

Tino Villarreal, Commissioner At-large "A"
Bryan L. Martinez, Commissioner District 1
Gustavo De Leon, Commissioner District 3



Nurith Galonsky Pizana, Commissioner At-large "B"
Linda C. Macias, Commissioner District 2
Pedro Cardenas, Commissioner District 4

John Cowen, Jr, Mayor

NOTICE OF A 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 **October 07, 2026**, at **5:00 p.m.**, 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, 78520.

Pursuant to Section 551.127, Texas Government Code, one or more Commissioners or employees may attend this meeting remotely using videoconferencing technology. The video and audio feed of the videoconferencing equipment can be viewed and heard by the public at the address posted above as the location of the meeting. Members of the public, employees, and the City Commission may join via the Webex Teleconference Meeting by logging on at:

<https://brownsvilletx.webex.com/brownsvilletx/j.php?MTID=m772bed533ca4fa7d2dab5aa51ee15a82>

Wednesday, October 7, 2026 5:00 PM | 2 hours | (UTC-05:00) Central Time (US & Canada)

Meeting number: 2530 273 9548

Password: commission (26664774 when dialing from a video system)

Join by video system

Dial 25302739548@brownsvilletx.webex.com

You can also dial 173.243.2.68 and enter your meeting number.

Join by phone

1-844-621-3956 United States Toll Free

+1-650-479-3208 United States Toll

Access code: 253 027 39548

This Notice and Meeting Agenda are posted online at: <https://brownsvilletx.gov/129/Agendas-Minutes> 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. At any time during the course of the posted meeting, the Brownsville City Commission may retire into Executive Session under Texas Government Code 551.071 to confer with legal counsel on any subject matter on this agenda in which the duty of the attorney to the City Commission under Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code. Further, at any time during this meeting, the City Commission may retire to deliberate on any subject slated for discussion at this meeting, as may be permitted under one or more exceptions to the Texas Open Meetings Act set forth in Title 5, Subtitle A, Chapter 551, Subchapter D of the Texas Government Code.

CALL TO ORDER

- a) ROLL CALL
- b) PLEDGE OF ALLEGIANCE TO THE FLAGS OF THE UNITED STATES OF AMERICA AND STATE OF TEXAS

PROCLAMATION (S)

- 1) Recognizing "The Brownsville Crime Stoppers, Inc" (Mayor J. Cowen Jr.; Commissioner T. Villarreal)

PUBLIC COMMENT PERIOD

- **Non-Agenda Items:** Kindly submit a "Public Comment Form" stating the City business or City policy you wish to speak to an hour 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 an hour 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.

CONSENT AGENDA ITEM(S)

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.

- 1) Consideration and **APPROVAL** on **SECOND** and **FINAL READING** on **Ordinance No. 2026-1824** amending the Code of Ordinances by amending Chapter 102 "Utilities," to add Article XII "Municipal Drainage Utility System," Division 1 "Creation and Administration" to establish a municipal drainage utility system; providing for drainage service, billing, exemptions, drainage charges, and an appeal process. (Engineering and Public Works Dept.)
- 2) Consideration and **APPROVAL** on **SECOND** and **FINAL READING** on **Ordinance No. 2026-1825** amending Chapter 102 "Utilities" of the Code of Ordinances by amending Article III, "Rates and Charges," by adding Division 5 "Drainage Utility Fees"; establishing a municipal drainage utility system fee; providing for exemptions and credits. (Engineering and Public Works Dept.)

PUBLIC HEARING(S)

- 1) **THIRD** and **FINAL PUBLIC HEARING** on imposing a temporary moratorium on the acceptance, processing, and approval of applications for High-Intensity Data Processing Facilities within the City of Brownsville and its extraterritorial jurisdiction, pursuant to Texas Local Government Code §§ 212.131–212.139; and **ACTION** on **FIRST READING** on **Ordinance Number 2026-1826** enacting a 90-day moratorium on and prohibiting the acceptance, processing, and approval of applications for High-Intensity Data Processing Facilities within the City of Brownsville and its extraterritorial jurisdiction, and adopting findings and making a determination pursuant to Texas Local Government Code §§ 212.131–212.139, to allow the City time to review its regulations and environmental conservation efforts of such land uses in relation to the public health, safety and welfare of Brownsville residents. (City Manager's Office/ Office of the City Attorney/ Planning and Redevelopment Department)

ADJOURNMENT

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 Organizational Development & Human Resources Department at 956/548-6037 (voice or Relay TX) by Monday, no later than 12:00 P.M., to make proper arrangements.

