



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 **Regular Meeting** on **November 14, 2023**, at **5:00 p.m.**, at the **City Commission Chambers**, located 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=m963395fa23547155dae84a48886f33ba>

Password: commission (26664774 from video systems)

CALL TO ORDER

A) ROLL CALL

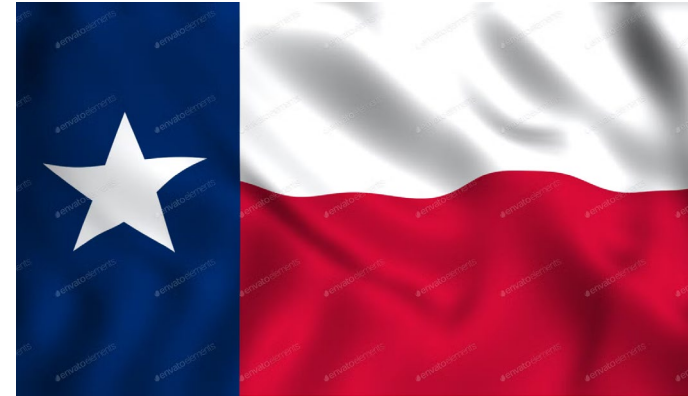
B) INVOCATION

Pledge of Allegiance to United States



I pledge allegiance to the flag
of the United States of
America and to the Republic
for which it stands, one Nation
under God, indivisible, with
liberty and justice for all.

Texas Pledge



Honor the Texas flag, I pledge
allegiance to thee, Texas, one
state under God, one and
indivisible.

PROCLAMATION(S)

Tree Planting Celebration (Brownsville Independent School District)

Mayor J. Cowen, Jr. / Commissioner R. Gowen

Recognizing the University of Texas Rio Grande Valley (UTRGV)

Mayor J. Cowen, Jr. / Commissioner B. L. Martinez

PUBLIC COMMENT PERIOD

Public Comment Period

Section 2-26. Meetings and agendas.

(f) Public *input during meetings.*

(1) *Conduct.*

- a. Conversations between or among audience members should be conducted outside the meeting room. Attendees should refrain from conversations while commission is in session.
- b. Cell phones. Attendees must refrain from the operation and use of cellular telephones, pagers, etc., or any mechanical devices that may disrupt city commission proceedings.
- c. Placards, banners, or signs are not be permitted in the commission chambers or in any other room in which the city commission conducts a meeting. Included in this prohibition are various hats, caps, visors, and t-shirts, which may represent sentiments as alluded to, regarding placards, banners and/or signs.
- d. Exhibits, displays, and visual aids used in connection with presentations to the city commission, are permitted.
- e. Only city commission members and city staff may approach the dais. If report, letter, etc., is to be presented to the commission, it should be given to the city secretary, (or staff) who will make the distribution. It is preferable that the item to be distributed be given to the city secretary prior to meeting time. A copy of the item should be made available for the city secretary's official record.
- f. All comments shall be made to the mayor and city commission as a whole, and not to individual commission members.

PRESENTATION(S)

City Manager Update-American Planning Association 2023
Planning Excellence Award

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.

Consent Agenda Items

- 1) Consideration and **ACTION** to award a construction contract in the amount of \$345,067.60 to Cornerstone Builders for the 32 Bus Shelter Improvement Project as budgeted. (Multimodal Transportation)
- 2) Consideration and **ACTION** for a term contract with Maxwell Asphalt, Inc. for the construction of airport improvements including Schedule I – Crack Seal, Seal Coat, and Paint Runway 13-31 and other incidental work at the Brownsville South Padre Island International Airport in the amount of \$721,706.25. (Airport Department)
- 3) **APPROVAL** on **SECOND** and **FINAL READING** on **Ordinance Number 2023-1701-A**, amending Chapter 102, Utilities; Article III, Rates and Charges; Section 102-81, of the Code of Ordinances to cancel scheduled adjustments to the Resaca Fee; setting a Public Hearing thereon; and providing a severability clause and effective date. (Brownsville Public Utilities Board)

PUBLIC HEARING(S)

PUBLIC HEARING #1

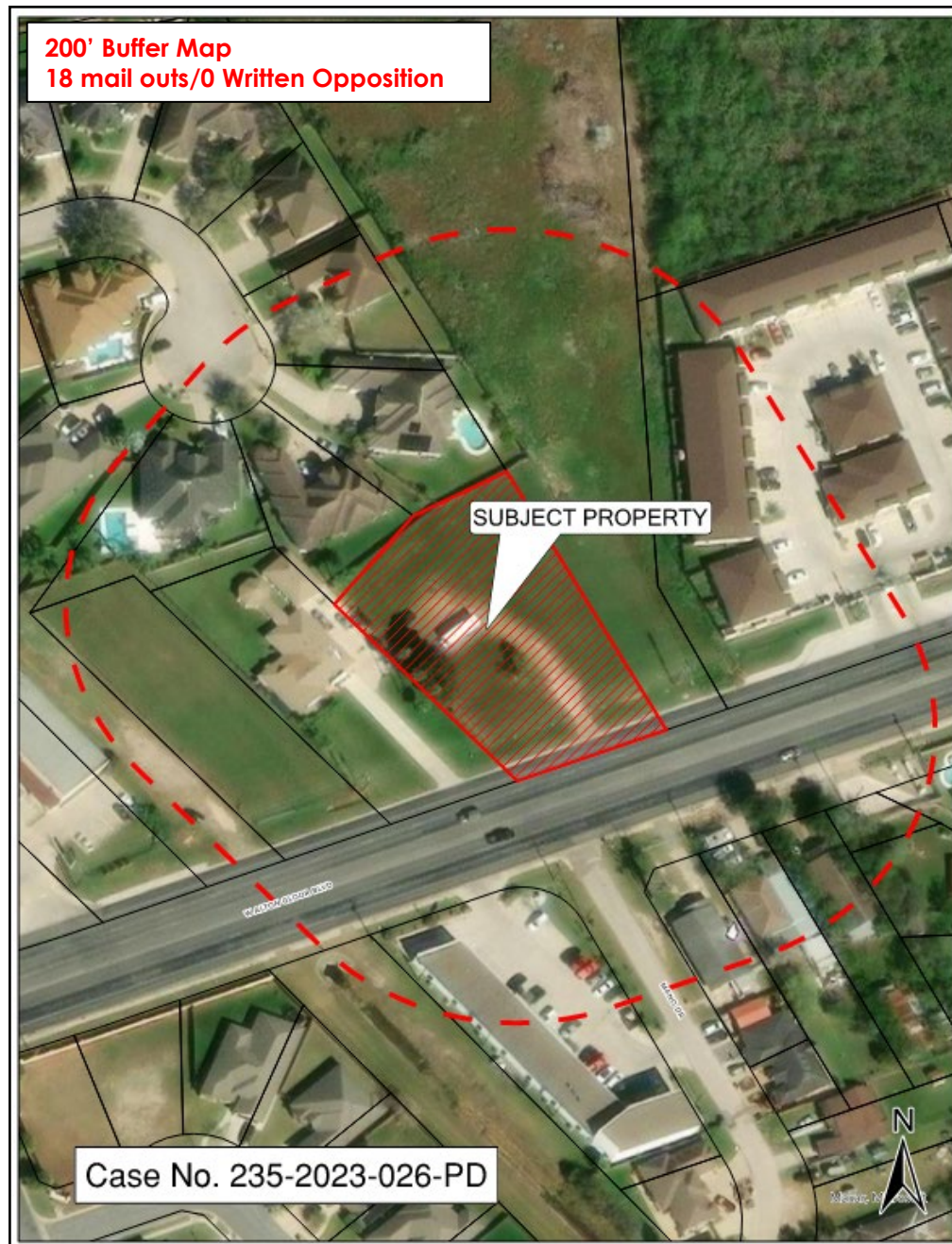
Public Hearing and **ACTION** on **FIRST READING** on **Ordinance Number 235-2023-026-PD**, to rezone from Residential Transition (R-3) to Commercial Corridor (CC-PD) to allow a commercial plaza for 0.7487 acres of Lot 3, Block 1, Diamond Point II Subdivision, Cameron County, Texas, located at 3201 West Alton Gloor Boulevard, Brownsville, Texas 78526, as shown in Exhibit "A". (District 4)
(Tabled October 17, 2023)

