaca Grande Subdivision – Grande Boulevard (from China St. to Lourdes Blvd., 1840 Linear feet)  
Resaca Grande Subdivision – Lourdes Boulevard (from China St. to Grande Blvd., 2160 Linear feet)  
Portway Place Subdivision – 11th Street (1100 Linear feet)  
Portway Place Subdivision – 12th Street (500 Linear feet)

A breakdown of the work to be performed is as follows:

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<tr>
<th>Description</th>
<th>Rate</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Survey Of Existing Conditions</td>
<td>Lump Sum Amount</td>
<td>$60,000.00</td>
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<tr>
<td>Engineering Design &amp; Bid Process Assistance</td>
<td>Lump Sum Amount</td>
<td>$125,850.00</td>
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<tr>
<td>As-Built Survey</td>
<td>Lump Sum Amount</td>
<td>$15,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>$200,850.00</strong></td>
</tr>
</tbody>
</table>

Notes: The following is our billing policy:
1. Invoices for all work performed are mailed out at the beginning of the following month.
2. Invoices must be paid no later than 30 days after the date postmarked or delivered.
3. Invoices not paid within 30 days will incur a 10% penalty fee.

If you wish to accept this proposal and authorize us to begin work on this project please read and sign the statement below:

I Noe Bernal, accept this proposal and authorize work to begin on this project. I agree to pay the total amount stated above in exchange for the performance of work stated above.

Noe Bernal, City Manager, City of Brownsville, Tx  
Date

Thank You,

Edmundo R. Gonzalez, P.E. R.P.L.S., Gonzalez Engineering & Surveying

Note: Construction Cost Estimate Attached
<table>
<thead>
<tr>
<th>#</th>
<th>DESCRIPTION</th>
<th>QUANT.</th>
<th>UNIT</th>
<th>UNIT PRICE</th>
<th>TOTAL PRICE</th>
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<td>1</td>
<td>Remove Existing Asphalt And Base (All Depths Include Existing Speed Humps, Bus Pads, Etc.)</td>
<td>12500</td>
<td>S.Y.</td>
<td>$7.50</td>
<td>$93,750.00</td>
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<td>2</td>
<td>3 inch H.M.A.C. (Type D, In Two Lifts)</td>
<td>12500</td>
<td>S.Y.</td>
<td>$19.00</td>
<td>$237,500.00</td>
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<td>3</td>
<td>9&quot; Crushed Limestone Base</td>
<td>12500</td>
<td>S.Y.</td>
<td>$20.00</td>
<td>$250,000.00</td>
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<tr>
<td>4</td>
<td>Prime Coat (0.2 Gal/SY)</td>
<td>2500</td>
<td>GAL</td>
<td>$8.00</td>
<td>$20,000.00</td>
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<tr>
<td>5</td>
<td>Tack Coat (0.05 Gal/SY)</td>
<td>625</td>
<td>GAL</td>
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<td>$5,312.50</td>
</tr>
<tr>
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<td>SY</td>
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<td>$87,500.00</td>
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<td>7</td>
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<tr>
<td>8</td>
<td>Remove &amp; Replace Existing Valley Gutter</td>
<td>2025</td>
<td>SF</td>
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<td>9</td>
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<td>EA</td>
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<td>$2,500.00</td>
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<tr>
<td>10</td>
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<td>SF</td>
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<tr>
<td>11</td>
<td>Proposed Handicaped Ramps W/Detectable Warnings (Complete In Place)</td>
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<td>18400</td>
<td>SF</td>
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<td>Remove &amp; Replace Curb Inlet (Complete In Place)</td>
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<td>EA</td>
<td>$5,000.00</td>
<td>$5,000.00</td>
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<tr>
<td>14</td>
<td>Traffic Control Plan Designed by Professional Engineer (Complete In Place)</td>
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<td>LS</td>
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<tr>
<td>15</td>
<td>Barricades, Signs &amp; Traffic Handling (Complete In Place)</td>
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<td>$40,000.00</td>
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<tr>
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<td>Erosion Control Plan (Complete In Place)</td>
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<td>LS</td>
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<td><strong>TOTAL</strong></td>
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<td><strong>$1,189,422.50</strong></td>
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## Engineering Estimate

**Street Paving & Drainage Improvements for Portway Place Subdivision (Rev. 4-3-2020)**

<table>
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<tr>
<th>#</th>
<th>Description</th>
<th>Quant.</th>
<th>Unit</th>
<th>Unit Price</th>
<th>Total Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Remove Existing Asphalt And Base (All Depths Include Existing Speed Humps, Bus Pads, Etc.)</td>
<td>5500</td>
<td>S.Y.</td>
<td>$7.50</td>
<td>$41,250.00</td>
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<tr>
<td>2</td>
<td>3 inch H.M.A.C. (Type D, in Two Lifts)</td>
<td>5500</td>
<td>S.Y.</td>
<td>$19.00</td>
<td>$104,500.00</td>
</tr>
<tr>
<td>3</td>
<td>9&quot; Crushed Limestone Base</td>
<td>5500</td>
<td>S.Y.</td>
<td>$20.00</td>
<td>$110,000.00</td>
</tr>
<tr>
<td>4</td>
<td>Prime Coat (0.2 Gal/SY)</td>
<td>1100</td>
<td>GAL</td>
<td>$8.00</td>
<td>$8,800.00</td>
</tr>
<tr>
<td>5</td>
<td>Tack Coat (0.05 Gal/SY)</td>
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<td>$2,337.50</td>
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<td>Geo-Grid Tensar Triax -5 (No Substitutes)</td>
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<td>SY</td>
<td>$7.00</td>
<td>$38,500.00</td>
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<td>7</td>
<td>Remove &amp; Replace Curb &amp; Gutter Complete in Place</td>
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<td>$7,200.00</td>
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<td>10</td>
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<td>$8.00</td>
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</tr>
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<td>11</td>
<td>Proposed Handicaped Ramps W/Detectable Warnings (Complete In Place)</td>
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<td>$1,800.00</td>
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<td>Remove &amp; Replace Grate Inlet 4' x 8' (Complete In place)</td>
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</tbody>
</table>

**Total** $488,587.50
Consideration and ACTION to acknowledge the City's Comprehensive Annual Financial Report (CAFR) for the Fiscal Year ended September 30, 2019.
To: Mayor and City Commission

Thru: Noel Bernal, City Manager

From: Lupe Granado III, Finance Director

Date: April 16, 2020


Summary:

The CAFR is a set of financial statements that complies with the accounting requirements established by the Governmental Accounting Standards Board (GASB). The CAFR includes financial statements, which are presented in conformity with general accepted accounting principles and audited in accordance with generally accepted auditing standards by the licensed certified public accounting firm of Carr, Riggs & Ingram, LLC.

Carr, Riggs & Ingram, LLC concluded, based on the audit, there was a reasonable basis for rendering an unmodified opinion that the City of Brownsville’s financial statements for the fiscal year ended September 30, 2019, are presented in conformity with general accepted accounting principles.

We believe that this CAFR continues to meet the Government Finance Officers Association (GFOA) Certificate of Achievement Program’s requirements and we are submitting to the GFOA to determine its eligibility for another year. The City has received this prestigious award for 43 consecutive years.

City staff recommends City Commission to acknowledge City’s CAFR for Fiscal Year ended September 30, 2019.
City of Brownsville, Texas

Required Communications for the
City Commission

March 30, 2020
March 30, 2020

City Commission and Management of
City of Brownsville, Texas

Dear City Commission and Management:

We are pleased to present the results of our audit of the 2019 financial statements of the City of Brownsville, Texas.

This report to the City Commission and Management summarizes our audit, the report issued and various analyses and observations related to the City’s accounting and reporting. The document also contains the communications required by our professional standards.

Our audit was designed, primarily, to express an opinion on the City’s 2019 financial statements. We considered the City’s current and emerging needs, along with an assessment of risks that could materially affect the financial statements, and aligned our audit procedures accordingly. We conducted the audit with the objectivity and independence that you, the City Commission and Management, expect. We received the full support and assistance of the City of Brownsville, Texas (collectively, the "City") personnel.