By: John Cowen, Jr.
Mayor of the City of Brownsville

I, **Mayra A. Rios**, hereby certify that a copy of the Notice for the **October 7, 2026** Meeting of the Brownsville City Commission was posted on the designated bulletin board at City Hall – Federal Building, 1001 Elizabeth Street, a location readily accessible to the public, for at least three (3) business days prior to the scheduled meeting date, in compliance with Chapter 551 of the Texas Government Code. I further certify that the Agenda was posted on the City’s website and can be downloaded by accessing: <https://brownsvilletx.gov/129/Agendas-Minutes>


Mayra A. Rios, TRMC
City Secretary

I certify that the attached notice and agenda of items to be considered by the Brownsville City Commission was removed by me from the Brownsville City Hall – Old Federal Building bulletin areas on the _____ day of _____, 2026.

Employee Name and Signature

Date



To: Mayor and City Commission
Through: Alan Guard, Interim City Manager
From: Maribel Guerrero, Director Engineer and Public Works, Will Trevino, City Attorney
Date: Wednesday, October 7, 2026
Agenda #: Consideration and **APPROVAL** on **SECOND** and **FINAL READING** on **Ordinance No. 2026-1824** amending the Code of Ordinances by amending Chapter 102 “Utilities,” to add Article XII “Municipal Drainage Utility System,” Division 1 “Creation and Administration” to establish a municipal drainage utility system; providing for drainage service, billing, exemptions, drainage charges, and an appeal process. (Engineering and Public Works Dept.)

Summary:

Project Scope and Analysis:

Funding:

Source:

Amount:

Local Contribution if Applicable:

Recommendation:

Staff recommends approval.

Commission Pillar:

Economic Development, Planning & Zoning, Infrastructure, Public Safety, Quality of Life & Vibrancy, Governance

Attachments:

1. BROWNSVILLE DRAFT SWU Ordinance WT 10.6.2026
2. DRAFT Brownsville Public Notice revised for 10.6.2026

ORDINANCE NO. 2026-1824

AN ORDINANCE OF THE CITY OF BROWNSVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 102 "UTILITIES," TO ADD ARTICLE XII "MUNICIPAL DRAINAGE UTILITY SYSTEM," DIVISION 1 "CREATION AND ADMINISTRATION" TO ESTABLISH A MUNICIPAL DRAINAGE UTILITY SYSTEM; PROVIDING FOR DRAINAGE SERVICE, BILLING, EXEMPTIONS, DRAINAGE CHARGES, AND APPEALS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE, PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A CRIMINAL PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00); AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission (the "City Commission") of the City of Brownsville, Texas (the "City"), has investigated and determined that it would be advantageous and beneficial to the citizens of the City to promote the public health, safety, and welfare of the citizens to adopt a Municipal Drainage Utility System; and

WHEREAS, the City Commission further investigated and determined that it would be in the best interest of the citizens to adopt the Municipal Drainage Utility Systems Act as set forth in Chapter 552, Subchapter C, Texas Local Government Code, as amended ("Act"); and

WHEREAS, the City Commission hereby adopts the Act and incorporates it herein in its entirety for all purposes; and

WHEREAS, the City Commission further finds that the City will establish a schedule of drainage charges against all benefitted property in the proposed service area(s) which included the entire City subject to charges under this Ordinance; and

WHEREAS, the City Commission further finds that the City will provide drainage for all benefitted property in the proposed service area(s) on payment of drainage charges, except benefitted property exempted under the Act or pursuant to this Ordinance; and

WHEREAS, the City Commission further finds that the City will offer drainage service on nondiscriminatory, reasonable, and equitable terms; and

WHEREAS, in accordance with the Act, notices of a public hearing regarding this Ordinance were published, and a public hearing on this Ordinance was held concerning the matters set forth herein; and

WHEREAS, as set forth herein, the City Commission, in accordance with the procedures set forth in the Act, declares that the stormwater drainage infrastructure and services of the City are a public utility within the meaning of the Act.