Case 235-2023-026-PD

- ▶ Request to rezone to **Commercial Corridor (CC-PD)**
- ▶ **Current Zoning:** Residential Transition (R-3)
- ▶ **Proposed Use:** Commercial Plaza
- ▶ Property is fronting **West Alton Gloor Boulevard**

- ▶ **Item Tabled by City Commission:** October 17, 2023

200' Buffer Map
18 mail outs/0 Written Opposition



Case No. 235-2023-026-PD



City of Brownsville Zoning Map

Zoning Districts

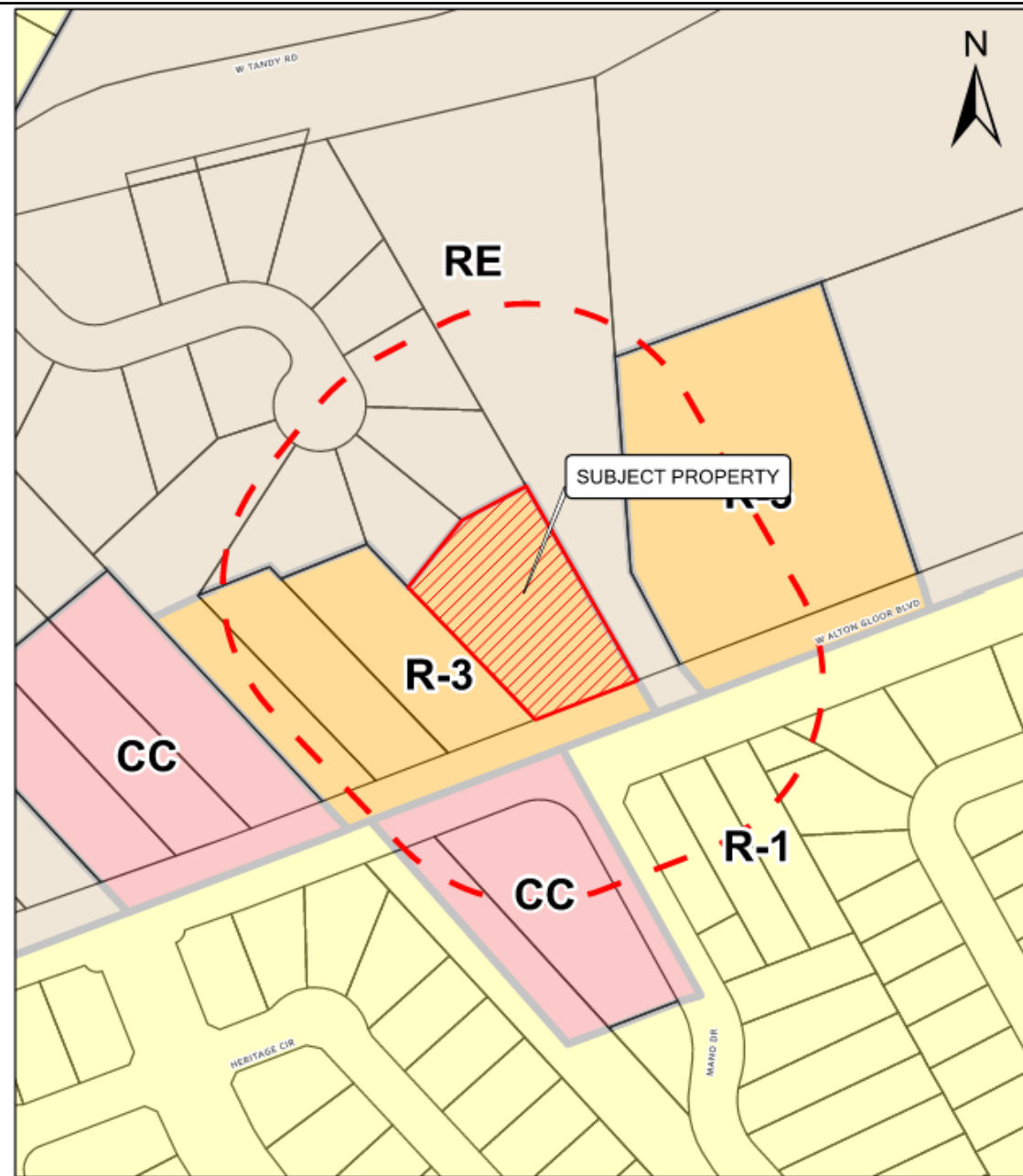
- AG - Agricultural
- RE - Residential Estate
- R-1 - Residential Single Family
- R-2 - Residential Suburban
- R-3 - Residential Transition
- TN - Traditional Neighborhood
- TN-MU - Traditional Neighborhood Mixed Use
- TN-C - Traditional Neighborhood Corridor
- DE - Downtown Edge
- DG - Downtown General
- DC - Downtown Core
- CC - Corridor Commercial
- RC - Reginal Center
- LI - Light Industrial
- HI - Heavy Industrial

EXHIBIT "A"

Rezoning request:
Case # 235-2023-026-PD

Current Zoning:
R-3, Residential Transition
Proposed Zoning:
CC, Commercial Corridor

