



## A G E N D A

### PLANNING & ZONING COMMISSION REGULAR MEETING

THURSDAY, JULY 09, 2020, AT 5:30 P. M.

COUNCIL CHAMBERS, CITY HALL BUILDING

100 SOUTH MONROE STREET, EAGLE PASS, MAVERICK COUNTY, TEXAS

PURSUANT TO SECTION 551.122 OF THE TEXAS GOVERNMENT CODE AND THE DECLARATION BY GOVERNOR GREG ABBOTT ON MARCH 16, 2020, THIS MEETING OF THE PLANNING AND ZONING OF THE CITY OF EAGLE PASS, TEXAS SHALL BE OPEN AND ACCESSIBLE TO THE PUBLIC VIA THE FOLLOWING FREE-OF-CHARGE VIDEOCONFERENCE LINK: <https://www.facebook.com/OfficialCityEaglePassTexas> AN ELECTRONIC COPY OF THE AGENDA PACKET FOR THE REGULAR MEETING OF THE PLANNING AND ZONING IS ALREADY AVAILABLE TO THE PUBLIC AT THE FOLLOWING URL: <https://www.eaglepasstx.us/AgendaCenter>. IN LIGHT OF THE ONGOING NATIONAL EMERGENCY AND URGENT THREAT TO PUBLIC HEALTH CAUSED BY THE COVID-19 PANDEMIC, MEMBERS OF THE PUBLIC ARE ENCOURAGED TO FOLLOW THE RECOMMENDATIONS OF GOVERNMENT LEADERS AND THE CDC REGARDING SOCIAL DISTANCING AND SELF-QUARANTINE.

If you are a citizen wishing to participate in Citizens Communications, please call prior to Thursday, July 09, 2020 at 2:00 pm. Phone number: 830-773-1111.

#### ESTABLISHMENT OF QUORUM

#### CITIZENS COMMUNICATIONS

#### MINUTES

1. Approval of the minutes of the June 11, 2020 meeting.

#### OTHER BUSINESS

2. Discussion and possible approval of a new Ordinance regulating noise nuisances in the City of Eagle Pass.

#### ADJOURNMENT

NOTE: The Commission reserves the right to consider business out of the posted agenda order and reserves the right to adjourn into executive session to discuss an item(s) not listed as an executive session on the posted agenda but which qualifies to be discussed in closed session pursuant to Texas Government Code Chapter 551.

#### CERTIFICATION

I, THE UNDERSIGNED PLANNING DIRECTOR, do hereby certify that the agenda mentioned above was posted on the Bulletin Board located in the Lobby at City Hall, 100 S. Monroe Street, Eagle Pass, Texas on July 06, 2020 at 4:00 p.m.

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Placido C. Madera  
Planning Director

**Item #1**

THE STATE OF TEXAS    )  
COUNTY OF MAVERICK   )  
CITY OF EAGLE PASS            )

The Planning and Zoning Commission of the City of Eagle Pass held its Regular Meeting on Thursday, June 11, 2020 at 5:30 p.m. in the Council Chambers at City Hall, 100 South Monroe Street, Eagle Pass, Texas. All legal notices were duly posted in accordance with state code.

### **ESTABLISHMENT OF QUORUM**

Present: Chairperson Enrique Montalvo, Vice-Chairperson Rolando Jasso and Commission Members, Mario Escobar, and Doris Salinas-Sanchez.

Absent; Commission Member Marcos Villalpando; Planning Director, Placido Madera; Ex-Officio City Manager, George Antuna.

Staff present: Mayor, Luis E. Sifuentes, Assistant Planning Director, Mariebelle Rodriguez; City Secretary, Imelda B. Rodriguez; Assistant City Manager, Ivan Morua; Finance Director, Jesus R. Rodriguez; Assistant Finance Director, Anna De La Garza; City Engineer, Vanessa Rosales-Herrera; and Public Works Director, Jessies Sandoval .

With a quorum being present, Chairperson Montalvo called the meeting to order and the Planning & Zoning Commission considered the items as follows.

### **CITIZENS COMMUNICATIONS**

Chairperson Montalvo asked whether anyone in the audience wished to address the Commission on any item which did not appear on the agenda, reminding them at the same time, that although the Commission would be unable to take formal action on such items, they would be glad to take it under advisement. City Secretary, Imelda B. Rodriguez responded there were no citizens communications submitted.

