

**THE STATE OF TEXAS §**  
**CITY OF BROWNSVILLE §**  
**COUNTY OF CAMERON §**

Sally Miniel Arroyo, At-large Commissioner "A"  
Ricardo Longoria, Jr., District Commissioner 1  
Carlos A. Cisneros, District Commissioner 3

Ernie L. Hernandez, Jr., At-large Commissioner "B"  
Charlie Atkinson, District Commissioner 2  
Edward C. Camarillo, District Commissioner 4

Eddie Treviño, Jr., Mayor

**NOTICE OF PUBLIC MEETING OF THE  
CITY COMMISSION OF THE CITY OF BROWNSVILLE**

Pursuant to Chapter 551, Title 5 of the Texas Government Code, the Texas Open Meetings Act, notice is hereby given that the City Commission of the City of Brownsville, Texas, in accordance with Article V, Section 12, of the Charter of said City, will convene a **Special Meeting**, on **Wednesday, August 30, 2006, at 6:00 P.M.** in the Commission Chambers, on the Second Floor of the Brownsville City Hall – Federal Building, located at 1001 East Elizabeth Street, Brownsville, Cameron County, Texas, 78520.

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**SPECIAL MEETING: 6:00 P.M.**

***PLEDGE OF ALLEGIANCE:***                    *UNITED STATES PLEDGE \* TEXAS PLEDGE*

***INVOCATION:***

\* \* \* \* \*

***PUBLIC HEARING:***

1. Public Hearing and **ACTION** on **FIRST READING** of **Ordinance Number 2006-1217-A** amending Ordinance Number 90-1213 of March 20, 1990 and Ordinance Number 90-1217 of May 24, 1990 and adopting the: (a) updated and revised land use assumptions within the certificated water and wastewater service area of the Public Utilities Board; (b) updated and revised water and wastewater capital improvements plan; (c) updated and revised maximum allowable and actual water and wastewater impact fees; providing that this ordinance be cumulative; directing the Brownsville Public Utilities Board and City Planning Department to amend appropriate city development regulations and water and wastewater service policies; providing for severability; providing for governmental immunity; providing for injunctive relief and other legal remedies; and providing for an effective date. (Jim Goza – City Attorney and John S. Bruciak – Brownsville Public Utilities Board)

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***PUBLIC COMMENT PERIOD: PLEASE NOTE:***

- ANY PERSON WITH BUSINESS BEFORE THE COMMISSION, NOT SCHEDULED ON THE AGENDA AS A **PUBLIC HEARING**, MAY SPEAK TO THE COMMISSION.
- "PUBLIC COMMENT FORMS" ARE LOCATED ON THE SECOND FLOOR AT THE ENTRANCE OF THE COMMISSION CHAMBERS.
- "PUBLIC COMMENT FORMS" MUST BE FILLED OUT AND PRESENTED TO THE CITY SECRETARY/STAFF FIFTEEN (15) MINUTES PRIOR TO THE MEETING, TO BE CONSIDERED/RECOGNIZED.
- THE SPEAKER MUST IDENTIFY BY NAME BEFORE SPEAKING.
- THERE IS A THREE (3)-MINUTE TIME LIMIT PER SPEAKER.
- "PUBLIC COMMENT FORMS" ARE NOT ACCEPTED AFTER 6:00 P.M.
- *POWERPOINT* PRESENTATIONS ARE NOT CONDUCTED DURING THE PUBLIC COMMENT PERIOD. [For further information, contact The Office of the City Secretary at 548-6001]
- NO FORMAL ACTION CAN BE TAKEN.

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***ADJOURNMENT:***

**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, Title 5 of the Texas Government Code.

**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: **Eddie Treviño, Jr.**  
Mayor of the City of Brownsville

I certify that a copy of the August 30, 2006, Agenda of items to be considered by the Brownsville City Commission was posted on the Bulletin Area at City Hall – Federal Building, on August 25, 2006. I further certify that the Agenda was posted on the City’s website and can be downloaded by accessing: [www.cob.us/agendas.asp](http://www.cob.us/agendas.asp).