Brownsville Electoral District #4

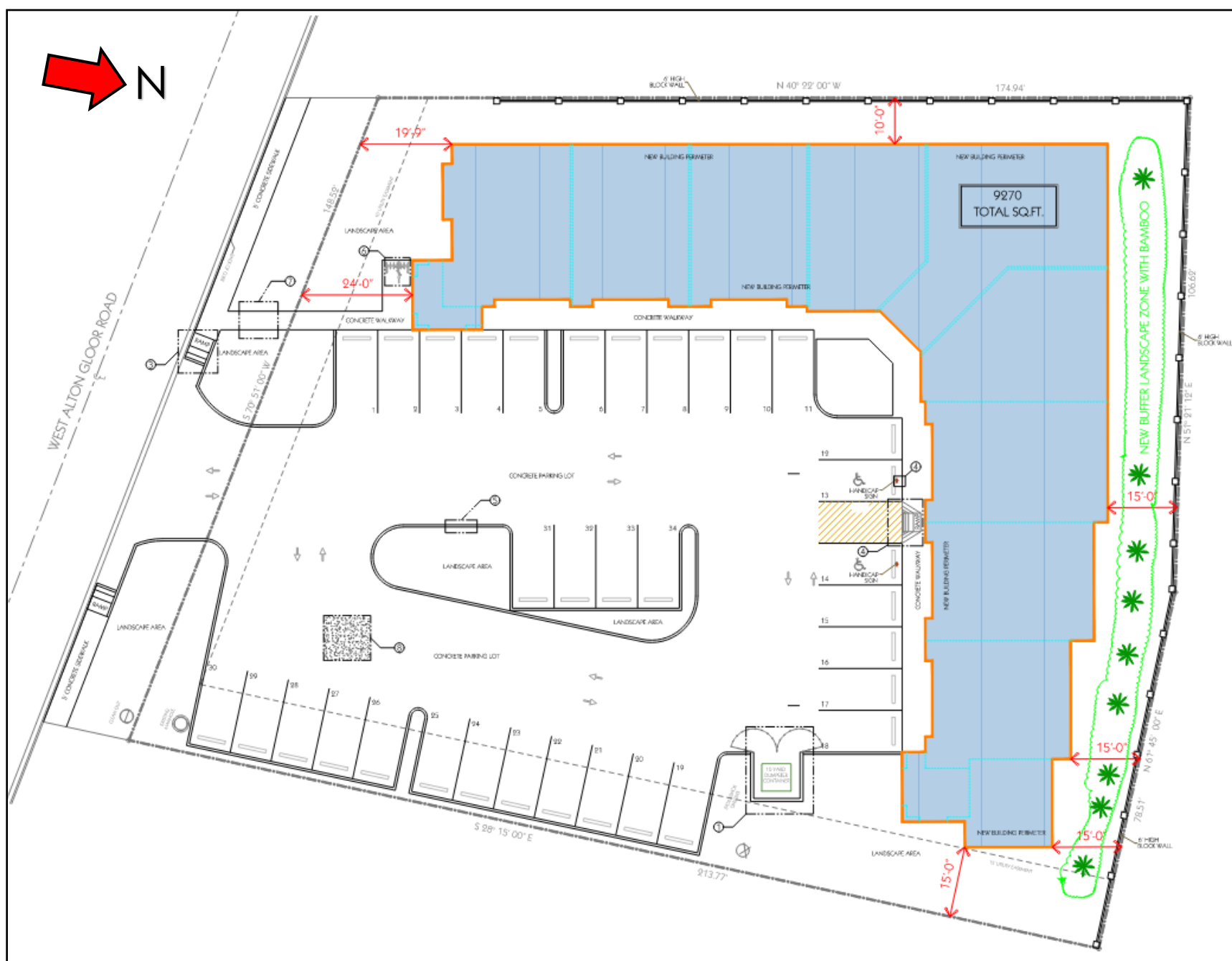


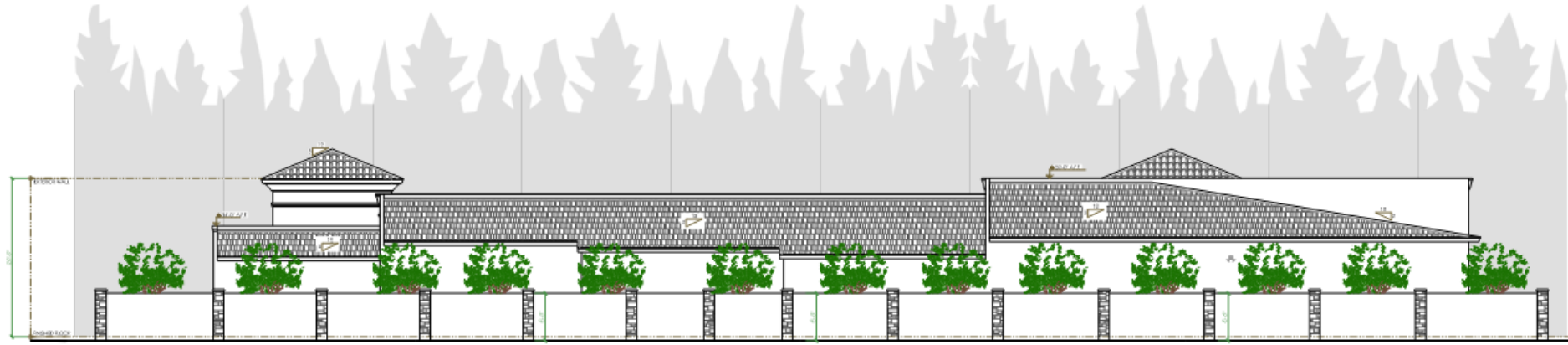
Planned Development Conditions

- ▶ Allow the proposed setback of 10' along the western property line.
- ▶ Allow the proposed setback of 15' along the northern and eastern property lines.
- ▶ Allow the proposed setback of 20.42' along the southern property lines.
- ▶ Allow a maximum structural elevation of 20'.
- ▶ Limit the roof design along the property lines adjacent to existing single-family residences (northern and western property lines) to a sloped roof design.
- ▶ Installation of a 6' masonry wall along the property lines adjacent to existing single-family residences (northern and western property lines).