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

SECTION 1. The above and foregoing recitals and premises to this ordinance are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2. Chapter 102 “UTILITIES” of the Code of Ordinances of the City of Brownsville, Texas, is amended by adding Article XII, “Municipal Drainage Utility System,” to read entirely as follows:

ARTICLE XII. Municipal Drainage Utility System

Sec. 102-714. Municipal Drainage Utility System Established.

The Municipal Drainage Utility Systems Act, Chapter 552, Subchapter C, Texas Local Government Code, as amended (the “Act”), is hereby adopted and shall be fully implemented as provided by the Act and by the City Commission; and the drainage of the City is hereby found to be a public utility within the meaning of the Act.

Sec. 102-715. Definitions.

Except as otherwise defined below, the definitions in the Act shall apply.

“Impervious area” means surfaces that do not provide stormwater significant opportunity for infiltration into the soil and result in increased stormwater runoff to the municipal storm sewer system.

“Equivalent Residential Unit (ERU)” means the typical amount of impervious area for a residential property in Brownsville.

Sec. 102-716. Drainage Service Provided.

The City will provide stormwater drainage for all benefitted property within its boundaries upon payment of the determined drainage charges, as defined in the Act, and excluding property exempt under the Act and certain benefitted property exempted pursuant to this Article, and that the fees, assessments, and charges will be based on nondiscriminatory, reasonable and equitable terms. The drainage charges established herein shall be for all non-exempt benefitted property as defined in the Act within the City drainage system.

Sec. 102-717. Billing for Drainage Service.

The City, directly or through its designated billing and collection agent, is hereby authorized to bill the drainage charges incurred as a result of the adoption of the Act and through the establishment of the municipal drainage utility system. The drainage charge shall be separately identified from other public utility billings. Drainage charges may only be expended for the costs of service as defined by the Act.

Sec. 102-718. Authority to Levy Drainage Charges; Findings.

The City may levy a schedule of drainage charges upon satisfaction of the procedural requirements provided in the Act and this Article. Prior to the levy of any drainage charges, the City Commission shall conduct a public hearing on the drainage charges pursuant to the Act. Prior to adoption of this Article, the City Commission found and determined:

- (1) Impervious cover increases storm-water runoff and associated pollutants and is directly related to drainage;
- (2) The City will establish a schedule of drainage charges against all benefitted property in the proposed area, which includes the entire City, subject to the charges under the Act;
- (3) The City will provide drainage for all benefitted property in the proposed service area on payment of the drainage charges, except for benefitted property exempt under the Act; and
- (4) The City will offer drainage service on nondiscriminatory, reasonable, and equitable terms.

Sec. 102-719. Exemptions

The City is authorized to exempt certain property from drainage charges in accordance with the Act and the establishment of its municipal drainage utility system. Any exemptions to the drainage charges established herein other than the exemptions required by the Act shall be set forth in the drainage charge schedule.

Sec. 102-720. Charges.

(a) The City Commission shall, following the adoption of this Article, from time to time, establish by ordinance a drainage charge schedule for charges which shall be collected through a utility bill or other billing statement issued by the City or its designated billing and collection agent pursuant to the Act and other applicable law. There shall be a drainage charge on each applicable monthly public utility statement issued by the City or its designated billing and collection agent for the City drainage system, as set forth in the drainage charge schedule. The City Manager, or designee, is authorized to administer and cause the collection of such charges in a manner consistent with the City Charter, the Act and this Article. The drainage charges shall be a separate line item on the public utility

statement, and shall be clearly identified as a separate charge. Except, as otherwise provided herein, the billing, charges and collection procedures shall be consistent with the applicable collection procedures of the City or its designated billing and collection agent for public utility services.

(b) The drainage charges established pursuant to this Article will apply to the accounts maintained by the City or its designated billing and collection agent for public utility services.

(c) All billings, credits, exemptions and other procedures relating to drainage charges established pursuant to this Article shall be subject to the provisions of the Act and other applicable law.

(d) A deposit for the drainage services as a precondition to accepting surface flow from benefitted property into the City drainage utility system shall not be required. All benefitted property of the City will be provided with drainage utility system service on timely payment of drainage charges established herein.

Sec. 102-721. Drainage Utility Fund.

(a) A separate fund is hereby created, known as the Drainage Utility Fund, for the purpose of segregating, identifying, and controlling all revenues and expenses attributable to the Drainage Utility.