### **MINUTES**

1. Approval of the minutes of the May 14, 2020 meeting.

Motion: To approve the minutes of the May 14, 2020 as presented.  
Moved: Salinas-Sanchez  
Second: Escobar  
Ayes: 4  
Nays: 0  
Abstained: 0  
Absent: Villalpando

### **OTHER BUSINESS**

2. Discussion and possible approval of the City's Capital Improvement Plan.

Finance Director, Jesus Rodriguez informed the Commission that the City Charter requires that every single year they come before the Planning and Zoning Commission to update the 5-Year CIP Plans being a plan of projects that are supposed to coincide with the projected future grow of community.

Assistant Finance Director, Anna De La Garza then provided the Commission with the existing projects as follows:

<b><u>PROJECT</u></b>	<b><u>STATUS</u></b>
Public Safety Headquarters	Complete
Fire Station #2	Design complete
Sports Complex	Under Construction
General Park Improvements	Ongoing
Hike & Bike Trail	Design Phase
HVAC and Rook Improvements	Bidding Phase
Street Maintenance	Ongoing
Sidewalk Improvements	Ongoing
Drainage Master Plan	Complete
Westlake Detention Phase	Bidding Phase
Storm Drainage Improvements	Pending Design
Truck Route	Ongoing
Mainstreet Sidewalks	Pending Design
Riskind Building Renovations	Pending Design
Fort Duncan Historical Renovations	Design Phase
Bridge II Entrance Realignment	Design Phase
Bridge I Handrails	Design Phase

Finance Director Rodriguez then stated that these are projects that were previously approved, and this is their status as of today.

Chairperson Montalvo asked regarding the Public Safety Headquarters completion and when is the date to be expected to move in. Mr. Rodriguez stated that the process was delayed due to COVID-19 situation, unfortunately that both the Police and Fire Departments had to shift priorities. He informed the Commission they are shifting back to start the process this is a very lengthy, but do not have dates for move in.

Vice-Chairperson Jasso expressed his concerns with receiving the packet material today to review and has not had an opportunity to review and does not feel comfortable voting on this presentation. He stated for the record he will have to abstained today. Finance Director Rodriguez informed Vice-Chairperson Jasso that with this process they are just giving them an update of the existing projects and what the Commission will be voting on the list of projects that the City is about to go

over which is the proposed projects for the future. He clarified this first part really has no action and apologized for providing the information just today but will be going over in detail on the projects for the future.

Commissioner Salinas-Sanchez concurs that agenda material be provided prior to the day of the meeting, since it makes it difficult to oversee and review everything within a few hours. She then asked questions regarding Drainage Master Plan and the Storm Drainage Improvement that say Ongoing and discrepancies between material sent and presentation. City Engineer, Vanessa Rosales-Herrera briefed the Commission on these projects, and the discrepancies.

Chairman Montalvo asked regarding the Riskind Building, Mrs. Rosales-Herrera briefed on the perspective projects for this building and possible grant.

Commissioner Escobar asked regarding funding for these projects. Finance Director Rodriguez stated that the funding for the major of these project is already set all that say Bond proceeds this is money that was borrowed and has to legally be spent on these projects it cannot be used on anything else.

Finance Director Rodriguez then presented the 2021-2025 Proposed CIP Project List and highlighted on the following and answered questions from the Commission:

- 1) Street Maintenance Program: Allocation of \$1,000,000 per year
- 2) Sidewalk Improvement Program: Allocation of \$200,000 per year
- 3) Drainage Improvement Program: Allocation from Bond proceeds and General Revenue
- 4) Downtown Restrooms: Allocation from Bond proceeds and General Revenue
- 5) Bridge I Building Renovations: Improvements
- 6) Bridge II Building Renovation: Improvements
- 7) Park Improvements: Improvements
- 8) Public Works Building: New Facility
- 9) Renovations to City Buildings: Improvements
- 10) Fort Duncan Irrigation Improvements: Improvements to use recycled water
- 11) Rec Center and Natatorium: Recreational Center Facility
- 12) Completion of Patsy Winn Blvd.: Roadway will further enhance development in the area
- 13) City Fairgrounds: Expand on the facilities to host large scale events
- 14) Bridge II Non- Climb Fence: Customs and Border Protection has requested
- 15) Construction of Fire Station #4: Exploring options to construct a substation
- 16) Partnership to Enhance Maverick County Airport: Expand and improve the current facilities; Currently TX Dot is doing a review of the facility

The Commission gave their input and suggestions on the projects, Mr. Rodriguez stated these will be considered.

