



CITY COUNCIL MEETING REGULAR SESSION

Wednesday, November 15, 2023 at 6:00 PM

City Hall, 102 W. Ashley Wilson Rd, Sweeny, Texas

AGENDA

BE IT KNOWN that the City Council of the City of Sweeny will meet in **Regular Session** on **Wednesday, November 15, 2023 at 6:00 PM.** at City Hall, 102 W. Ashley Wilson Rd, Sweeny, Texas with the following agenda. Council is conducted under modified Roberts Rules of Order as approved by Resolution 102-16; July 19, 2016. In accordance with Chapter §551 of the Texas Government Code, if required, the Council may conduct an executive session on any of the agenda items provided the City Attorney is present.

CALL TO ORDER/ROLL CALL

PLEDGES & INVOCATION

CITIZENS WISHING TO ADDRESS CITY COUNCIL

This item is available for those citizens wishing to address City Council on an issue not on the agenda. Any item discussed cannot be voted on but could be considered for placement on the agenda of the next regularly scheduled meeting. Limited to three (3) minutes.

CONSENT AGENDA

All of the following items on the Consent Agenda are considered to be self-explanatory by the Council and will be enacted with one motion. There will be no separate discussion of these items unless requested by the Mayor or a Council Member; in which event, the items will be removed from the consent agenda and considered separately.

1. Minutes of the Regular Session; October 24, 2023

REGULAR AGENDA

2. Discussion and possible action on contractual agreement with Brazoria County; Tax Assessor Collector
3. Discussion and possible action on Limited Tax Note, Series 2023.
4. Discussion and possible action on proposal received by Water of Texas, Michael Claybourn Sr.
5. Discussion and possible action on the Emergency Stand-By Generator RFP (RFP 2023-07-01) to award contract to lowest, responsible bidder.
6. Discussion and possible action on the Appointment of (1) Applicant to the Sweeny Economic Development Corporation's Board

- [7.](#) Discussion and possible action to create a mixed use zone within the City's Zoning Ordinance; Section 110
- [8.](#) Discussion and possible action on an amendment to City Ordinance Chapter 95: Animals
- [9.](#) Discussion and possible action on nominations for the Brazoria County Appraisal Districts Board of Directors and adoption of Resolution naming nominated.
- [10.](#) Discussion and possible action on adopting the 2024 Holiday Schedule
- [11.](#) Discussion and Possible action to the General and Special Election; May 2024

ITEMS OF COMMUNITY INTEREST

ADJOURN REGULAR SESSION

I certify that the notice and agenda of items to be considered by the Sweeny City Council on November 15, 2023 was posted on the City Hall bulletin board on the 9th day of November 2023, at approximately 4: 30PM.

Kaydi Smith - City Secretary

I hereby certify that this Public Notice was removed from the City Hall bulletin board on the _____ day of _____, 2023 at approximately _____AM/PM.

Kaydi Smith - City Secretary

CITY COUNCIL MEETING REGULAR SESSION

Item 1.

Tuesday, October 24, 2023 at 5:30 PM

City Hall, 102 W. Ashley Wilson Rd, Sweeny, Texas

MINUTES

BE IT KNOWN that the City Council of the City of Sweeny met in **Regular Session** on **Tuesday, October 24, 2023 at 5:30 PM.** at City Hall, 102 W. Ashley Wilson Rd, Sweeny, Texas with the following agenda.

CALL TO ORDER/ROLL CALL

Mayor Hopkins called the meeting to order at 5:30 P.M.

Reese Cook, Brian Brooks, John Rambo, and Tim Pettigrew were in attendance. Mark Morgan Jr. was absent.

PLEDGES & INVOCATION

Pledges were led by Councilman Brooks. The invocation was given by Attorney Stevenson.