At Carr, Riggs & Ingram, LLC (CRI), we are continually evaluating the quality of our professionals’ work in order to deliver audit services of the highest quality that will meet or exceed your expectations. We encourage you to provide any feedback you believe is appropriate to ensure that we do not overlook a single detail as it relates to the quality of our services.

This report is intended solely for the information and use of the City’s Management and others within the City and should not be used by anyone other than these specified parties.

We appreciate this opportunity to work with you. If you have any questions or comments, please contact me 956-423-3765 or qanderson@cricpa.com.

Very truly yours,

CARR, RIGGS & INGRAM, LLC
As discussed with management during our planning process, our audit plan represented an approach responsive to the assessment of risk for the City. Specifically, we planned and performed our audit to:

- Perform audits in accordance with Auditing Standards Generally Accepted in the United States (GAAS), Government Auditing Standards (GAS) and the Title 2 U.S. Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance)

- Communicate directly with the City Commission and management regarding the results of our procedures;

- Address with the City Commission, and management any accounting and financial reporting issues;

- Anticipate and respond to concerns of the City Commission and management; and

- Other audit-related projects as they arise and upon request.
We have audited the financial statements of the governmental activities, business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of the City of Brownsville, Texas for the year ended September 30, 2019, and have issued our report thereon dated March 30, 2020. Professional standards require that we provide you with the following information related to our audit:

<table>
<thead>
<tr>
<th>MATTER TO BE COMMUNICATED</th>
<th>AUDITOR’S RESPONSE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Auditor’s responsibility under Auditing Standards Generally Accepted in the United States (GAAS), Government Auditing Standards (GAS) and the Title 2 U.S. Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance)</strong></td>
<td>As stated in our engagement letter dated December 2, 2019, our responsibility, as described by professional standards, is to express an opinion about whether the financial statements prepared by management with your oversight are fairly presented, in all material respects, in conformity with accounting principles generally accepted in the United States of America (GAAP) and Government Auditing Standards issued by the Comptroller General of the United States. Our audit of the financial statements does not relieve you or management of your responsibilities. As part of our audit, we considered the internal control of the City. Such considerations were solely for the purpose of determining our audit procedures and not to provide any assurance concerning such internal control.</td>
</tr>
<tr>
<td><strong>Client’s responsibility</strong></td>
<td>Management, with oversight from those charged with governance, is responsible for establishing and maintaining internal controls, including monitoring ongoing activities; for the selection and application of accounting principles; and for the fair presentation in the financial statements of financial position, results of operations, and cash flows in conformity with the applicable framework. Management is responsible for the design and implementation of programs and controls to prevent and detect fraud.</td>
</tr>
<tr>
<td><strong>Planned scope and timing of the audit</strong></td>
<td>Our initial audit plan was not significantly altered during our fieldwork.</td>
</tr>
<tr>
<td><strong>Management judgments and accounting estimates</strong></td>
<td>Please see the following section titled “Accounting Policies, Judgments and Sensitive Estimates and CRI Comments on Quality.”</td>
</tr>
<tr>
<td><em>The process used by management in forming particularly sensitive accounting estimates and the basis for the auditor’s conclusion regarding the reasonableness of those estimates.</em></td>
<td></td>
</tr>
<tr>
<td><strong>Potential effect on the financial statements of any significant risks and exposures</strong></td>
<td>The City has an overall risk that noncompliance with the requirements of laws or grant agreements could negatively impact the City. These items have been disclosed in the financial report.</td>
</tr>
<tr>
<td><em>Major risks and exposures facing the City and how they are disclosed.</em></td>
<td></td>
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</table>
## Required Communications

<table>
<thead>
<tr>
<th>MATTER TO BE COMMUNICATED</th>
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</thead>
<tbody>
<tr>
<td><strong>Significant accounting policies, including critical accounting policies and alternative treatments within generally accepted accounting principles and the auditor’s judgment about the quality of accounting principles</strong></td>
<td>Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by the City are described in Note 1 to the financial statements.</td>
</tr>
<tr>
<td>- The initial selection of and changes in significant accounting policies or their application; methods used to account for significant unusual transactions; and effect of significant policies in controversial or emerging areas for which there is a lack of authoritative guidance or consensus.</td>
<td></td>
</tr>
<tr>
<td>- The auditor should also discuss the auditor’s judgment about the quality, not just the acceptability, of the City’s accounting policies as applied in its financial reporting. The discussion should include such matters as consistency of accounting policies and their application, and clarity and completeness of the financial statements, including disclosures. Critical accounting policies and practices applied by the City in its financial statements and our assessment of management’s disclosures regarding such policies and practices (including any significant modifications to such disclosures proposed by us but rejected by management), the reasons why certain policies and practices are or are not considered critical, and how current and anticipated future events impact those determinations;</td>
<td></td>
</tr>
<tr>
<td>- Alternative treatments within GAAP for accounting policies and practices related to material items, including recognition, measurement, presentation and disclosure alternatives, that have been discussed with client management during the current audit period, the ramifications of the use of such alternative disclosures and treatments, and the treatment preferred by the auditor; Furthermore, if the accounting policy selected by management is not the policy preferred by us, discuss the reasons why management selected that policy, the policy preferred by us, and the reason we preferred the other policy.</td>
<td></td>
</tr>
<tr>
<td><strong>Significant difficulties encountered in the audit</strong></td>
<td>None.</td>
</tr>
<tr>
<td>Any significant difficulties, for example, unreasonable logistical constraints or lack of cooperation by management.</td>
<td></td>
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## Required Communications

<table>
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<tbody>
<tr>
<td><strong>Disagreements with management</strong></td>
<td>None.</td>
</tr>
<tr>
<td>Disagreements, whether or not subsequently resolved, about matters significant to the financial statements or auditor’s report. This does not include those that came about based on incomplete facts or preliminary information.</td>
<td></td>
</tr>
<tr>
<td><strong>Other findings or issues</strong></td>
<td>None.</td>
</tr>
<tr>
<td>Matters significant to oversight of the financial reporting practices by those charged with governance. For example, an entity’s failure to obtain the necessary type of audit, such as one under Government Auditing Standards, in addition to GAAS.</td>
<td></td>
</tr>
<tr>
<td><strong>Matters arising from the audit that were discussed with, or the subject of correspondence with, management</strong></td>
<td>We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the City of Brownsville, Texas’ auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.</td>
</tr>
<tr>
<td>Business conditions that might affect risk or discussions regarding accounting practices or application of auditing standards.</td>
<td></td>
</tr>
<tr>
<td><strong>Corrected and uncorrected misstatements</strong></td>
<td>See the following section titled “Summary of Audit Adjustments.”</td>
</tr>
<tr>
<td>All significant audit adjustments arising from the audit, whether or not recorded by the City, that could individually or in the aggregate have a significant effect on the financial statements. We should also inform the City Commission about uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented, that were determined by management to be immaterial, both individually and in the aggregate, to the financial statements taken as a whole. Any internal control deficiencies that could have prevented the misstatements.</td>
<td></td>
</tr>
<tr>
<td><strong>Major issues discussed with management prior to retention</strong></td>
<td>None.</td>
</tr>
<tr>
<td>Any major accounting, auditing or reporting issues discussed with management in connection with our initial or recurring retention.</td>
<td></td>
</tr>
<tr>
<td><strong>Consultations with other accountants</strong></td>
<td>None of which we are aware.</td>
</tr>
<tr>
<td>When management has consulted with other accountants about significant accounting or auditing matters.</td>
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### Required Communications