(b) The Drainage Utility Fund shall be administered in accordance with Section 552.049 (Segregation of Income) of the Texas Local Government Code.

Sec. 102-722. Appeals.

(a) Billing and payment disputes for administrative issues relating to the drainage charges shall be subject to appeals procedures used by the City or its designated billing and collection agent for other public utility billing disputes. A person or entity that owns or occupies a benefitted property may appeal the drainage charges established herein pursuant to this procedure set forth in this section.

(b) Appeals shall be directed to the City Engineer for evaluation and determination. An appeal shall be in writing and submitted to the City Engineer within thirty (30) days after the public utility billing statement containing the matter to be disputed. During all periods of appeal the person or entity that owns or occupies the benefitted property and/or the account holder shall be responsible for payment of the charges in full.

(c) The City Engineer shall render a written decision on such appeals within thirty (30) days after receiving a timely written notice of appeal from the person or entity that owns or occupies the benefitted property and/or the account holder. The City Engineer shall deliver a copy of the appeal decision to the person or entity that owns or occupies the benefitted property and/or the account holder by U.S. mail to the address of the

landowner/account holder according to the most recent records in the possession of the City or its designated billing and collection agent.

(d) Any person or entity who owns or occupies the benefitted property and/or the account holder who disagrees with the decision of the City Engineer may appeal such decision to the City Manager in writing within ten (10) days after receipt of the decision of the City Engineer. The decision of the City Manager shall render a written decision within thirty (30) days after receipt of a timely appeal. The decision of the City Manager shall be final.

Sec. 102-723. Penalties; Enforcement.

(a) Failure to pay the drainage charges promptly when due shall subject such user to discontinuance of any public utility services provided by or on behalf of the City, in accordance with the procedures adopted by the applicable utility provider, including the Brownsville Public Utilities Board, for discontinuance of public utility service, including water and/or wastewater service, and other applicable laws.

(b) Any person, firm, or corporation that violates any provision of this Ordinance shall be subject to the penalties provided in the City's Code of Ordinances, and upon conviction may be fined up to \$2,000 for each offense involving public health, fire safety, or zoning, and up to \$500 for all other violations; each day a violation continues constitutes a separate offense.

Sec. 102-724. No waiver of immunity.

This article does not imply that a Benefitted Property will be free from flooding or erosion, and does not create additional duties on the part of the City. This chapter does not waive the City's immunity under any law.

SECTION 3. All provisions of the ordinances of the City of Brownsville in conflict with the provisions of this Ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Brownsville not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 4. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

SECTION 5. An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Code of Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 6. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Brownsville as heretofore amended and upon conviction shall be punished by a fine not to

exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense involving public health, fire safety, or zoning, and up to \$500 for all other violations; each day a violation continues constitutes a separate offense.

SECTION 7. This ordinance shall take effect from and after its passage and the publication of the caption of said ordinance as the law and the City Charter in such cases provides.

INTRODUCED at a public hearing on October 6, 2026. Passed at Second and Final Reading and **ADOPTED, APPROVED, ENACTED** on October 7, 2026.

ATTEST:

APPROVED:

_____, City Secretary

_____, Mayor

APPROVED AS TO FORM:

_____, City Attorney

NOTICE OF PUBLIC HEARING
CITY OF BROWNSVILLE, TEXAS

The City Commission of the City of Brownsville, Texas, will hold a Public Hearing during a Regular Meeting on Tuesday, October 6, 2026, at 5:00 p.m. at Brownsville City Hall in the City Commission Chambers, 1001 East Elizabeth Street, Brownsville, Texas 78520, to hear public opinion regarding the adoption of an Ordinance to establish rates to be charged as a Drainage Charge. The second and final reading and approval of the Ordinance will occur on Wednesday, October 7, 2026, at 5:00 p.m. at Brownsville City Hall in the City Commission Chambers, 1001 East Elizabeth Street, Brownsville, Texas 78520.

This notice is being published in accordance with the public notice requirements set forth in Subchapter C of Chapter 552, Local Government Code, for public hearings. As required by the aforementioned statute, this public notice is being published in a newspaper of general circulation to the residents of the City of Brownsville thirty (30) days or more prior to the date of the public hearing and will be published for a total of three times before the scheduled hearing.