Mr. Rodriguez then presented the City's feasibility to obtain these projects as follows:

### **CIP PROJECTS**

**2020-2021 INFRASTRUCTURE:**

Street Maintenance (\$1,000,000); Sidewalk Improvements ( \$200,000)

**2021-2022 PUBLIC SAFETY/PARKS & RECREATION/INFRASTRUCTURE/INT'L BRIDGE SYSTEM:**

Fire Station #3 Remodeling (\$150,000); Multipurpose Improvements (\$150,000); Street Maintenance (\$1,000,000); Sidewalk Improvements ( \$200,000); Bridge I Office & Equip. Improvements (\$1,000,000); Bridge II Office & Equipment Improvements (\$1,000,000)

**2022-2023 INFRASTRUCTURE:**

Street Maintenance (\$1,000,000); Sidewalk Improvements ( \$200,000); Drainage Improvements (\$3,000,000)

**2023-2024 PARKS & RECREATION/INFRASTRUCTURE/INT'L BRIDGE SYSTEM/PUBLIC WORKS**

General Park Improvements (\$3,000,000); Municipal Office Repairs (\$2,400,000); Street Maintenance (\$1,000,000); Sidewalk Improvements ( \$200,000); Drainage Improvements (\$4,500,000); Bridge I Office & Equip. Improvements (\$1,000,000); Bridge II Office & Equipment Improvements (\$1,000,000); Public Works Facility (\$7,000,000)

**2024-2025 PUBLIC SAFETY/PARKS & RECREATION/INFRASTRUCTURE/CONVENTION CENTER/ECONOMIC DEVELOPMENT**

Fire Station #4 (\$4,400,000); Rec Center/Natorium (\$23,000,000); Fairgrounds ( \$7,500,000); Street Maintenance (\$1,000,000); Sidewalk Improvements ( \$200,000); Completion of Patsy Winn Blvd (\$2,500,000); Renewable Energy Improvements (\$900,000); Airport Partnership (\$2,000,000)

Finance Director Rodriguez informed the Commission that for 2024-2025 is so heavy the City would be paying off older dept in this period, and the whole goal is not to burden the taxpayer. He stated if the City has to it would be as minimal as possible and so in this period the City would be able to take on this additional cost without necessary increasing taxes or hopefully not at all. Mr. Rodriguez stated this is what they feel is a realistic plan and is not all City funded. This being a combination of grants, partnerships with other entities because these are the projects that the City feels are necessary for our community's future growth. He informed the Commission they also wanted the feedback from the them also regarding these projects as to the needs of the community.

Commissioner Escobar expressed his concerns with the Bridge System since this helps the downtown area and our City revenues and most of our revenues come from. He felt everything is doable and helps the quality of life for every citizen but emphasized on the International Bridges and understands the current situation.

Commissioner Salinas-Sanchez expressed her concerns with the Drainage Improvements, due to the impact on many citizens during heavy rainfalls causing flooding in different areas.

Motion: To approve the City's Capital Improvement Plan.  
Moved: Escobar  
Second: Salinas-Sanchez  
Ayes: 3  
Nays: 0  
Abstained: Jasso  
Absent: Villalpando

Chairperson Montalvo then stated that in the best interest for the City and the Planning and Zoning Commission that the documentation be sent out according to the guidelines 5-days before the meeting, so the members can have ample time to review the documents for questions or comments on any of the items before the meeting. He stated this is very important to follow this process/protocol in providing the board members with the agendas. Chairperson Montalvo added that some members are fine with emails, but some prefer hardcopies.

#### **ADJOURNMENT**

Motion: To adjourn meeting at 7:00 p.m.  
Move: Salinas-Sanchez  
Second: Escobar  
Ayes: 4  
Nays: 0  
Abstained: 0  
Absent: Villalpando

ATTEST:

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Enrique Montalvo  
Chairperson

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Imelda B. Rodriguez  
City Secretary

# Item #2



Chapter 19 Article II Section 19-31 - NOISE

Footnotes:

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**Cross reference**— Drilling oil and gas wells, Ch. 19.5-1; as to use of railroad engine whistles, see § 29-3; Drive-in restaurants Ch. 19-32 & 19-33 ; Special regulation of on-premise consumption businesses Ch. 5-37.