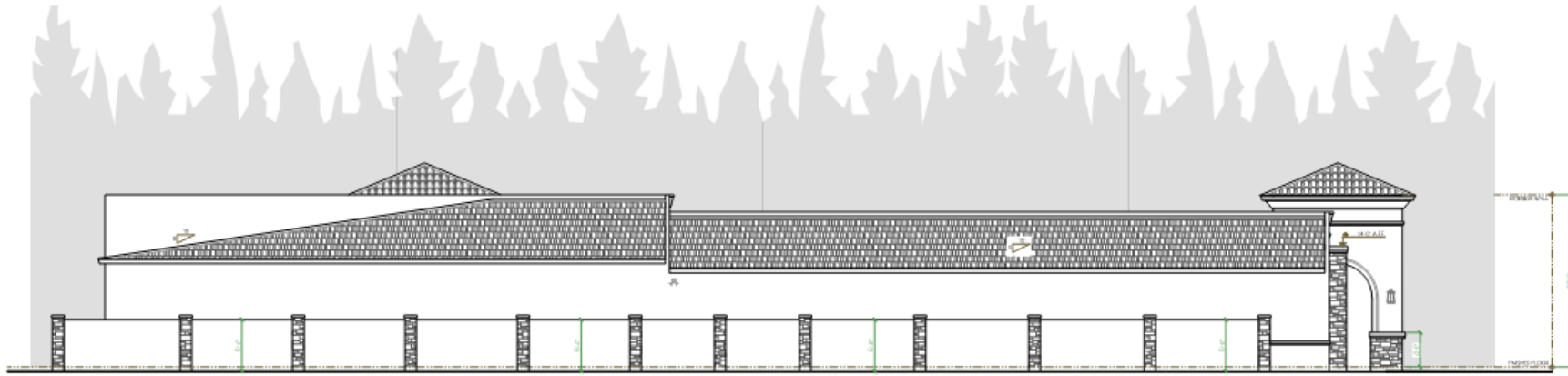
Planned Development Conditions

- ▶ Prohibit the view or exposure of mechanical equipment installed on the structure's roof.
- ▶ Require the installation of a vegetation buffer with a minimum height of 10' and a minimum depth of 6' to provide a visual screen between the proposed use and residential uses.
- ▶ Require that the proposed vegetative species be of accelerated growth.
- ▶ Require the installation of an irrigation system to maintain the required vegetation buffer.
- ▶ Prohibit the following uses: restaurant, bars, and any establishment that sells alcohol.





SOUTH ELEVATION



EAST ELEVATION

DATE:
NOV. 9
2023
NOT FOR
CONSTRUCTION

CITY: BROWNSVILLE TX.

PLAN: ELEVATION

CLIENT: USAT PROPERTIES



Planning & Zoning Commission Recommendation

- ▶ The request is **consistent** with the **Comprehensive Plan** and **Future Land Use Plan**.
- ▶ **P&Z** recommends **approval** to rezone from **Residential Transition (R-3)** to **Commercial Corridor (CC-PD)**.

PUBLIC HEARING #2

Public Hearing and **ACTION** on **FIRST READING** on **Ordinance Number 2023-1732**, to annex into the City of Brownsville boundary limits a property described as being a 9.61 acre tract, composed of an 8.75 acre tract of land in Reserve “A”, Medrano Subdivision, according to the map of plat recorded in Vol. 14, Pg. 67, and a 0.978 acre tract of land out of a 1.84 acre tract as recorded in Vol. 361, Pg. 458, Cameron County, Texas, Map Records of Cameron County, Texas, located on North Vermillion Road, Brownsville, Texas 78521, as shown in Exhibit "A".

Ordinance No. 2023-1732

- ▶ Voluntary annexation petition into the City of Brownsville
- ▶ Petition by Camco Builders, LLC
- ▶ 9.61 acres
- ▶ Future single-family residential development: 56 Lots
- ▶ Fronting North Vermillion Avenue

TLGC Chapter 43-Municipal Annexation

Provides home-rule municipalities of more than 5,000 people the authority to extend their boundaries by annexing land that is adjacent and contiguous to their city limits.

- ▶ Voluntary petition to annex
- ▶ Written Service Agreement
- ▶ Public Hearing
- ▶ Proper noticing of annexation in newspaper
- ▶ Proper noticing to school districts and public entities



Staff Recommendation

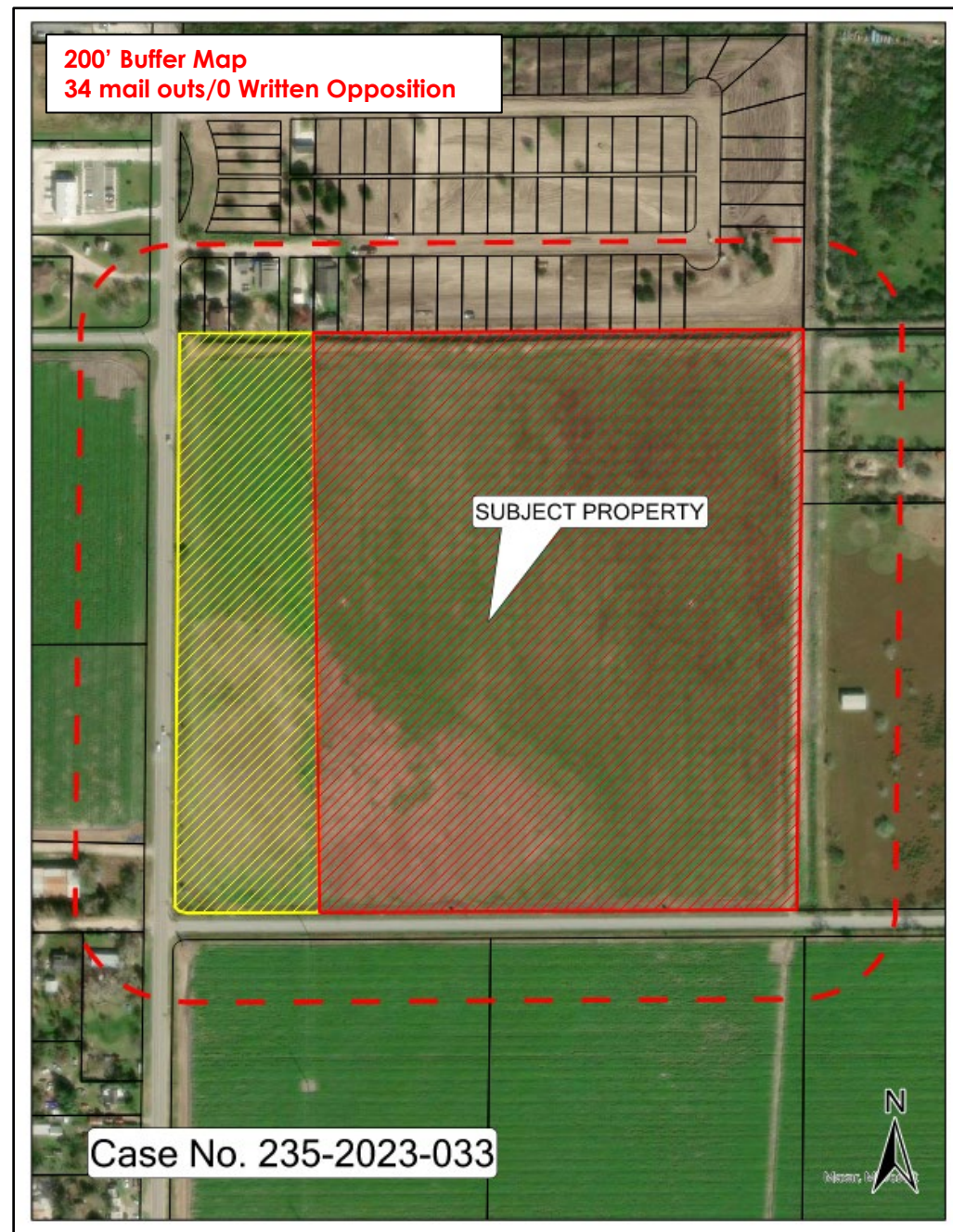
- ▶ Staff recommends approval to annex 9.61 acres of land into the City of Brownsville.