All written or oral objections to the proposed Drainage Charge will be considered at the public hearing. The Commission will vote on the proposed Ordinance immediately following the public hearing. State law provides that approval of the proposed Ordinance shall require an affirmative vote of a majority of the members of the City Commission.

The entire proposed Ordinance to establish a Municipal Storm Water Utility Fee in the City of Brownsville is provided herewith, in accordance with requirements set forth in Subchapter C, Chapter 552, Local Government Code. A copy of the proposed Ordinance is also available for public inspection at the office of the City Secretary, Brownsville City Plaza, 1034 E. Levee St., Brownsville, Texas 78520.

This Notice of Public Hearing is given, and the public hearing is being held pursuant to the requirements of Subchapter C of Chapter 552, Local Government Code.



To: Mayor and City Commission
Through: Alan Guard, Interim City Manager
From: Maribel Guerrero, Director Engineer and Public Works, Will Trevino, City Attorney
Date: Wednesday, October 7, 2026
Agenda #: Consideration and **APPROVAL** on **SECOND** and **FINAL READING** on **Ordinance No. 2026-1825** amending Chapter 102 “Utilities” of the Code of Ordinances by amending Article III, “Rates and Charges,” by adding Division 5 “Drainage Utility Fees”; establishing a municipal drainage utility system fee; providing for exemptions and credits. (Engineering and Public Works Dept.)

Summary:

Project Scope and Analysis:

Funding:

Source: Not Applicable

Amount:

Local Contribution if Applicable:

Recommendation:

Staff recommends approval.

Commission Pillar:

Economic Development, Planning & Zoning, Infrastructure, Public Safety, Quality of Life & Vibrancy, Governance

Attachments:

1. DRAFT Brownsville Public Notice revised for 10.6.2026
2. BROWNSVILLE DRAFT SWU Fee Schedule WT 10.6.2026

NOTICE OF PUBLIC HEARING
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The entire proposed Ordinance to establish a Municipal Storm Water Utility Fee in the City of Brownsville is provided herewith, in accordance with requirements set forth in Subchapter C, Chapter 552, Local Government Code. A copy of the proposed Ordinance is also available for public inspection at the office of the City Secretary, Brownsville City Plaza, 1034 E. Levee St., Brownsville, Texas 78520.

This Notice of Public Hearing is given, and the public hearing is being held pursuant to the requirements of Subchapter C of Chapter 552, Local Government Code.

ORDINANCE NO. 2026-1825

AN ORDINANCE OF THE CITY OF BROWNSVILLE, TEXAS, AMENDING CHAPTER 102 “UTILITIES” OF THE CODE OF ORDINANCES OF THE CITY OF BROWNSVILLE, TEXAS, BY AMENDING ARTICLE III “RATES AND CHARGES,” BY ADDING DIVISION 5 “DRAINAGE UTILITY FEES”; ESTABLISHING A MUNICIPAL DRAINAGE UTILITY SYSTEM FEE; PROVIDING FOR EXEMPTIONS AND CREDITS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE, PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Brownsville, Texas has previously investigated and determined that it would be advantageous and beneficial to the citizens of the City of Brownsville, Texas to promote the public health, safety and welfare of the citizens to adopt a Municipal Drainage Utility System; and

WHEREAS, the City Commission has created a Municipal Drainage Utility System as authorized by Chapter 552, Subchapter C, Texas Local Government Code, as amended, (“the Act”) pursuant to Ordinance No. 2026-1824, which is to be codified as Chapter 102 “Utilities,” Article XII “Municipal Drainage Utility System,” Division 1 “Creation and Administration,” Section 102-714 through 102-722 of the Code of Ordinances; and

WHEREAS, pursuant the Act, the City Commission has investigated and determined that a schedule of drainage fees shall be applied against all real property in the proposed service area(s); and

WHEREAS, the City Commission further finds that it would be in the best interest of its citizens to amend the Code of Ordinances to adopt the drainage utility system charges to be collected in support of operation of the City’s drainage utility system:

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

SECTION 1. The above and foregoing recitals and premises to this ordinance are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2. Chapter 102 “Utilities,” Article III “Rates and Charges,” of the Code of Ordinances of the City of Brownsville, Texas, is hereby amended by adding Division 5 “Drainage Utility Fees” to read as follows:

Division 5. Drainage Utility Fees

The drainage utility fee schedule for the municipal drainage utility system shall be as set forth in Sections 102-222 through 102-224.