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<tbody>
<tr>
<td><strong>Written representations</strong>&lt;br&gt;A description of the written representations the auditor requested (or a copy of the representation letter).</td>
<td>See “Management Representation Letter” section.</td>
</tr>
<tr>
<td><strong>Internal control deficiencies</strong>&lt;br&gt;Any significant deficiencies or material weaknesses in the design or operation of internal control that came to the auditor’s attention during the audit.</td>
<td>See “Internal Control Findings” section as well as the Schedule of Findings and Questioned Costs in the Annual Financial and Compliance Report for the current year.</td>
</tr>
<tr>
<td><strong>Fraud and illegal acts</strong>&lt;br&gt;Fraud involving senior management, the City or those responsible for internal controls, or causing a material misstatement of the financial statements, where the auditor determines there is evidence that such fraud may exist. Any illegal acts coming to the auditor’s attention involving senior management and any other illegal acts, unless clearly inconsequential.</td>
<td>We are unaware of any fraud or illegal acts involving management or causing material misstatement of the financial statements.</td>
</tr>
<tr>
<td><strong>Related parties</strong>&lt;br&gt;Any parties in interest in the City, prohibited transactions as defined by professional standards, and other reportable transactions.</td>
<td>No transactions with related parties were noted.</td>
</tr>
</tbody>
</table>
| **Other information in documents containing audited financial statements**<br>The external auditor’s responsibility for information in a document containing audited financial statements, as well as any procedures performed and the results. | Our responsibility related to documents (including annual reports, websites, etc.) containing the financial statements is to read the other information to consider whether:  
  - Such information is materially inconsistent with the financial statements; and  
  - We believe such information represents a material misstatement of fact.  
We have not been provided any such items to date and are unaware of any other documents that contain the audited financial statements.  
We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management’s responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic |
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<tr>
<td>financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The other supplementary information is the responsibility of management and was derived from and relate directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the other supplementary information and the schedule of expenditures of federal awards are fairly stated in all material respects in relation to the basic financial statements as a whole. The introductory and statistical section has not been subjected to the auditing procedures applied in the audit of the basic financial statements and, accordingly, we do not express an opinion or provide any assurance on the introductory section.</td>
<td></td>
</tr>
</tbody>
</table>
We are required to communicate our judgments about the quality, not just the acceptability, of the City’s accounting principles as applied in its financial reporting. We are also required to communicate critical accounting policies and sensitive accounting estimates. The City may wish to monitor throughout the year the process used to compute and record these accounting estimates. The table below summarizes our communications regarding these matters.

<table>
<thead>
<tr>
<th>AREA</th>
<th>ACCOUNTING POLICY</th>
<th>CRITICAL POLICY</th>
<th>JUDGEMENTS &amp; SENSITIVE ESTIMATE</th>
<th>COMMENTS ON QUALITY OF ACCOUNTING POLICY AND APPLICATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allowance for uncollectible property taxes</td>
<td>Management’s estimate of the allowance for uncollectible property taxes is based on historical property tax revenues, and an analysis of the collectability of individual accounts. We have evaluated key factors and assumptions used to develop the allowance in determining that is reasonable in related to the financial statements.</td>
<td>X</td>
<td>The City relies on valuations based on historical information and collectability</td>
<td>The management’s estimates are based on City policies and are in accordance with all applicable accounting guidelines.</td>
</tr>
<tr>
<td>Estimates of depreciation expense and the useful lives of the related capital assets</td>
<td>Based on the audit procedures we performed with respect to the City’s capital assets, we noted that the City estimates the useful lives of capital assets in accordance with all applicable standard and guidelines of GASB. The City follows the provisions of section 1400: Reporting Capital Assets, of the GASB Codification when reporting depreciation of its capital assets.</td>
<td>X</td>
<td>Management’s estimate of the useful lives of capital assets is based on the historical lives of similar assets and market prices.</td>
<td>We evaluated the key factors and assumptions used to develop the estimated useful lives in determining that they are reasonable in relation to the financial statements taken as a whole.</td>
</tr>
<tr>
<td>Net Pension Liability and Related Deferred Outflows and Deferred Inflows of Resources, including Actuarial estimates impacting the net pension liability and amounts disclosed pertaining to Other Post Employment Benefits (OPEB)</td>
<td>Based on the audit procedures we performed with respect to the City’s Texas Municipal Retirement System net pension liability and the City’s net pension liability, we noted that the City accounts for its net pension liability, pension costs, and related deferred outflows and deferred inflows in accordance with all applicable standards and guidelines of GASB. The City follows the provisions of section P20: Reporting for Benefits Provided through Trusts that Meet Specified Criteria, of the GASB Codification when reporting its OPEB net pension liability and related amounts.</td>
<td>X</td>
<td>The City relies on valuations from the Pension system’s actuary for the estimated value of the City’s net pension liability. The actuarial valuation is based on financial information, utilizing assumptions developed by management. We evaluated the key factors and assumptions and information provided from the City to the Actuary which was used in developing the actuarial estimates, and reviewed that the actuarial assumptions were in accordance with applicable accounting guidelines and GASB, and determined that the City’s policies are in accordance with all applicable accounting guidelines and GASB.</td>
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</tr>
<tr>
<td>Deferred charges on refunding</td>
<td>Deferred charges on refunding attributable to differences in the carrying value of refunding debt and its acquisition price are recorded and amortized over the shorter of the life of the refunded or refunding debt. The City follows the provisions of Section D20: Debt Extinguishments and Trouble Debt Restructuring, of the GASB Codification when reporting these deferred charges.</td>
<td>X</td>
<td>The City estimates the deferred charges on refunding using amounts reported in sources and uses of funds disclosed in official debt documents relating to carrying value of refunding debt and its acquisition price. The City’s policies are in accordance with all applicable accounting guidelines and GASB.</td>
<td></td>
</tr>
</tbody>
</table>
### Accounting Policies, Judgments and Sensitive Estimates & CRI Comments on Quality

| Estimates related to compensated absences | Liabilities for compensated absences attributable to services already rendered are accrued as employees earn the rights to those benefits.  

The City follows the provision of Section C60: *Compensated Absences*, of the GASB Codification when reporting these liabilities. | X | The City estimates the accrued liabilities for compensated absences using leave balances accrued at year-end multiplied by the pay rate in effect for each employee as of the end of the fiscal year.  

We evaluated the key factors and assumptions used to develop the liability in determining that they are reasonable in relation to the financial statements taken as a whole.  

The City’s policies are in accordance with all applicable accounting guidelines and GASB. |
| --- | --- | --- | --- |

| Municipal Solid Waste and Landfill Obligations | Based on the audit procedures we performed with respect to the City’s landfill closure and postclosure care costs, we noted that the City accounts for its related liability in accordance with all applicable standards and guidelines of the provisions of the GASB codification Section L10: *Landfill Closure and Postclosure Care Cost*. | X | Engineering estimates for the closure and post closure costs were conducted. This estimate is adjusted annually for monitoring costs and by an inflationary index.  

We evaluated the key factors and assumptions used to develop the closure and postclosure care costs in determining that they are reasonable in relation to the financial statements taken as a whole. |
Certain financial statement disclosures are particularly sensitive because of their significance to financial statement users. The most sensitive disclosures affecting the financial statements were:

- The disclosure of long-term liabilities in Note 8 to the financial statements discloses the long-term obligations of the City and the required payments the City will need to make in order to stay current on its debt obligations. This note contains information that can provide context for proper long-term planning of the City’s financial health.

- The disclosure of the net pension liability in Note 9 to the financial statements discloses the City’s pension liability and the significant impact on the financial statements as a result of the actuarial valuation provided by TMRS.

- The disclosure of the OPEB liability in Note 10 to the financial statements discloses the City’s OPEB liability and the significant impact on the financial statements as a result of the actuarial valuations performed over the City’s OPEB plans.

- The disclosure of COVID-19 in Note 20 to the financial statements discloses the uncertainties that have arisen which may have a significant negative impact on the operating activities and results of the City.

The financial statement disclosures are neutral, consistent, and clear.
During the course of our audit, we accumulate differences between amounts recorded by the City and amounts that we believe are required to be recorded under GAAP reporting guidelines. Those adjustments are either recorded (corrected) or passed (uncorrected) by the City.

No audit adjustments were detected as a result of audit procedures that management corrected.

No adjustments were detected as a result of audit procedures that were passed by management during the audit.