PUBLIC HEARING #3

Public Hearing and **ACTION** on **FIRST READING** on **Ordinance Number 235-2023-033**, to rezone from Agriculture (AG) to Residential Suburban (R-2) and Residential Transition (R-3) to allow a duplex and multifamily development for a 40.00-acre tract of land being Lot 8, Block 411, El Jardin Resubdivision, Cameron County, Texas, located on North Indiana Avenue, Brownsville, Texas 78521, as shown in Exhibit "A". (District 2)

Case 235-2023-033

- ▶ Request to rezone to **Residential Suburban (R-2) and Residential Transition (R-3)**
- ▶ **Current Zoning:** Agriculture (AG)
- ▶ **Proposed Use:** Duplex and Multifamily Development
- ▶ Property is fronting **North Indiana Avenue**





City of Brownsville Zoning Map

Zoning Districts

-  AG - Agricultural
-  RE - Residential Estate
-  R-1 - Residential Single Family
-  R-2 - Residential Suburban
-  R-3 - Residential Transition
-  TN - Traditional Neighborhood
-  TN-MU - Traditional Neighborhood Mixed Use
-  TN-C - Traditional Neighborhood Corridor
-  DE - Downtown Edge
-  DG - Downtown General
-  DC - Downtown Core
-  CC - Corridor Commercial
-  RC - Reginal Center
-  LI - Light Industrial
-  HI - Heavy Industrial
-  Brownsville City Limits

EXHIBIT "A"

Rezoning request:
Case # 235-2023-033

Current Zoning:

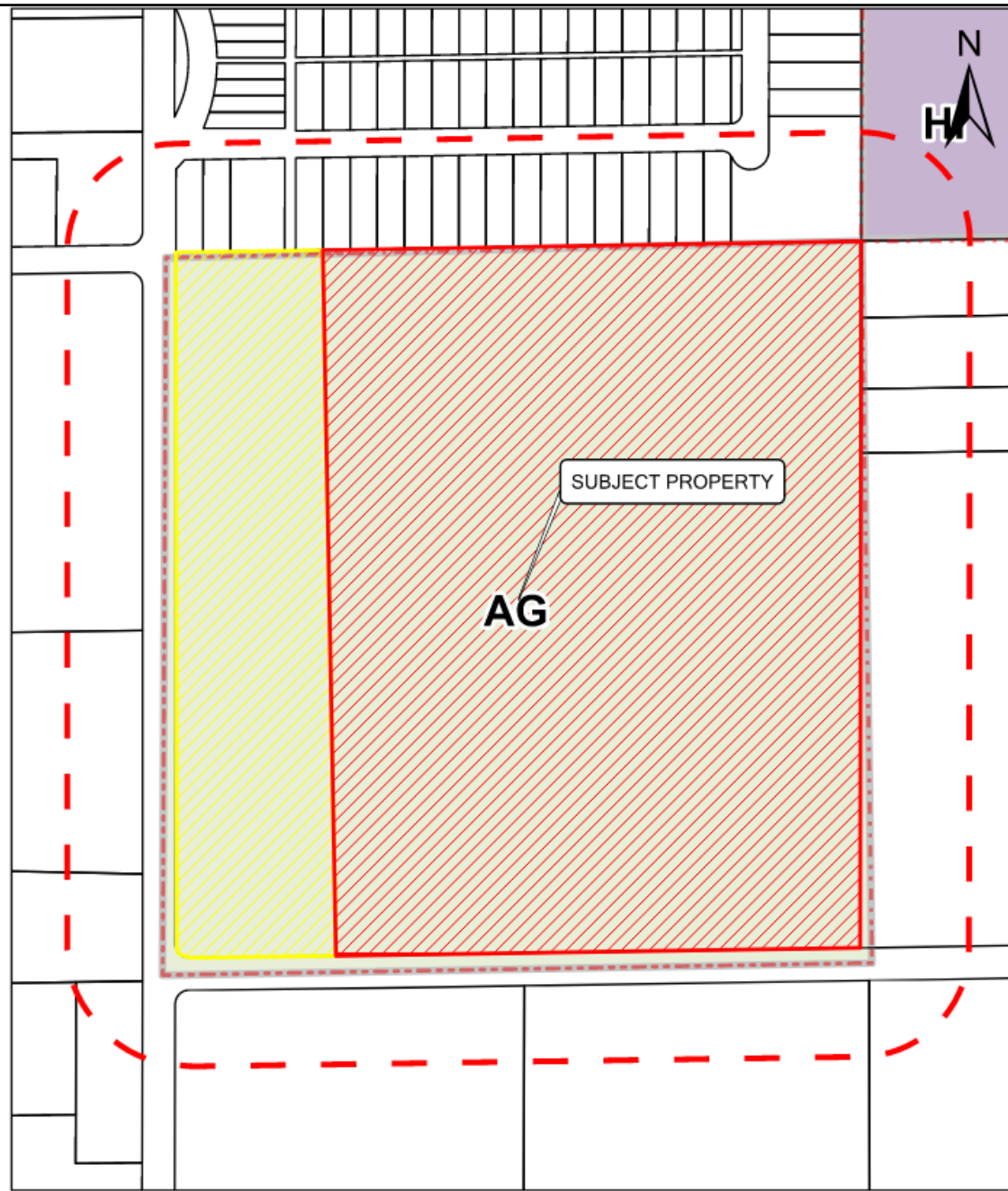
AG, Agricultural

Proposed Zoning:

R-2, Residential Suburban (30 Acres)

R-3, Residential Transition (10 Acres)

Brownsville Electoral District #2



Planning & Zoning Commission Recommendation

- ▶ The request is **consistent** with the **Comprehensive Plan** and **Future Land Use Plan**.
- ▶ P&Z recommends **approval** to rezone from **Agriculture (AG)** to **Residential Suburban (R-2)** and **Residential Transition (R-3)**.