Sec. 102-222. Establishment of Drainage Utility Fee.

The drainage utility fee set forth in Sections 102-222 through 102-224 is adopted pursuant to Section 102-720 and shall be collected through a utility bill or other billing statement issued by the City or its designated billing and collection agent pursuant to the Act, Chapter 102, Article XII of this Code, and other applicable law.

Sec. 102-223. Impervious Area; Fee Assessed.

(a) Drainage utility fees shall be charged based on a property's contribution to the public drainage utility system. The contribution shall be based on the impervious area for the property.

(b) The drainage utility fee, payable monthly, shall be established with respect to all property according to the following schedule:

Property Type	Monthly Drainage Utility Fee
Residential Tier 1(0-1500 Square Feet of Impervious Area)	\$3.00*
Residential Tier 2 (1500+ Square Feet of Impervious Area)	\$6.25*
All Other Non-Exempt Property	\$6.25 per whole ERU**

*Residential Property includes single-family, duplex, triplex, and quadplex property. Multifamily property containing five or more dwelling units shall be included within All Other Non-Exempt Property.

**ERU (Equivalent Residential Unit) = 3,600 square feet impervious area

(c) A minimum charge of one (1) ERU shall be applied to each non-exempt non- residential property, except for undeveloped property, regardless of classification.

Sec. 102-224. Exemptions.

(a) **State Mandated Exemptions:** The following property shall not be assessed a drainage utility fee, as required by section 552.053, subchapter C of Texas Local Government Code, and section 580.003 of Texas Local Government Code:

(1) Property held and maintained in its natural state, until such time that the property is developed and all of the public infrastructure constructed has been accepted by the City in which the property is located for maintenance;

(2) A subdivided lot, until a structure has been built on the lot and a Certificate of Occupancy has been issued by the City;

(3) Property with proper construction and maintenance of a wholly sufficient and privately owned drainage system;

(4) State property; and

(5) Public or private institutions of higher education property.

(b) **Additional Exemptions:** As permitted by Section 552.053, Subchapter C of Texas Local Government Code, and Section 580.003 of the Texas Local Government Code: the City has determined the following property shall receive an exemption:

(1) N/A

SECTION 3. All provisions of the ordinances of the City of Brownsville in conflict with the provisions of this Ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Brownsville not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 4. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

SECTION 5. This ordinance shall become effective October 1, 2026, after its passage and the publication of the caption of said ordinance as the law and the City Charter in such cases provides.

INTRODUCED at a public hearing on October 6, 2026. Passed at Second and Final Reading and **ADOPTED, APPROVED, ENACTED** on October 7, 2026.

ATTEST:

APPROVED:

_____, City Secretary

_____, Mayor

APPROVED AS TO FORM:

_____, City Attorney



To: Mayor and City Commission
Through: Alan Guard, Interim City Manager
From: Will Trevino, City Attorney, Alan Guard, City Manager, Daniel Leal, Director
Planning & Redevelopment Services
Date: Wednesday, October 7, 2026
Agenda #: **THIRD and FINAL PUBLIC HEARING** on imposing a temporary moratorium on the acceptance, processing, and approval of applications for High-Intensity Data Processing Facilities within the City of Brownsville and its extraterritorial jurisdiction, pursuant to Texas Local Government Code §§ 212.131–212.139; and **ACTION on FIRST READING on Ordinance Number 2026-1826** enacting a 90-day moratorium on and prohibiting the acceptance, processing, and approval of applications for High-Intensity Data Processing Facilities within the City of Brownsville and its extraterritorial jurisdiction, and adopting findings and making a determination pursuant to Texas Local Government Code §§ 212.131–212.139, to allow the City time to review its regulations and environmental conservation efforts of such land uses in relation to the public health, safety and welfare of Brownsville residents. (City Manager's Office/ Office of the City Attorney/ Planning and Redevelopment Department)

Summary:

Project Scope and Analysis:

Funding:

Source: Not Applicable

Amount:

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Economic Development, Planning & Zoning, Infrastructure, Public Safety, Quality of Life & Vibrancy, Governance

Attachments:

None