QUALITATIVE MATERIALITY CONSIDERATIONS

In evaluating the materiality of audit differences when they do arise, we consider both quantitative and qualitative factors, for example:

- Whether the difference arises from an item capable of precise measurement or whether it arises from an estimate, and, if so, the degree of imprecision inherent in the estimate.
- Whether the difference masks a change in earnings or other trends.
- Whether the difference changes a net decrease in assets to addition, or vice versa.
- Whether the difference concerns an area of the City’s operating environment that has been identified as playing a significant role in the City’s operations or viability.
- Whether the difference affects compliance with regulatory requirements.
- Whether the difference has the effect of increasing management’s compensation – for example, by satisfying requirements for the award of bonuses or other forms of incentive compensation.
- Whether the difference involves concealment of an unlawful transaction.
March 30, 2020

Carr, Riggs & Ingram, LLC
3125 Central Blvd.
Brownsville, Texas 78520

This representation letter is provided in connection with your audit of the financial statements of the City of Brownsville, Texas, which comprise the respective financial position of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information as of September 30, 2019, and the respective changes in financial position and, where applicable, cash flows for the year then ended, and the related notes to the financial statements, for the purpose of expressing opinions as to whether the financial statements are presented fairly, in all material respects, in accordance with accounting principles generally accepted in the United States of America (U.S. GAAP).

Certain representations in this letter are described as being limited to matters that are material. Items are considered material, regardless of size, if they involve an omission or misstatement of accounting information that, in light of surrounding circumstances, makes it probable that the judgment of a reasonable person relying on the information would be changed or influenced by the omission or misstatement. An omission or misstatement that is monetarily small in amount could be considered material as a result of qualitative factors.

We confirm, to the best of our knowledge and belief, as of March 30, 2020, the following representations made to you during your audit.

Financial Statements

1) We have fulfilled our responsibilities, as set out in the terms of the audit engagement letter dated December 2, 2019, including our responsibility for the preparation and fair presentation of the financial statements in accordance with U.S. GAAP and for preparation of the supplementary information in accordance with the applicable criteria.

2) The financial statements referred to above are fairly presented in conformity with U.S. GAAP and include all properly classified funds and other financial information of the primary government and all component units required by generally accepted accounting principles to be included in the financial reporting entity. The Public Utilities Board of the City of Brownsville, Texas component unit has been audited by other auditors whose report has been furnished to us and component management has accepted responsibility for preparing component financial information.
3) We acknowledge our responsibility for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

4) We acknowledge our responsibility for the design, implementation, and maintenance of internal control to prevent and detect fraud.

5) Significant assumptions we used in making accounting estimates, including those measured at fair value, are reasonable.

6) Adjustments or disclosures have been made for all events, including instances of noncompliance, subsequent to the date of the financial statements that would require adjustment to or disclosure in the financial statements or in the schedule of findings and questioned costs.

7) The effects of all known actual or possible litigation, claims, and assessments have been accounted for and disclosed in accordance with U.S. GAAP.

8) Guarantees, whether written or oral, under which the City of Brownsville, Texas, is contingently liable, if any, have been properly recorded or disclosed.

9) We have reviewed the separately issued audit report of the Public Utilities Board of the City of Brownsville, Texas that was audited by component auditors, and which is presented as an aggregate discretely presented component unit in the City’s Comprehensive Annual Financial Report. We acknowledge component management is responsible for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Information Provided

10) We have provided you with:

a) Access to all information, of which we are aware, that is relevant to the preparation and fair presentation of the financial statements, such as records, documentation, and other matters and all audit or relevant monitoring reports, if any, received from funding sources.

b) Additional information that you have requested from us for the purpose of the audit.

c) Unrestricted access to persons within the City of Brownsville, Texas, from whom you determined it necessary to obtain audit evidence.

d) Minutes of the meetings of the City of Brownsville, Texas, or summaries of actions of recent meetings for which minutes have not yet been prepared.

11) All material transactions have been recorded in the accounting records and are reflected in the financial statements and the schedule of expenditures of federal awards.

12) We have disclosed to you the results of our assessment of the risk that the financial statements may be materially misstated as a result of fraud.

13) We have no knowledge of any fraud or suspected fraud that affects the City of Brownsville, Texas, and involves—

- Management,

- Employees who have significant roles in internal control, or

- Others where the fraud could have a material effect on the financial statements.
14) We have no knowledge of any allegations of fraud or suspected fraud affecting the City of Brownsville, Texas, financial statements communicated by employees, former employees, regulators, or others.

15) We have no knowledge of instances of noncompliance or suspected noncompliance with provisions of laws, regulations, contracts, or grant agreements, or abuse, whose effects should be considered when preparing financial statements.

16) We have disclosed to you all known actual or possible litigation, claims, and assessments whose effects should be considered when preparing the financial statements.

17) There are no related party relationships or transactions including revenues, expenditures/expenses, loans, transfers, leasing arrangements and guarantees or amounts receivable from or payable to related parties.

**Government-specific**

18) There have been no communications from regulatory agencies concerning noncompliance with, or deficiencies in, financial reporting practices.

19) We have identified to you any previous audits, attestation engagements, and other studies related to the audit objectives and whether related recommendations have been implemented.

20) The City of Brownsville, Texas, has no plans or intentions that may materially affect the carrying value or classification of assets, deferred outflows of resources, liabilities, deferred inflows of resources, and fund balance or net position.

21) We are responsible for compliance with the laws, regulations, and provisions of contracts and grant agreements applicable to us, including tax or debt limits and debt contracts, and legal and contractual provisions for reporting specific activities in separate funds.

22) We have identified and disclosed to you all instances that have occurred or are likely to have occurred, of fraud and noncompliance with provisions of laws and regulations that we believe have a material effect on the financial statements or other financial data significant to the audit objectives, and any other instances that warrant the attention of those charged with governance.

23) We have identified and disclosed to you all instances that have occurred or are likely to have occurred, of noncompliance with provisions of contracts and grant agreements that we believe have a material effect on the determination of financial statement amounts or other financial data significant to the audit objectives.

24) We have identified and disclosed to you all instances that have occurred or are likely to have occurred, of abuse that could be quantitatively or qualitatively material to the financial statements or other financial data significant to the audit objectives.

25) There are no violations or possible violations of budget ordinances, laws and regulations (including those pertaining to adopting, approving, and amending budgets), provisions of contracts and grant agreements, tax or debt limits, and any related debt covenants whose effects should be considered for disclosure in the financial statements, or as a basis for recording a loss contingency, or for reporting on noncompliance.

26) As part of your audit, you assisted with preparation of the financial statements and related notes, schedule of expenditures of federal/state awards and data collection form. You also assisted with certain adjustments, including long-term debt entries and pension and OPEB entries in accordance with GASB Statement No. 68 & No. 75 for the City’s pension plan and other post-employment benefit plans. We acknowledge our responsibility as it relates to those nonaudit services, including that we assume all management responsibilities; oversee the services by designating an individual, Lupe Granado, Ill,
Management Representation Letter

Finance Director, who possesses suitable skill, knowledge, or experience; evaluate the adequacy and results of the services performed; and accept responsibility for the results of the services. We have reviewed, approved, and accepted responsibility for those financial statements and related notes, the schedule of expenditures of federal/state awards and preparation and completion of the necessary sections of the data collection form. We have also reviewed, approved, and accepted responsibility for the long-term debt entries as well as the pension and OPEB entries.

27) The City of Brownsville, Texas, has satisfactory title to all owned assets, and there are no liens or encumbrances on such assets nor has any asset been pledged as collateral.

28) The City of Brownsville, Texas, has complied with all aspects of contractual agreements that would have a material effect on the financial statements in the event of noncompliance.

29) The financial statements include all component units as well as joint ventures with an equity interest, and properly disclose all other joint ventures and other related organizations.

30) The financial statements properly classify all funds and activities in accordance with GASB Statement No. 34, as amended.

31) All funds that meet the quantitative criteria in GASBS Nos. 34 and 37 for presentation as major are identified and presented as such and all other funds that are presented as major are particularly important to financial statement users.