PUBLIC HEARING #4

Public Hearing and **ACTION** on **FIRST READING** on **Ordinance Number 235-2023-034-S**, to request a Specific Use Permit to allow a used car lot in a Commercial Corridor (CC) zoning designation for a 0.15-acre tract out of the North half of Lot 3, Block 1, M. Samano Partition of a portion of the Wymore Tract, Cameron County, Texas, located at 7215 Paredes Line Road, Brownsville, Texas 78526, as shown in Exhibit "A". (District 3)

Case 235-2023-034-S

- ▶ Request to grant a **Specific Use Permit (SUP)**
- ▶ **Current Zoning:** Commercial Corridor (CC)
- ▶ **Proposed Use:** Used Car Lot
- ▶ Property is fronting **Paredes Line Road**





City of Brownsville Zoning Map

Zoning Districts

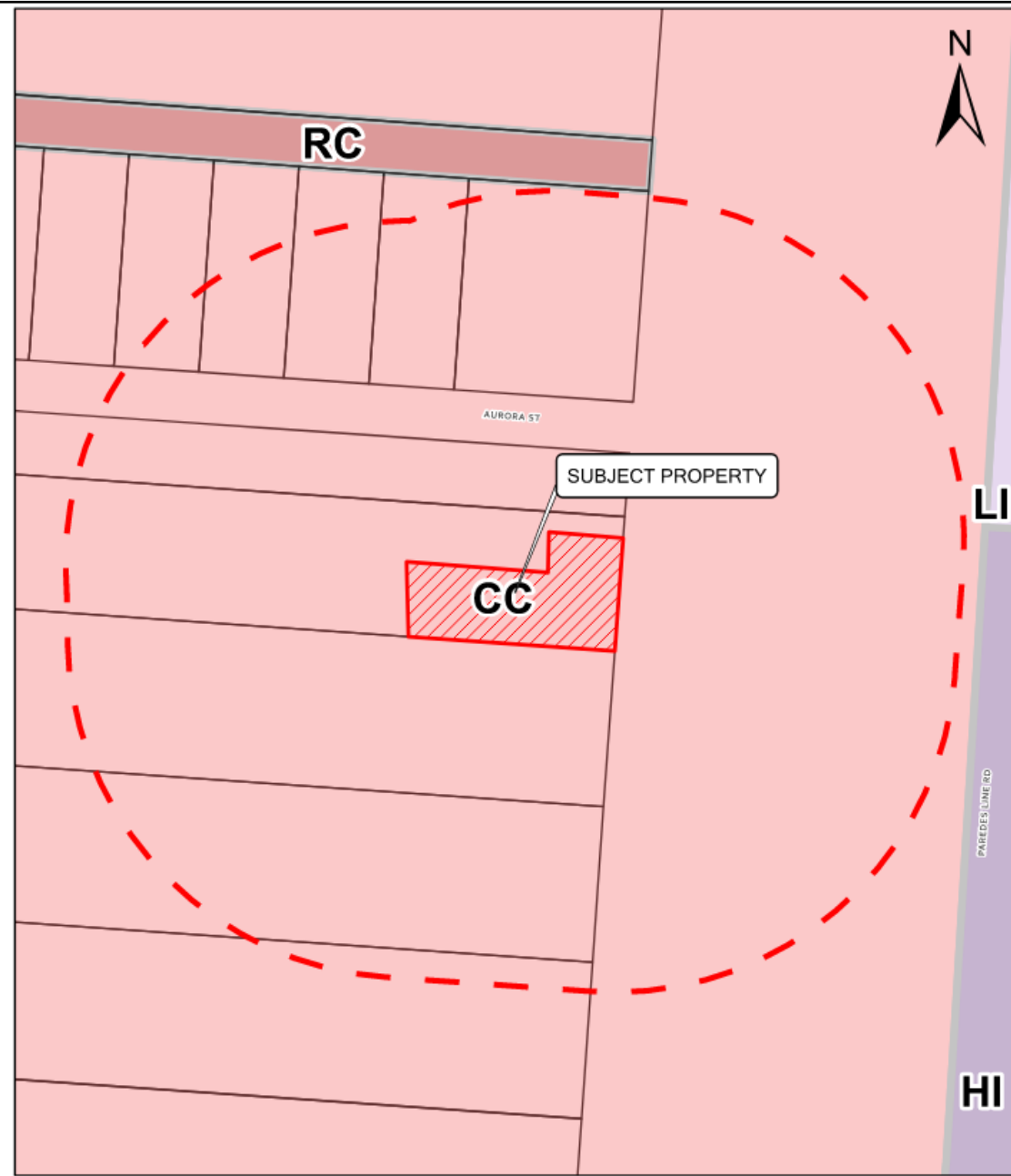
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-  RC - Reginal Center
-  LI - Light Industrial
-  HI - Heavy Industrial
-  Brownsville City Limits

EXHIBIT "A"

Rezoning request:
Case # 235-2023-034-S

Current Zoning:
CC, Commercial Corridor
Proposed Zoning:
SUP, Specific Use Permit

Brownsville Electoral District #3



Planning & Zoning Commission Recommendation

- ▶ The request is **not consistent** with the **Comprehensive Plan** and **Future Land Use Plan**.
- ▶ P&Z recommends **approval** to grant a **Specific Use Permit (SUP)** to **allow** a **used car lot** in **Commercial Corridor (CC)**.

Minimum Development Standards

- ▶ To address common complaints related to freight terminals:
 - ▶ Organized parking of inventory
 - ▶ Adequate space for traffic flow
 - ▶ Masonry wall screening along all property lines abutting a single-family use
 - ▶ All storage of inventory must be with the property
 - ▶ All unloading of the inventory must be carried out within the property
 - ▶ All types of work to vehicles must be done within enclosed areas
 - ▶ All vehicles must be parked on improved surfaces (i.e., concrete or asphalt)

PUBLIC HEARING #5

Public Hearing and **ACTION** on **FIRST READING** on **Ordinance Number 235-2023-036**, to rezone from Residential Estate (RE) to Residential Transition (R-3) to allow a multifamily development for the North 5.0 acres of land out of the South 15.0 acres of Bock 143, El Jardin Subdivision, Shares 19 & 27, Cameron County, Texas, located on North Central Avenue, Brownsville, Texas 78526, as shown in Exhibit "A".
(District 2)

Case 235-2023-036

- ▶ Request to rezone to **Residential Transition (R-3)**
- ▶ **Current Zoning:** Residential Estate (RE)
- ▶ **Proposed Use:** Multi-family Development
- ▶ Property is fronting **North Central Avenue**