Sec. 19-31(a). - Definitions and standards.

*A-weighted sound level* means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.

*Central Business district* means the areas delineated in the Central Business District map, a copy of which is incorporated by reference and is on file with the City Secretary's office.

*Noise nuisance* means any loud, irritating, vexing or disturbing sound originating from a nearby property under separate ownership which causes injury, discomfort, or distress of a person of reasonable nervous sensibilities, or any sound that exceeds the maximum permitted sound levels specified in section 19-31(c).

*Nonresidential property* shall mean any real property that is not included in the definition of residential property as defined in this section. Without limitation, the term includes properties that have been developed other than as residential properties, properties that are undeveloped, and properties that are devoted to public purposes, such as public streets and parks.

*Residential property* shall mean any real property developed and used for human habitation that contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, unless such premises are actually occupied and used primarily for purposes other than human habitation.

*Sound level* means the weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network as specified in American National Standards Institute specifications for sound level meters. If the frequency weighting employed is not indicated, the A-weighting shall apply.

*Sound level meter* means an instrument which is used to measure sound pressure levels.

Sec. 19-31(b). - Noise nuisance enumeration.

- (1) The following acts, among others not hereinafter enumerated, are declared to be "noise nuisances," and are unlawful and in violation of the provisions of this chapter when such acts are done or accomplished or carried on in such a manner, or with such volume, intensity, or with continued duration, so as to annoy, to distress, or to disturb the quiet, comfort, or repose of a person of reasonable nervous sensibilities, within the vicinity or hearing thereof, or so as to endanger or injure the safety or health of humans or animals, or so as to interfere with the physical well being of humans or animals, or so as to endanger or injure personal or real property:
  - a. The playing or permitting or causing the playing of any radio, television, drum, juke box, musical instrument, sound amplifier or similar device which produces, reproduces, or amplifies sound.
  - b. The keeping of any animal, fowl, or bird, which makes frequent or long, continued noise.
  - c. The continued or frequent sounding of any horn or other signal device on any automobile or vehicle, motorcycle, bus or other vehicle, except as a danger signal.

- d. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, automobile, motorcycle, or other motor vehicle or boat, except through a properly installed muffler or other device which prevents loud or explosive noises therefrom.
- e. The crying, calling, or shouting, in person or by a mechanical device, or the use of any whistle, rattle, bell, gong, clapper, hammer, drum, horn, loudspeaker or phonograph with or without an amplifier, hand organ, or other devices or instruments, musical or otherwise.
- f. The raucous shouting, whistling, yelling, singing, hooting, or crying of peddlers, hawkers, vendors or any other persons.
- h. The creation of any unreasonably loud, disturbing, and unnecessary noise on any street or sidewalk adjacent to any school, hospital, or court which is in session.

Sec. 19-31(c). - Noise violation decibel readings.

- (1) It shall be unlawful for any person to conduct, permit, allow, or produce a sound that is discernable beyond the property lines of the property on which the sound is being produced that, when measured with a sound level meter using the standardized frequency weighting as specified by the American National Standards Institute, exceeds the applicable dB(A) level listed below for the property on which the sound is received:
  - a. **Seventy (70)** dB(A) between the hours of 8:01 a.m. and 11:00 p.m. Sunday through Thursday and between the hours of 7:01 a.m. and 12:00 midnight on Friday and Saturday.
  - b. **Sixty (60)** dB(A) between the hours of 11:01 p.m. and 8:00 a.m. Sunday through Thursday and between the hours of 12:01 a.m. and 7:00 a.m. on Friday and Saturday and between the hours of 12:01 a.m. and 8:00 a.m. on Sunday.
  - c. **Eighty-five (85)** dB(A) for sound that both originates from and is received on property within the Central Business District, at all times.
- (2) The dB(A) levels set forth in this section apply to the property where the sound is being received. Any sound that when measured at the property where the sound is being received exceeds the dB(A) level set forth in this section is a violation of this chapter.

Sec. 19-31(d). - Vibration.

It shall be unlawful for any person to create, maintain or cause any ground or airborne vibration which is perceptible without instruments by a person at any point on any affected property adjoining the property in which the vibration source is located unless such activity is otherwise regulated under state or federal law.