32) Components of net position (net investment in capital assets; restricted; and unrestricted) and classifications of fund balance (nonspendable, restricted, committed, assigned, and unassigned) are properly classified and, if applicable, approved.

33) Investments, derivative instruments, and land and other real estate held by endowments are properly valued.

34) Provisions for uncollectible receivables have been properly identified and recorded.

35) Expenses have been appropriately classified in or allocated to functions and programs in the statement of activities, and allocations have been made on a reasonable basis.

36) Revenues are appropriately classified in the statement of activities within program revenues, general revenues, contributions to term or permanent endowments, or contributions to permanent fund principal.

37) Interfund, internal, and intra-entity activity and balances have been appropriately classified and reported.

38) Deposits and investment securities and derivative instruments are properly classified as to risk and are properly disclosed.

39) Capital assets, including infrastructure and intangible assets, are properly capitalized, reported, and, if applicable, depreciated or amortized.

40) We have appropriately disclosed the City of Brownsville, Texas’ policy regarding whether to first apply restricted or unrestricted resources when an expense is incurred for purposes for which both restricted and unrestricted net position is available and have determined that net position is properly recognized under the policy.

41) We are following our established accounting policy regarding which resources (that is, restricted, committed, assigned, or unassigned) are considered to be spent first for expenditures for which more than one resource classification is available. That policy determines the fund balance classifications for financial reporting purposes.
42) We acknowledge our responsibility for the required supplementary information (RSI). The RSI is measured and presented within prescribed guidelines and the methods of measurement and presentation have not changed from those used in the prior period. We have disclosed to you any significant assumptions and interpretations underlying the measurement and presentation of the RSI.

43) We believe that the actuarial assumptions and methods used to measure pension and OPEB liabilities and costs for financial accounting purposes are appropriate in the circumstances.

44) We do not plan to make frequent amendments to our pension or other postretirement benefit plans.

45) We believe that the engineer’s assumptions and methods used to calculate landfill closure and post-closure care costs and capacity estimates are appropriate in the circumstances.

46) We agree with the findings of specialists in evaluating pension and OPEB liabilities and landfill closure and post-closure care costs and capacity estimates and have adequately considered the qualifications of the specialist in determining the amounts and disclosures used in the financial statements and underlying accounting records. We did not give or cause any instructions to be given to specialists with respect to the values or amounts derived in an attempt to bias their work, and we are not otherwise aware of any matters that have had an impact on the independence or objectivity of the specialists.

47) With respect to the other supplementary information on which an in-relation-to opinion is issued:

a) We acknowledge our responsibility for presenting the other supplementary information in accordance with accounting principles generally accepted in the United States of America, and we believe the other supplementary information, including its form and content, is fairly presented in accordance with accounting principles generally accepted in the United States of America. The methods of measurement and presentation of the other supplementary information have not changed from those used in the prior period, and we have disclosed to you any significant assumptions or interpretations underlying the measurement and presentation of the supplementary information.

b) If the other supplementary information is not presented with the audited financial statements, we will make the audited financial statements readily available to the intended users of the supplementary information no later than the date we issue the supplementary information and the auditor’s report thereon.

48) With respect to federal and state award programs:

a) We are responsible for understanding and complying with and have complied with, the requirements of Title 2 U.S. Code of Federal Regulations (CFR) Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance) and the State of Texas Single Audit Circular, including requirements relating to preparation of the schedule of expenditures of federal/state awards.

b) We acknowledge our responsibility for preparing and presenting the schedule of expenditures of federal and state awards (SEFA) and related notes in accordance with the requirements of the Uniform Guidance and the State of Texas Single Audit Circular, and we believe the SEFA, including its form and content, is fairly presented in accordance with the Uniform Guidance and the State of Texas Single Audit Circular. The methods of measurement or presentation of the SEFA have not changed from those used in the prior period and we have disclosed to you any significant assumptions and interpretations underlying the measurement or presentation of the SEFA.
c) If the SEFA is not presented with the audited financial statements, we will make the audited financial statements readily available to the intended users of the SEFA no later than the date we issue the SEFA and the auditor’s report thereon.

d) We have identified and disclosed to you all of our government programs and related activities subject to the Uniform Guidance and the State of Texas Single Audit Circular compliance audit, and have included in the SEFA, expenditures made during the audit period for all awards provided by federal/state agencies in the form of federal awards, federal cost-reimbursement contracts, loans, loan guarantees, property (including donated surplus property), cooperative agreements, interest subsidies, insurance, food commodities, direct appropriations, and other direct assistance.

e) We are responsible for understanding and complying with, and have complied with, the requirements of federal/state statutes, regulations, and the terms and conditions of federal/state awards related to each of our federal/state programs and have identified and disclosed to you the requirements of federal/state statutes, regulations, and the terms and conditions of federal/state awards that are considered to have a direct and material effect on each major program.

f) We are responsible for establishing and maintaining, and have established and maintained, effective internal control over compliance for federal/state programs that provides reasonable assurance that we are managing our federal/state awards in compliance with federal/state statutes, regulations, and the terms and conditions of federal/state awards that could have a material effect on our federal/state programs. We believe the internal control system is adequate and is functioning as intended.

g) We have made available to you all federal/state awards (including amendments, if any) and any other correspondence with federal/state agencies or pass-through entities relevant to federal/state programs and related activities.

h) We have received no requests from a federal/state agency to audit one or more specific programs as a major program.

i) We have complied with the direct and material compliance requirements (except for noncompliance disclosed to you), including when applicable, those set forth in the OMB Compliance Supplement and the State of Texas Single Audit Circular, relating to federal/state awards and confirm that there were no amounts questioned and no known noncompliance with the direct and material compliance requirements of federal awards.

j) We have disclosed any communications from federal/state awarding agencies and pass-through entities concerning possible noncompliance with the direct and material compliance requirements, including communications received from the end of the period covered by the compliance audit to the date of the auditor’s report.

k) We have disclosed to you the findings received and related corrective actions taken for previous audits, attestation engagements, and internal or external monitoring that directly relate to the objectives of the compliance audit, including findings received and corrective actions taken from the end of the period covered by the compliance audit to the date of the auditor’s report.

l) Amounts claimed or used for matching were determined in accordance with relevant guidelines in OMB’s Uniform Guidance (2 CFR part 200, subpart E).

m) We have disclosed to you our interpretation of compliance requirements that may have varying interpretations.
n) We have made available to you all documentation related to compliance with the direct and material compliance requirements, including information related to federal/state program financial reports and claims for advances and reimbursements.

o) We have disclosed to you the nature of any subsequent events that provide additional evidence about conditions that existed at the end of the reporting period affecting noncompliance during the reporting period.

p) There are no such known instances of noncompliance with direct and material compliance requirements that occurred subsequent to the period covered by the auditor’s report.

q) No changes have been made in internal control over compliance or other factors that might significantly affect internal control, including any corrective action we have taken regarding significant deficiencies or material weaknesses in internal control over compliance, subsequent to the period covered by the auditor’s report.

r) Federal/state program financial reports and claims for advances and reimbursements are supported by the books and records from which the financial statements have been prepared.

s) The copies of federal/state program financial reports provided you are true copies of the reports submitted, or electronically transmitted, to the respective federal/state agency or pass-through entity, as applicable.

t) We have monitored subrecipients, as necessary, to determine that they have expended subawards in compliance with federal/state statutes, regulations, and the terms and conditions of the subaward and have met the other pass-through entity requirements of the Uniform Guidance.

u) We have issued management decisions for audit findings that relate to federal/state awards made to subrecipients and such management decisions have been issued within six months of acceptance of the audit report by the Federal Audit Clearinghouse. Additionally, we have followed-up ensuring that the subrecipient has taken timely and appropriate action on all deficiencies detected through audits, on-site reviews, and other means that pertain to the federal award provided to the subrecipient.

v) We have considered the results of subrecipient audits and have made any necessary adjustments to our books and records.

w) We have charged costs to federal/state awards in accordance with applicable cost principles.