  
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Estela Von Hatten, City Secretary



# AGENDA REQUEST FORM

CITY COMMISSION MEETING DATE: 08/30/2006 ITEM NUMBER: 1.  
 DEPT. MAKING REQUEST: City Attorney DATE SUBMITTED: 8/21/2006  
 CONTACT PERSON(S) NAME: Jim Goza  
 PHONE: 956-548-6011 FAX: 956-546-4291 E-MAIL: \_\_\_\_\_

AGENDA CATEGORY: (TIME LIMIT)

EXECUTIVE SESSION     WORKSHOP     PRESENTATION     DISCUSSION

Length of Time Needed for The Item Above: \_\_\_\_\_ (minutes)

(No time limit)

CONSENT     PUBLIC HEARING     ACTION

**AGENDA ITEM:** (Attach back up material)

Public Hearing and ACTION on FIRST READING of Ordinance Number 2006-1217-A amending Ordinance Number 90-1213 of March 20, 1990 and Ordinance Number 90-1217 of May 24, 1990 and adopting the: (a) updated and revised land use assumptions within the certificated water and wastewater service area of the Public Utilities Board; (b) updated and revised water and wastewater capital improvements plan; (c) updated and revised maximum allowable and actual water and wastewater impact fees; providing that this ordinance be cumulative; directing the Brownsville Public Utilities Board and City Planning Department to amend appropriate city development regulations and water and

**AGENDA ITEM HISTORY:**  Second Reading     Tabled on \_\_\_\_\_     Discussed on \_\_\_\_\_  
 Pending Info Received     Other \_\_\_\_\_

**FINANCIAL:** Budgeted:     YES     NO     N/A

Grant/Matching Funds From:

**STAFF RECOMMENDATION:** (mark your selection)     Approve     Deny

Table for \_\_\_\_\_ weeks     Table Indefinitely     Other: \_\_\_\_\_

**OTHER RECOMMENDATION:**(Write in advisory board or committee name and recommendation if applicable)

wastewater service policies; providing for severability; providing for governmental immunity; providing for injunctive relief and other legal remedies; and providing for an effective date.

**ADMINISTRATIVE APPROVAL:**     YES     NO

\_\_\_\_\_  
City Manager

CODE OF ORDINANCES: CITY OF BROWNSVILLE, TEXAS

**ORDINANCE NUMBER 2006-1217-A**

AN ORDINANCE AMENDING ORDINANCES NO. 90-1213 OF MARCH 20, 1990 AND NO. 90-1217 OF MAY 24, 1990 AND ADOPTING THE: (A) UPDATED AND REVISED LAND USE ASSUMPTIONS WITHIN THE CERTIFICATED WATER AND WASTEWATER SERVICE AREA OF THE PUBLIC UTILITIES BOARD; (B) UPDATED AND REVISED WATER AND WASTEWATER CAPITAL IMPROVEMENTS PLAN; (C) UPDATED AND REVISED MAXIMUM ALLOWABLE AND ACTUAL WATER AND WASTEWATER IMPACT FEES; PROVIDING THAT THIS ORDINANCE BE CUMULATIVE; DIRECTING THE BROWNSVILLE PUBLIC UTILITIES BOARD AND CITY PLANNING DEPARTMENT TO AMEND APPROPRIATE CITY DEVELOPMENT REGULATIONS AND WATER AND WASTEWATER SERVICE POLICIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERN-MENTAL IMMUNITY; PROVIDING FOR INJUNCTIVE RELIEF AND OTHER LEGAL REMEDIES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, this Ordinance is in accordance with the City's amended comprehensive plans; and bears a substantial relationship to the public health, safety, morals, or general welfare; and

WHEREAS, this Ordinance has been published as required by law with this preamble constituting proof of such publication; and all other procedural requirements for the passage hereof have been met; and

WHEREAS, Chapter 395 of the Texas Local Government Code provides a method for municipalities to initially impose and periodically amend impact fees for financing or recouping the costs of off-site water and wastewater capital improvements and/or facility expansions necessitated by and attributable to new development; and

WHEREAS, the provisions of Chapter 395 of the Texas Local Government Code require a Capital Improvements Advisory Committee to be established to advise and assist in the implementation of the impact fee process; and

WHEREAS, as part of the provisions of Chapter 395 of the Texas Local Government Code, initial and periodically amended Land Use Assumptions are required to be prepared so as to become the basis for the preparation of initial and any amended Capital Improvements Plan and Impact Fees; and

WHEREAS, after considering the input from the Capital Improvements Advisory Committee and the public, the City Commission of the City of Brownsville adopted Land Use Assumptions within the Certificated Water and Wastewater Service Area of the Brownsville Public Utilities Board by passage of Ordinance No. 90-1213 on March 20, 1990; and

WHEREAS, pursuant to Ordinance No. 90-1217 of May 24, 1990, the City Commission of the City of Brownsville adopted a water and wastewater Capital Improvements Plan as supported by the original March 20, 1990 Land Use Assumptions contained in Ordinance No. 90-1213; and

WHEREAS, pursuant further to Ordinance No. 90-1217, the City Commission adopted Maximum Allowable Water and Wastewater Impact Fees and Actual Water and Wastewater Impact Fees; and