Sec. 19-31(e). - Vehicular mounted sound amplification systems.

It shall be unlawful for any person operating or controlling a motor vehicle in either a public or private place within the city to operate any sound amplifier which is part of, or connected to, any radio, stereo receiver, compact disc player, cassette player, or other similar device in the motor vehicle, in such a manner that, when operated, is audible at a distance of **thirty (30)** or more feet from the source or, when operated causes a person to be aware of the vibration accompanying the sound in any location outside the confines of the vehicle emitting the sound, noise, or vibration.

Sec. 19-31(f). - Exceptions.

The provisions of this chapter shall not apply to:

- (1) The emission of sound for the purpose of alerting persons to an emergency; or
- (2) Sound produced by emergency vehicles; or
- (3) Sound produced by a vehicle motor with a properly installed muffler while the vehicle is moving on a public right-of-way, public waterway, airport runway, or railway; or
- (4) Sound produced by any governmental body in the performance of a governmental function; or
- (5) Sound generated at a scheduled stadium event; by parade spectators and participants on the parade route during a permitted parade; by outdoor celebration participants sponsored or co-sponsored by the city for the general welfare of the public; by patrons and participants using cannons and gunfire during historical battle reenactments for which a pyrotechnic permit has been obtained and the explosives have been inspected and approved by the fire marshal; by pyrotechnic displays that are inspected and approved by the city fire marshal; or
- (6) Sound generated from normal activities conducted on public playgrounds and public or private school grounds, included but not limited to, school athletic and school entertainment events; or
- (7) Sound generated by any activity in which the regulation thereof has been preempted by state or federal law, including, but not limited to, sound produced by aircraft in flight; or
- (8) Sound generated by the normal maintenance of property, such as lawn mowing, provided the activities take place from 7:00 a.m. to 8:00 p.m.; or
- (9) Sound produced by the operation of any air-conditioning unit, heat pump, HVAC system, or swimming pool machinery which does not produce a sound exceeding seventy (70) dBA on residential property or seventy (75) dBA on nonresidential property, when measured at the nearest exterior wall of a residential or commercial building under separate ownership; or
- (10) Sound produced by construction operations including demolition, repair, drilling, excavation, and alteration during the hours of 7:00 a.m. and 8:00 p.m., unless the work is of urgent necessity in the interest of public health and safety.

Sec. 19-31(g). - Method of noise measurement.

Whenever portions of this chapter prohibit noise over a certain decibel limit, measurement of said noise shall be made with a decibel meter meeting the standards prescribed by the American National Standards Institute. Traffic, aircraft and other transportation noise sources and other background noises shall not be considered in taking measurements except where such background noise interferes with the primary noise being measured.

Sec. 19-31(h). - Enforcement and penalties.

- (1) Any person, firm, or corporation who violates any provision of this chapter is guilty of a misdemeanor and upon conviction is punishable by a fine as provided in section 1-5 of the Code of Ordinances of the City of Eagle Pass. Each act of violation and each day of violation is considered a separate violation.
- (2) Any person, firm, or corporation who obstructs, impedes, or interferes with a representative of the city, with a representative of a city department, with monitoring equipment, or with a person who has been ordered to abate a situation pursuant to this chapter and who is lawfully engaged in such abatement is guilty of a misdemeanor and upon conviction is punishable by a fine as provided in

section 1-5 of the Code of Ordinances of the City of Eagle Pass. Each act of violation and each day of violation is considered a separate violation.

- (3) In addition to proceeding under authority of subsections (a) and (b) of this section, the city is entitled to pursue all other criminal and civil remedies to which it is entitled under authority of statutes or other ordinances against a person, firm, or corporation that remains in violation of this chapter.

Sec. 19-31(i). - Identification of violator.

The persons responsible for violations of this chapter are identified as follows:

- (1) *At residential property.* Any resident present at the time of the offense, and any guest or trespasser with the ability to control the level of noise at the time of the offense when no resident is present at the time of the offense.
- (2) *At nonresidential property.* Any business owner, operator, manager, employee in charge, and all persons in control or in possession of the noise nuisance generating instrument or property at the time of the offense.
- (3) *At any location with an unattended noise nuisance producing machine, device, instrument, animal or combination of same.* Any person who leaves unattended any machine, instrument, device, animal, or any combination of same, which thereafter commences producing noise in violation of this chapter.