x) We are responsible for and have accurately prepared the summary schedule of prior audit findings to include all findings required to be included by the Uniform Guidance and the State of Texas Single Audit Circular, and we have provided you with all information on the status of the follow-up on prior audit findings by federal/state awarding agencies and pass-through entities. including all management decisions.

y) We are responsible for and have ensured the reporting package does not contain protected personally identifiable information.

z) We are responsible for and have accurately prepared the auditee section of the Data Collection Form as required by the Uniform Guidance.

aa) We are responsible for taking corrective action on each audit finding of the compliance audit and have developed a corrective action plan that meets the requirements of the Uniform Guidance.

bb) We have disclosed to you all contracts or other agreements with service organizations, and we have disclosed to you all communications from the service organizations relating to noncompliance at the service organizations.
Management Representation Letter

Signature: ___________________________  Signature: ___________________________

Title: City Manager  Title: Finance Director
March 30, 2020

City Commission and Management
City of Brownsville, Texas

Except as discussed in the following paragraph, in planning and performing our audit of the financial statements of the City of Brownsville, Texas (the “City”) as of and for the year ended September 30, 2019, in accordance with auditing standards generally accepted in the United States of America (“GAAS”), we considered the City’s internal control over financial reporting (internal control) as a basis for designing our auditing procedures for the purpose of issuing our reports on the financial statements, but not for the purpose of expressing opinions on the effectiveness of the City’s internal control. Accordingly, we do not express an opinion on the effectiveness of the City’s internal control.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A material weakness is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity’s financial statements will not be prevented, or detected and corrected, on a timely basis.

Our consideration of internal control was for the limited purpose described in the first paragraph and was not designed to identify all deficiencies in internal control that might be material weaknesses. Given these limitations during our audit, we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

During our audit we became aware of certain matters that are opportunities for strengthening internal controls and operating efficiency. We included the accompanying chart of internal control recommendations for management’s consideration. This letter does not affect our report, dated March 30, 2020, on the financial statements of the City of Brownsville, Texas.

This communication is intended solely for the information and use the City Commission and Management and others within the City of Brownsville, Texas, and is not intended to be, and should not be, used by anyone other than these specified parties.

CARR, RIGGS & INGRAM, LLC
<table>
<thead>
<tr>
<th>CONTROL NUMBER</th>
<th>RATING</th>
<th>AREA</th>
<th>ITEM NOTED</th>
<th>SUGGESTION</th>
<th>MANAGEMENT ACTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>2019-001</td>
<td>IP</td>
<td>Procurement Cards</td>
<td>In performing unpredictable audit procedures to evaluate issuance of P-Cards, we found that some required documentation according to the Procurement Card Policy and Procedures, was not completed or on file to evidence the approval of P-Card issuance. In addition, one P-Card file selected for review was not located.</td>
<td>We recommend the City ensure that all documentation required for the issuance of a P-Card per the Procurement Card Policy and Procedures, is obtained, complete and maintained in the P-Card holder file.</td>
<td>Management will review the item noted and ensure the documentation required by the Procurement Card Policy and Procedures, is complete and available prior to the issuance of P-Cards.</td>
</tr>
<tr>
<td>2019-002</td>
<td>IP</td>
<td>Airport Contracts</td>
<td>In performing audit procedures to evaluate Airport revenue, we found that the Airport rental contracts with various tenants have not been updated for a reasonable amount of time.</td>
<td>We recommend the City ensure that the Airport rental contracts are reviewed, updated and maintained current to accurately bill tenants.</td>
<td>According to management, the Airport rental contracts are already under review and will be finalized in the subsequent period.</td>
</tr>
</tbody>
</table>
Comprehensive Annual Financial Report ("CAFR")
For the Year Ended September 30, 2019

April 17, 2020

Presented by: Carr, Riggs & Ingram, LLC
**Annual Audit Requirement**

Annual audit by independent certified public accountants is required by City Code.

- Financial statements prepared in accordance with Generally Accepted Accounting Principles ("GAAP") as promulgated by Governmental Accounting Standards Board ("GASB").

- Audit conducted by Carr, Riggs & Ingram, LLC.

**GFOA Excellence in Financial Reporting Award.**

- Awarded to the City consistently for the last 43 years.

- Received award for September 30, 2018 CAFR.

- Submitted September 30, 2019 CAFR for Award Consideration.
Government-wide Financials

- Over the last 14 years, GASB Pronouncements have had significant impact on Net Position.
  - GASB 34 increased Net Position by reporting land, buildings, and infrastructure as assets.
  - GASB 68 decreased Net Position by reporting long term Pension liabilities.
  - GASB 75 further decreased Net Position by reporting long-term Other Post Employment Benefits (OPEB) liabilities.
Government-wide Financials

Net Position: Total assets minus total liabilities

• Over time, serves as an indicator of overall financial health.
• Total net position increased from $258 million to $269 million.
• Total assets and deferred outflows of resources increased by $42.5 million or 7%.
  • Current assets increased due to unspent proceeds from the current year debt issuances.
  • Capital assets in governmental activities increased primarily due to the landfill improvements project and the purchase of emergency vehicles.
  • Capital assets in business-type activities increased due to the new airport terminal project.
Government-wide Financials

Net Position: Total assets minus total liabilities - Continued

• Total liabilities and deferred inflows of resources increased by $31 million or 9.5%.
  • Changes are due to the issuance of current year debt. $23.725M in C.O. bonds and $1M of tax notes.
  • Total net pension liability increased by $24.9M.
  • Total OPEB liability decreased by $4M
## Long-Term Liabilities

### Governmental Activities – Changes in Long-term Liabilities (Note 8)

<table>
<thead>
<tr>
<th>Notes Payable:</th>
<th>Balance Outstanding 10/1/2018</th>
<th>Additions</th>
<th>Deletions</th>
<th>Balance Outstanding 9/30/2019</th>
<th>Due Within Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>274.94 Acre Property Note</td>
<td>1,126,549</td>
<td>-</td>
<td>355,600</td>
<td>770,949</td>
<td>375,158</td>
</tr>
<tr>
<td>Cueto Building Note</td>
<td>400,681</td>
<td>-</td>
<td>101,305</td>
<td>299,376</td>
<td>105,000</td>
</tr>
<tr>
<td>Downtown Property Note</td>
<td>25,000</td>
<td>-</td>
<td>25,000</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>1419 Ranch Property Note</td>
<td>2,000,000</td>
<td>-</td>
<td>500,000</td>
<td>1,500,000</td>
<td>500,000</td>
</tr>
<tr>
<td>Tax Notes, Taxable Series 2018</td>
<td>-</td>
<td>1,000,000</td>
<td>-</td>
<td>1,000,000</td>
<td>-</td>
</tr>
<tr>
<td>Total Notes from Direct Borrowings</td>
<td>3,552,230</td>
<td>1,000,000</td>
<td>981,905</td>
<td>3,570,325</td>
<td>980,158</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Bonds Payable:</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General Obligation Bonds</td>
<td>$ 81,445,000</td>
<td>$ -</td>
<td>$ 9,450,000</td>
<td>$ 71,995,000</td>
<td>$ 10,825,000</td>
</tr>
<tr>
<td>Certificates of Obligation Bonds</td>
<td>57,330,000</td>
<td>23,725,000</td>
<td>2,710,000</td>
<td>78,345,000</td>
<td>2,295,000</td>
</tr>
<tr>
<td>Contractual Obligation Bonds</td>
<td>4,425,000</td>
<td>-</td>
<td>240,000</td>
<td>4,185,000</td>
<td>250,000</td>
</tr>
<tr>
<td>Plus: Unamortized Premium</td>
<td>11,884,227</td>
<td>1,639,057</td>
<td>1,171,170</td>
<td>12,352,114</td>
<td>-</td>
</tr>
<tr>
<td>Total Bonds Payable</td>
<td>155,084,227</td>
<td>25,364,057</td>
<td>13,571,170</td>
<td>166,877,114</td>
<td>13,370,000</td>
</tr>
</tbody>
</table>

| Accrued Compensated Absences                              | 13,251,656                     | 5,622,503 | 5,241,971 | 13,632,188                    | 4,995,811       |
| Capital Lease Payable                                     | 599,203                        | -         | 199,734   | 399,469                       | 199,734         |
| Landfill Closure and Post-closure Care                    | 11,205,201                     | 201,694   | -         | 11,406,895                    | -               |
| Net Pension Liability                                     | 35,013,602                     | 22,994,646| -         | 58,008,248                    | -               |
| Total OPEB Liability                                      | 56,992,132                     | -         | 3,771,998 | 53,220,134                    | -               |

| Total Long-term Liabilities                               | $ 275,698,251                  | $ 55,182,900 | $ 23,766,778 | $ 307,114,373 | $ 19,545,703 |
### Business-type Activities – Changes in Long-term Liabilities (Note 8)