200' Buffer Map
10 mail outs/0 Written Opposition



Case No. 235-2023-036



City of Brownsville Zoning Map

Zoning Districts

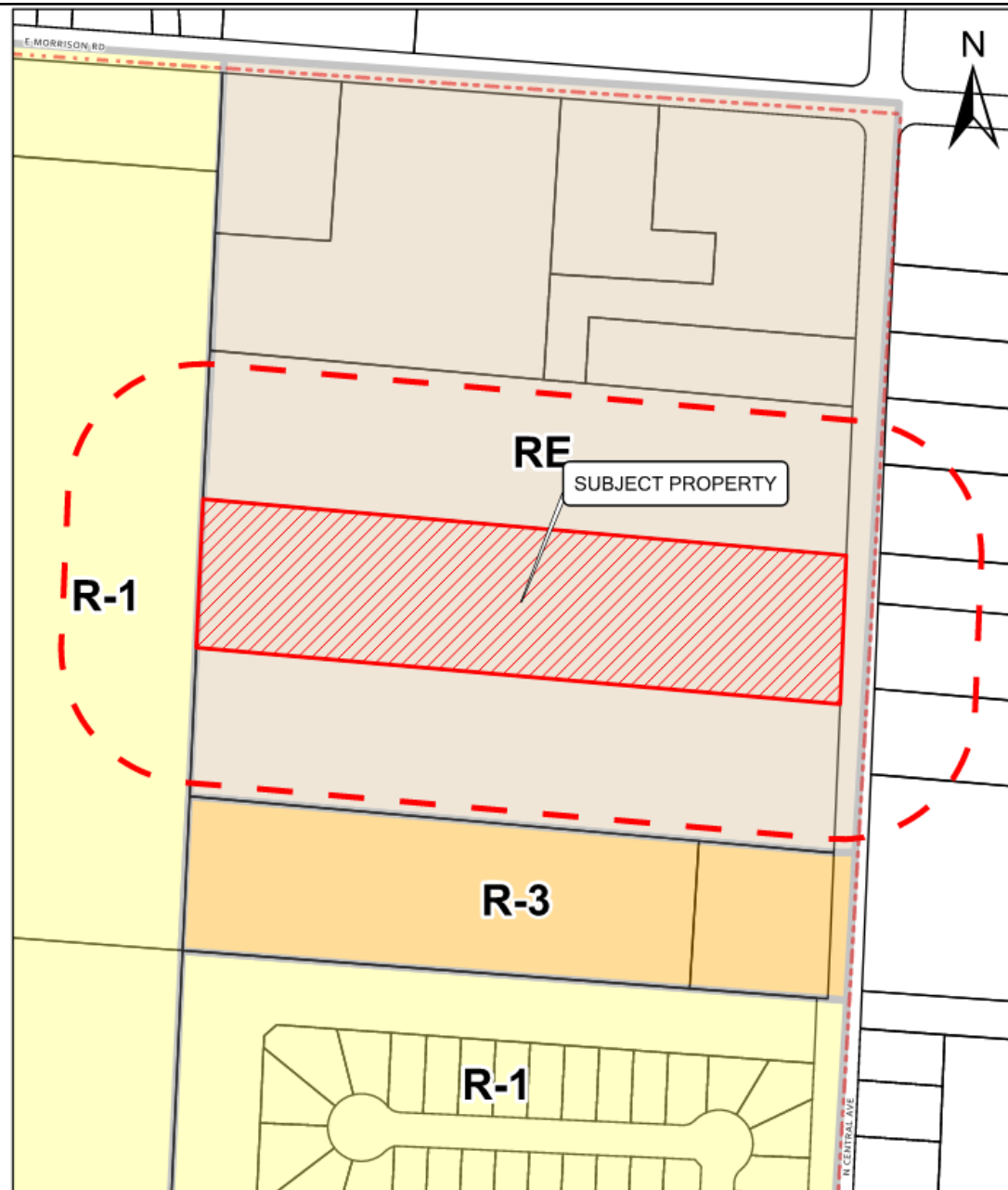
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-  DC - Downtown Core
-  CC - Corridor Commercial
-  RC - Reginal Center
-  LI - Light Industrial
-  HI - Heavy Industrial
-  Brownsville City Limits

EXHIBIT "A"

Rezoning request:
Case # 235-2023-036

Current Zoning:
RE, Residential Estate
Proposed Zoning:
R-3, Residential Transition

Brownsville Electoral District #2



Planning & Zoning Commission Recommendation

- ▶ The request is **consistent** with the **Comprehensive Plan** and **Future Land Use Plan**.
- ▶ P&Z recommends **approval** to rezone from **Residential Estate (RE)** to **Residential Transition (R-3)**.

PUBLIC HEARING #6

Public Hearing and **ACTION** on **FIRST READING** on **Ordinance Number 2023-1733**, an Ordinance of the City Commission of the City of Brownsville Amending Chapter 22 to add Article XIV-Establishments not licensed by the Texas Alcoholic Beverage Commission(TABC), amending the City's Master Fee Schedule to adopt annual permit and inspection fees, and other related matters.

**ITEMS FOR
INDIVIDUAL
CONSIDERATION(S)**

ACTION ITEM #1

Consideration and **ACTION** on **Resolution Number 2023-128**,
authorizing the sale of certain real property, pursuant to Project Replace;
authorizing signatories; and dealing with related matters.

Greater Brownsville Incentives Corporation

Resolution 2023-128

- Authorizes the sale of lot 8 in the North Brownsville Industrial Park under Project Replace.
- Authorizes Signatories and dealing with related matters.
- Approved by the GBIC Board of Directors on September 21, 2023, under Resolution No. R-2023-09.



Questions?



ACTION ITEM #2

Consideration and **ACTION** to approve the amendments to the Brownsville Community Improvement Corporation (BCIC) Bylaws.

Brownsville Community Improvement Corporation



BROWNSVILLE IMP
ROVEMENT

AN ECONOMIC DEVELOPMENT CORPORATION

COMMUNITY
CORPORATION

1. PRINCIPAL OFFICE – SECTION 1.01

Current:

The principal office of the Corporation shall be located at 500 E. Saint Charles St, located in Brownsville, Cameron County, Texas 78520.

Proposed Amendment to BCIC Bylaws

- ▶ The principal office of the Corporation shall be located at 1304 E. Adams St, located in Brownsville, Cameron County, Texas (the “City”) or at such other place within the City as the Board may designate from time to time.

Change of address to reflect BCIC’s new office location.



brownsvilleedc.org

2. Number, Tenure, and Qualifications – Section 3.02

Current:

The number of directors shall be seven (7), as established by law. A director must be a resident of the City of Brownsville, Cameron County, Texas (the “City”). No more than 1 of the seven directors may also be elected city officials. No city employee shall serve as a director. Each director shall hold office for a term of two (2) years and thereafter only until his or her successor shall have been duly appointed and qualified. However, the initial Board appointed by the Brownsville City Commission shall hold office as follows: three (3) directors will serve for a one (1) year term only and be subject to reappointment of a two (2) year term by the Brownsville City Commission; four (4) directors will serve for a two (2) year term and be subject to reappointment of a two (2) year term by the Brownsville City Commission. Upon the completion of the forgoing terms of the initial Board, the vacancy in such offices shall be filled and any successor shall serve for a term of two (2) years, subject to the provision that no director shall serve more than two (2) terms of two (2) years under any circumstances. The term of all directors of the Corporation shall commence on January 1 of the first year of appointment, and end on December 31 of the last year of the appointment, regardless of the date of appointment to qualification for, or assumption of the said office. Any director may be removed by the City Commission at will.