WHEREAS, pursuant to Chapter 395 of the Texas Local Government Code the City Commission of the City of Brownsville has authority to periodically consider updated revisions and amendments to Land Use Assumptions, Capital Improvements Plan, or Impact Fees; and

WHEREAS, the City's current Capital Improvements Advisory Committee has made 2006 written recommendations to the City Commission for potential updated revisions to the 1990 Land Use Assumptions, 1990 Capital Improvements Plan, or Maximum Allowable Water and Wastewater Impact Fees, all as comprehensively summarized in the "Report on Water and Wastewater Impact Fees prepared for the Brownsville Public Utilities Board" by Black & Veatch and included herewith for reference as Exhibit "A"; and

WHEREAS, the City Commission, in accordance with Chapter 395 of the Texas Local Government Code, formally ordered a Public Hearing for August 30, 2006 to discuss and review the proposed updates and revisions to the Land Use Assumptions, Capital Improvements Plan or Impact Fees; and

WHEREAS, pursuant to the cumulative input of the Capital Improvements Advisory Committee, general public and subsequent deliberations of the City Commission, BE IT ORDAINED BY THE CITY OF BROWNSVILLE:

(1) The 1990 Land Use Assumption adopted in Exhibit "A" of Ordinance No. 90-1213 on March 20, 1990 are hereby amended, revised and updated by substituting the attached Exhibit "B" incorporated herein for all purposes.

(2) The 1990 Water and Wastewater Capital Improvements Plan for water and wastewater capital improvements and facility expansions within Brownsville Public Utility Board's Certificated Water and Wastewater Service Area adopted in Exhibit "A" of Ordinance No. 90-1217 on May 24, 1990, is hereby amended, revised, and updated, by substituting the attached Exhibit "C" adopted and incorporated herein for all purposes.

(3) The 1990 Maximum Allowable Water Impact Fee of \$1,297.00 per Equivalent Service Unit ("ESU") for Priority 1 and 2 water system projects and the 1990 Maximum Allowable Wastewater Impact Fee of \$836.00 per ESU which were applicable within the Brownsville Public Utility Board's Certificated Water and Wastewater Service Area pursuant to Ordinance No. 90-1217 of May 24, 1990, are hereby updated, revised and amended to the newly adopted \$1,336.00 per ESU for Water and \$1,754.00 per ESU for Wastewater respectively.

(4) The actual 1990 Water and Wastewater Impact Fees applicable within the Inside and Outside City Limit Zones within the Brownsville Public Utility Board's Certificated Water and Wastewater Service Area pursuant to Ordinance No. 90-1217 of May 24, 1990, are hereby updated, revised and amended to eliminate the prior distinction between Inside City Limit and Outside City Limit Zones and are hereby adopted as follows:

<u>All Zones</u>	<u>Fee per ESU</u>
Water	\$_____
Wastewater	\$_____

(5) The Brownsville Public Utilities Board and City Planning Department are hereby directed to review and amend any appropriate Development Regulations, Water and Wastewater Service Policies, within forty-five (45) days of the effective date of this Ordinance to appropriately implement the intent of this Ordinance. Any and all remaining portions of Ordinance Nos. 90-1213 and 90-1217 which do not conflict with the contents of this September 2006 amending Ordinance, shall remain in full force and effect, otherwise any conflicting portions of the above referenced Ordinances are hereby repealed.

(6) This Ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Brownsville, Texas and this Ordinance shall not operate to repeal or effect any of such other ordinances, except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance. In which event, such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

(7) If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, unenforceable or invalid, such holding shall not effect the validity of the remaining portions of this Ordinance.

(8) All of the regulations provided in this Ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Commission or any City official or employee charged with the enforcement of this Ordinance acting for the City of Brownsville or the Brownsville Public Utilities Board in the discharge of his or her duties, shall not thereby render himself or herself personally liable; and he or she is hereby relieved from all personal liability from any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his or her said duties.

(9) Any violation of this Ordinance can be enjoined by a suit filed in the name of the City of Brownsville in a court of competent jurisdiction, and this remedy shall be in addition to any other remedy afforded by law to the City of Brownsville, Texas.

(10) This Ordinance shall be in effect from and after its approval and passage by the City Commission of the City of Brownsville, in accordance with the provisions of the Charter of the City of Brownsville covering same.

INTRODUCED AND PASSED to the First Reading on this the \_\_\_\_\_ day of August 2006.  
PASSED to the Second and Final Reading and Approved on this the \_\_\_\_\_ day of September  
2006.

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Eddie Treviño, Jr., Mayor

ATTEST:

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Estela Von Hatten, City Secretary

APPROVED AS TO FORM:

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Jim Goza, City Attorney