<table>
<thead>
<tr>
<th>Description</th>
<th>Balance Outstanding 10/1/2018</th>
<th>Additions</th>
<th>Deletions</th>
<th>Balance Outstanding 9/30/2019</th>
<th>Due Within Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accrued Compensable Absences</td>
<td>$754,225</td>
<td>$117,567</td>
<td>$328,187</td>
<td>$543,605</td>
<td>$378,258</td>
</tr>
<tr>
<td>Net Pension Liability</td>
<td>3,027,955</td>
<td>1,889,064</td>
<td>-</td>
<td>4,917,019</td>
<td>-</td>
</tr>
<tr>
<td>Total OPEB liability</td>
<td>4,824,452</td>
<td>-</td>
<td>272,300</td>
<td>4,552,152</td>
<td>-</td>
</tr>
<tr>
<td>Total Long-term Debt</td>
<td>$8,606,632</td>
<td>$2,006,631</td>
<td>$600,487</td>
<td>$10,012,776</td>
<td>$378,258</td>
</tr>
</tbody>
</table>
Net Pension Liability

The City’s net pension liability as of September 30, 2019 was $62.9 million, which is an increase of $24.9 million from September 30, 2018 (Note 9 and Required Supplementary Information - Schedule of Changes in Net Pension Liability and Related Ratios).

- The increase is primarily related to a loss in net investment income.

FY 2019 Net Change in Net Pension Liability

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beginning Net Pension Liability:</td>
<td>$38,041,557</td>
</tr>
<tr>
<td>Net Change:</td>
<td>24,883,710</td>
</tr>
<tr>
<td>Ending Net Pension Liability:</td>
<td>$62,925,267</td>
</tr>
</tbody>
</table>
Other Post Employment Benefits

The City’s total OPEB liability as of September 30, 2019 was $58.7 million, which is a decrease of $4 million from September 30, 2018 (Note 10)

• The decrease is primarily due to a change in health premiums for fire and non-civil retirees.

**FY 2019 Net Change in Total OPEB Liability**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beginning OPEB Liability:</td>
<td>$61,816,584</td>
</tr>
<tr>
<td>Net Change in OBEPE Liability:</td>
<td>-4,044,298</td>
</tr>
<tr>
<td>Ending OPEB Liability:</td>
<td>$57,772,286</td>
</tr>
</tbody>
</table>

• **Future Uncertainty or Risk**

  Future results may differ from those in current valuation. Reasons include, but not limited to:
  • Actual Medical Trend Different From Expected
  • Changes in the healthcare plan designs offered to active and retired members;
  • Participant behavior or experience differing from expected.
Government-wide Financials

Change in Net Position – Governmental Activities:

Total revenues of the governmental activities increased by $9.5M. Increase is primarily due to:

- Increase in transfers of surplus revenues from BPUB ($920K) and the one-time payment of $2.25M for the City’s share of the proceeds from the sale of the Oklaunion power plant.

- 2% increase in property taxes (a result of higher property values)

- 6% increase in sales taxes

- Additional $1M contribution for debt service from component units compared to prior year.

Total expenses of the governmental activities increased by $3.2M
Change in Net Position – Business-type Activities:

Total revenues of the business-type activities increased by $12M. Increase is primarily due to:

• Current year capital grants (Airport Improvement Program) of $11M in the airport enterprise fund for the new airport terminal project.

• Current year capital grants of $1.7M in the public transit enterprise fund for the purchase of buses.

Total operating revenues and expenses of business-type activities were comparable and consistent with prior year amounts.
**Governmental Fund Financials**

- **Government-wide** reporting provides information on current and long term obligations, including capital assets and long-term liabilities – Useful in assessing the City’s overall financial health.

- **Governmental Fund** reporting provides information on near term inflow, outflows and balances of spendable resources – Useful in assessing the City’s ability to meet short term requirements.
The City maintains 23 individual governmental funds. Fund balance for all Governmental Funds decreased from $62.7 million to $57.7 million.

<table>
<thead>
<tr>
<th>Fund Balances</th>
<th>2018</th>
<th>2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-spendable, Restricted, Committed, &amp; Assigned</td>
<td>$39,815,083</td>
<td>$36,605,226</td>
</tr>
<tr>
<td>Unassigned</td>
<td>$22,929,134</td>
<td>$21,143,963</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$62,744,217</td>
<td>$57,749,189</td>
</tr>
</tbody>
</table>

Overall fund balances decreased by $5 million or 8%.

- Total nonspendable, restricted, committed and assigned fund balances decreased by $3.2M.
- Total unassigned fund balance decreased by $1.8M.
General Fund Highlights

The general fund balance increased by $4.3M or 13.9%.

The increase is primarily due to:

- Increase in sales taxes of $1.7M or 6% compared to prior year
- Increase of $920K or 8% in surplus funds transferred by BPUB
- One-time payment of $2.25M for the City’s share of the proceeds from the sale of the Oklaunion power plant.
Other Governmental Fund Highlights

Total fund balances of other governmental funds decreased by $9.3M or 29%.

The decrease is primarily a result of expending bond proceeds to acquire capital assets.

- Deficit fund balances in the Community Development Fund ($899K) and the Capital Projects Fund ($81,366) represent encumbrances that will be funded from grant revenue during fiscal year 2020.

- The deficit reported in the 2019 C.O. fund represents capital expenditures incurred that will be financed with bond proceeds in fiscal year 2020.
Single Audit
Single Audit Highlights

Total federal funds expended for the year ended September 30, 2019 were $21 million.

Total state funds expended for the year ended September 30, 2019 were $1.3 million.

Identification of major programs:

**Federal**

<table>
<thead>
<tr>
<th>CFDA Number</th>
<th>Name of Federal Program or Cluster</th>
</tr>
</thead>
<tbody>
<tr>
<td>14.218</td>
<td>Community Development Block Grant</td>
</tr>
<tr>
<td>20.106</td>
<td>Airport Improvement Program</td>
</tr>
</tbody>
</table>

**State**

<table>
<thead>
<tr>
<th>Program Number</th>
<th>Name of State Program</th>
</tr>
</thead>
<tbody>
<tr>
<td>608-19-0310100</td>
<td>Texas Auto Burglary and Theft Prevention Authority</td>
</tr>
<tr>
<td>608-20-0310100</td>
<td>Texas Auto Burglary and Theft Prevention Authority</td>
</tr>
</tbody>
</table>
# Summary of Independent Auditors’ Results

## Primary Government Financial Statements

<table>
<thead>
<tr>
<th>Type of auditor's report issued:</th>
<th>Unmodified</th>
</tr>
</thead>
</table>

### Internal control over financial reporting:

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Material weakness(es) identified?</td>
<td>No</td>
</tr>
<tr>
<td>Significant deficiency(ies) identified that are not considered to be material weakness(es)?</td>
<td>None reported</td>
</tr>
</tbody>
</table>

### Noncompliance material to financial statements noted?

<table>
<thead>
<tr>
<th>Answer</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>

## Federal and State Awards

### Internal control over major program:

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Material weakness(es) identified?</td>
<td>No</td>
</tr>
<tr>
<td>Significant deficiency(ies) identified that are not considered to be material weakness(es)?</td>
<td>None reported</td>
</tr>
</tbody>
</table>

### Type of auditor's report issued on compliance for the major program:

<table>
<thead>
<tr>
<th>Answer</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Unmodified</td>
<td></td>
</tr>
</tbody>
</table>

### Any audit findings disclosed that are required to be reported in accordance with the Uniform Guidance?

<table>
<thead>
<tr>
<th>Answer</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>

### Any audit findings disclosed that are required to be reported in accordance with the State of Texas Single Audit Circular?