2. NUMBER, TENURE, AND QUALIFICATIONS – SECTION 3.02

Proposed Amendment to BCIC Bylaws

- ▶ (a) Number of Directors. The number of directors shall be seven (7), as established by law.
- ▶ (b) Qualification of Directors. A director must be a resident of the City. No more than 1 of the seven directors may also be elected City officials. No City employee shall serve as a director.
- ▶ (c) Tenure. Each director shall hold office for a term of two (2) years and thereafter only until the director's successor shall have been duly appointed and qualified.
- ▶ (d) Commencement of Term; Staggered Terms. The term of all directors of the Corporation shall commence on January 1 of the first year of appointment, and end on December 31 of the last year of the appointment, regardless of the date of appointment to qualification for, or assumption of the said office. The terms of directors are staggered, with approximately half of the directors' terms beginning on January 1 in even-numbered years and half of the directors' terms beginning on January 1 in odd-numbered years.



2. NUMBER, TENURE, AND QUALIFICATIONS – SECTION 3.02

CONTINUE SECTION 3.02

- ▶ (e) Reappointment of Current Director to Additional Terms. A director may serve no more than four (4) terms of two (2) years. For purposes of determining the number of terms served by a director, with respect to any director appointed to fill a vacancy pursuant to Section 3.08 below, the unexpired term of the director's predecessor in office counts as the director's first two year term so long as there is at least one (1) year remaining in the term at the time of the director's appointment to the vacancy and does not count as a term for purposes of this provision if the director is appointed to the vacancy during the final year of the term.
- ▶ (f) Removal by City Commission. Any director may be removed by the City Commission at will.

Proposed amendment to increase the term limit from two (2) terms of two (2) years to four (4) terms of two (2) years and define what counts as a term when a director is appointed to fill a director's predecessor unexpired term.



3. AMENDMENTS TO BYLAWS– SECTION 12.01

Current:

These Bylaws may be altered, amended, or repealed and new Bylaws may be adopted by a super-majority (five directors) of the Board present at any regular meeting or at any special meeting, if at least ten (10) days advance written notice is given of an intention to alter, amend, or repeal these Bylaws or to adopt new Bylaws at such meeting. However, these Bylaws and any changes therein are subject to the approval of the Brownsville City Commission.

Proposed Amendment to BCIC Bylaws

- ▶ These Bylaws may be altered, amended, or repealed and new Bylaws may be adopted by a super-majority (five directors) of the Board present at any regular meeting or at any special meeting, if at least ten (10) days advance written notice is given to the Board, **which may be by e-mail**, of an intention to alter, amend, or repeal these Bylaws or to adopt new Bylaws at such meeting. However, these Bylaws and any changes therein are subject to the approval of the Brownsville City Commission.

Change to include acceptable notification to the board.

QUESTIONS?

@brownsvi
lllecic



BROWNSVILLE
IMPROVEMENT CORPORATION

AN ECONOMIC DEVELOPMENT CORPORATION



ACTION ITEM #3

Consideration and **ACTION** to approve Alliance Transportation Group Contract Extension for additional scope and services not to exceed \$150,000.

Multimodal Transportation

ATG Contract Extension

MULTIMODAL TRANSPORTATION

Due to the additional workgroup sessions, public meetings, and additional scope of work for the Proposed Roadway Capital Recovery Fee Program, ATG and their sub-consultant Freese & Nichols, have requested an contract extension with additional fees not to exceed \$150,000.

FNI Itemized Tasks

Task	Description	Cost
A.	Public Engagement and Outreach	\$ 49,246
B.	Cost Calculator	\$ 10,992
C.	Documentation	\$ 20,174
Total Labor		\$ 80,412
Total Direct Expenses		\$ 15,063
Total Project Cost (FNI)		\$ 95,475

ATG Itemized Tasks

Task	Description	Cost
A	Public Engagement and Outreach	\$ 32,961
B	Documentation	\$ 10,612
Total Labor		\$ 43,573
Total Direct Expenses		\$ 10,950
Total Project Cost (ATG)		\$ 54,523



ACTION ITEM #4

Consideration and **ACTION** to approve the adjusted fees submitted by the architectural firm GIGNAC, as stated in contract AIA Document B101-2017, for the Bus Yard Rehab Project in the amount of \$154,236.92.

Multimodal Transportation

GIGNAC submitted invoice with the adjusted fee as stipulated in their contract that was approved by the **City Commission on June 18, 2019**. In **Section 11.1 and 11.6** of GIGNAC's contract states that they will be compensated **6.5%** on the Basic Service (on projects over \$3 million) once final cost of work was submitted. Final cost for this project is **\$7,489,682.34**.

Basic Services:	<u>Previous Amount</u>	<u>Adjusted Amount</u>	<u>New Amount</u>	
Schematic Design	\$49,888.87	\$23,135.54	\$73,024.40	
Design Development	\$66,518.49	\$30,847.38	\$97,365.87	
Construction Documents	\$133,036.98	\$61,694.77	\$194,731.74	
Procurement Phase	\$16,629.62	\$7,711.85	\$24,341.47	
Construction Phase	\$66,518.49	\$30,847.38	\$97,365.87	  
Total	\$332,592.45	\$154,236.92	\$486,829.35	

BOARD APPOINTMENT(S)

ACTION ITEM #1

Consideration and **ACTION** on **Resolution Number 2023-131**, to appoint one (1) new member to the Greater Brownsville Incentives Corporation (GBIC) Board of Directors to fill existing vacancies.

City Managers Office

Greater Brownsville Incentives Corporation (GBIC)

Greater Brownsville Incentives Corporation (GBIC)					
PRESENT MEMBERS	TERM:	APPOINTED DATE:	TERM EXPIRES:	APPOINTED BY:	DISTRICT REPRESENTED:
Francisco J. Orozco	4 yr	3/15/2022	3/15/2026	Mayor Mendez	Mayor
Mayor John Cowen, Jr.	4 yr	12/8/2020	12/1/2024	Comm. Neece	A
Liliana Elizondo	4 yr	6/7/2022	6/7/2026	Comm. Gowen	B
Anna Oquin	4 yr	8/2/2022	8/2/2026	Comm. Galonsky Pizana	1
Dr. Jose Hinojosa	4 yr	12/14/2021	12/14/2025	Comm. Tetreau	2
Ankjaer Jensen	4 yr	11/2/2021	11/2/2025	Comm. De Los Santos	3
Gerardo Gonzalez	4yr	1/4/2022	1/4/2026	Comm. Cardenas	4

Applicant's Name	District
Jaime A Diez	2
Marty Castillo	2
Claudia Lozano	4

Applicant's Name	District

EXECUTIVE SESSION(S)

EXECUTIVE #1

Closed session pursuant to Tex. Gov't. Code Section 551.071 (Consultation with Attorney) related to Solid Waste Services.

Office of the City Attorney

EXECUTIVE #2

Closed session pursuant to Tex. Gov't. Code Section 551.071
(Consultation with Attorney) related to Bank Depository Services.

Office of the City Attorney

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

ADJOURNMENT