<table>
<thead>
<tr>
<th>Answer</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>
Required Communications
Questions?
Consideration and ACTION to acknowledge the Greater Brownsville Incentives Corporation (GBIC) Report regarding emergency assistance efforts provided to businesses in response to COVID-19.
To: Mayor and City Commission
Thru: Noel Bernal, City Manager
From: Mario Lozoya, GBIC
Date: April 17, 2020
Re: Consideration and ACTION to acknowledge the Greater Brownsville Incentives Corporation (GBIC) Report regarding emergency assistance efforts provided to businesses in response to COVID-19. (Greater Brownsville Incentives Corporation (GBIC))

**Background:**
As a Type A EDC, GBIC has been trying to find a way to support the COVID-19 condition.

- There are a number of small businesses that do not have the sophistication to gather appropriate documents (ledgers, PnLs, etc) to articulate a demand for loans and grant applications.
- There are organizations in Brownsville working in support of this issue already but can’t catch up with the demand.

**Update:**
In response to the COVID-19 pandemic, the GBIC Board of Directors approved $75,000 towards the hiring of personnel that can assist small business in this process.

The GBIC Board of Directors approved and additional $75,000 to augment the Start Up Texas program managed by BCIC with the agreement to potentially add or extend at a later date if necessary.

Additionally, GBIC is working to formulate other programs and partnerships in alignment with this support especially around a “recovery” plan.
AGENDA ITEM

Consideration and ACTION to authorize Resolution Number 2020-030 for the filing of the FY 2020 Coronavirus Aid, Relief and Economic Security Act (CARES Act) grant application in the amount of $7,599,697 with the Federal Transit Administration (FTA), an Operating Administration of the United States Department of Transportation, for Federal Transportation Assistance Authorized by 49 USC Chapter 53, Title 23, United States Code.
To: Mayor and City Commission
Through: Noel Bernal, City Manager
From: Norma Zamora, Director – Multimodal Transportation
Date: April 21, 2020
Agenda #: Consideration and Action to authorize Resolution No. 2020-030 for the filing of the FY 2020 Coronavirus Aid, Relief and Economic Security Act (CARES Act) grant application in the amount of $7,599,697 with the Federal Transit Administration (FTA), an Operating Administration of the United States Department of Transportation, for Federal Transportation Assistance Authorized by 49 USC Chapter 53, Title 23, United States Code.

Summary:
The City of Brownsville’s Multimodal Transportation Department - Brownsville Metro is the designated recipient of the FY 2020 Coronavirus Aid, Relief and Economic Security Act (CARES Act) funds. As part of the CARES Act relief fund to prevent, prepare for, and respond to COVID-19, the federal government allocated $25 billion to recipients of urbanized area and rural area formula funds as part of the Transit Infrastructure Grants. Through the CARES Act, Brownsville Metro will receive $7,599,697 CARES funding disbursed and managed via the Section 5307 FTA grant program.

Project Scope and Analysis:
The CARES Act funding will be allocated towards the reimbursement of public transit for operating costs associated with maintaining services and recovering lost revenue due to the coronavirus public health emergency, including but not limited to, the purchasing of personal protective equipment and payment of administrative leave of operations personnel due to reduction in service. The funds will be administered as defined by 49 U.S.C. 5307(a)(2) for Urbanized Area Formula Program Assistance.

Funding:
CARES Act funding will be provided at 100 percent federal share, with no local match required. The Public Health Service Act (Section 319) allows the retroactive reimbursement of expenditures beginning on January 20, 2020.

Recommendation:
That the City Commission authorize the City Manager, or his designee, to execute the filing of this grant application.
RESOLUTION NO. 2020-030

A RESOLUTION AUTHORIZING THE FILING OF THE FY2020 CORONAVIRUS AID, RELIEF AND ECONOMIC SECURITY ACT (CARES Act) TO BE ADMINISTERED UNDER THE SECTION 5307(a)(2) URBANIZED AREA FORMULA PROGRAM GRANT APPLICATIONS WITH THE FEDERAL TRANSIT ADMINISTRATION, AN OPERATING ADMINISTRATION OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION, FOR FEDERAL TRANSPORTATION ASSISTANCE AUTHORIZED BY 49 U.S.C. CHAPTER 53 UNITED STATES CODE, AND OTHER FEDERAL STATUTES ADMINISTERED BY THE FEDERAL TRANSIT ADMINISTRATION.

WHEREAS, the Federal Transportation Administrator has been delegated authority to award Federal financial assistance as part of the FY 2020 CARES Act relief fund to prevent, prepare for and respond to COVID-19; and

WHEREAS, the City of Brownsville is the Designated Recipient as defined by 49 U.S.C. 5307(a)(2) to apply for Urbanized Area Formula Program Assistance.

WHEREAS, the grant for Federal financial assistance will be funded at 100-percent so it will not require the City of Brownsville to provide any local share of the project costs; and

WHEREAS, the City of Brownsville has provided all annual certifications and assurances to the Federal Transit Administration required for the project.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Brownsville, Texas:

THAT the City Manager or his designee is authorized to execute and file applications and amendments on behalf of the City of Brownsville, Texas with the Federal Transit Administration for Federal assistance authorized by 49 U.S.C. United Stated Code or other Federal statutes authorizing projects administered by the Federal Transit Administration.

THAT the City Manager or his designee is authorized to execute and file with its applications the annual certifications and assurances and other documents the Federal Transportation Administration requires before awarding Federal assistance grant or cooperative agreement.

THAT the City Manager or his designee is authorized to execute grant and cooperative agreements with the Federal Transit Administration on behalf of the City of Brownsville, Texas.

PASSED AND APPROVED on April 21, 2020.

__________________________
Trey Mendez
Mayor

ATTEST:

__________________________
Griselda Rosas
Interim-City Secretary

"Approved as to Form and Legality This 9th day of April 2020
Title Office of the Brownsville City Attorney"
### Executive Session (City Attorney Only)

- **Time Needed:**
- **Action Item:**

### Select

- **Time Needed:**

### Agenda

- [ ] Public Hearing
- [ ] Contract
- [ ] Grant
- [x] Action
- [ ] Consent

### Ordinance

- [ ] First Reading
- [ ] Second Reading

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

Consideration and ACTION to appoint a member(s) to the LGBTQ Task Force.

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

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<th>Comments:</th>
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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

Date: April 15, 2020

RE: Consideration and ACTION to appoint a member(s) to the LGBTQ Task Force.

The City Commission created the LGBTQ Task Force on December 03, 2019.

The following members have been appointed to the LGBTQ Task Force:

- Jose Uvalles appointed by Mayor Juan “Trey” Mendez
- Bryan Martinez appointed by Commissioner John Cowen, Jr.
- Berenice C. Marques appointed by Commissioner Rose Gowen
- Norma Rodriguez appointed by Commissioner Nurith Galonsky Pizana
- Adalberto Hinojosa appointed by Commissioner Jessica Tetreau
- Nolan Navarro appointed by Commissioner Ben Neece

The remaining appointment is for Commissioner Munguia.
### Present Board Members

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<th>Residing District</th>
<th>Term</th>
<th>Appointed</th>
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<th>Willing to Serve (Y/N)</th>
<th>Staff Recommendation (Y/N)</th>
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### Applications on File - Prospective Board Members - Cannot Serve on More Than 1 Board

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**Ordinance Number:**

- Created on December 03, 2019

**Board Name:**

- LGBTQ TASK FORCE

**Meeting Date:**

- 03/17/2020
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Consultation with attorney to receive confidential legal advice pursuant to Section 551.071(2) of the Texas Government Code, in connection with the City’s rights, duties, privileges, and obligations related to the Brownsville Public Utilities Board under the City of Brownsville Charter Articles I, II, V and VI, in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.