EXECUTIVE SESSION IN ACCORDANCE WITH THE TEXAS GOVERNMENT CODE SECTION 551.071, 551.072 AND 551.074

Mayor Hopkins stated the City Council will now convene into executive session pursuant to the provision of Chapter 551 Texas Government Code, in accordance with the authority contained therein at 5:31 p.m.:

1. ***Discussion / Possible Action on Deliberations Regarding Real Property, pursuant to Section 551.072 of the Texas Government Code***
2. ***Discussion/ Possible Action Pursuant to Section 551.071 (1) (a), Consultation with Attorney with Sweeny Economic Development Corporation***

OPEN SESSION

The Mayor closed Executive Session and announced the City Council will now adjourn Executive Session, reconvene into Open Session pursuant to the Provisions of Chapter 551 Texas Government Code and take action, if any, on item(s) discussed during Closed Executive Session at 6:47 p.m.

3. ***Discussion/Possible Action pursuant to Executive Session item on Deliberations to Real Property, Pursuant to Section 551.072***

No Action Taken.

4. ***Discussion/Possible Action pursuant to Executive Session item on Consultation with Attorney, Pursuant to Section 551.071 (1) (a), and the Sweeny Economic Development Corporation***

No Action Taken.

CITIZENS WISHING TO ADDRESS CITY COUNCIL

No citizen comments.

CONSENT AGENDA

5. ***Proclamation: Veterans Day, November 11, 2023***

Mayor Hopkins stated the proclamation would be signed and posted at City Hall.

6. ***Minutes: Special Session September 12, 2023, Regular Session September 19, 2023, & Special Session October 04, 2023***

John Rambo made the motion to approve the Special Session September 12, 2023, Regular Session September 19, 2023, and Special Session October 04, 2023 minutes. Tim Pettigrew seconded. All in favor. Motion carried.

7. Discussion and possible action to the Third Quarter Financial Reports for Fiscal Year 2022-2023, spanning April – June

Reese Cook moved to approve as presented agenda items 7 & 8. Tim Pettigrew seconded. All in favor. Motion carried.

8. Discussion and possible action on the Fourth Quarter investment report of Fiscal Year 2022 – 2023, spanning July – September 2023

See prior item- Reese Cook moved to approve as presented agenda items 7 & 8. Tim Pettigrew seconded. All in favor. Motion carried.

REGULAR AGENDA

9. Discussion/ Possible action to agenda request received on cats and trash; Darlene Tipps

Darlene Tipps approached the Council as Yvonne Darrell handed out information to be included within minutes as Exhibit 1 provided by Tipps. Ms. Tipps lives at 401 E 3rd Street and is approaching Council to address the stray feline problem within Sweeny. She has brought Council suggestions to help with the issue consisting of a cat community and neighborhood adoption program that would trap, neuter, and release. Additionally, Tipps has suggested a City partnership with a veterinarian or the SPCA to help with the program suggested. She would like to see the City adopt an ordinance to allow donations on the city utility bill that would help with a volunteer program for cats, TNR, or a better animal shelter. She would like to see a social media page to help with fostering dogs and cats. She stated her neighborhood is overrun with strays and she is looking to Council for a way to move forward in helping to combat the ever increasing population. According to the last action taken by Council in 2019, the City is to pickup trapped felines and hold for said amount of time, then euthanize.

Mayor Hopkins asked if our ACO is catching strays? Animal Control is not housing cats at this time due to space constraints. City Manager, Lindsay Koskiniemi, stated she is seeking information from Texas Rebuild to reskin the back shop (located at the Public Works Building on Peach Street) to use as a climate controlled animal shelter. Brian Brooks stated that four (4) years ago, Council received an anonymous letter leading to the motion from 2019 to pickup trapped feral cats. We are not currently picking up trapped feral cats. Tipps asked if kennels were provided, could the City hold or would the vet be able to hold? City Manager stated we do not have a facility to keep them, but does recognize something needs to be done. She thinks we need to check our current agreement with Marsh Vet on retentions (spaces/housing) as she believes the agreement is only for euthanization purposes. Reese Cook suggested looking into purchasing wall cages/kennels for housing and possible adoptions. Koskiniemi stated the City does not have the budget for the supplies and expense. Koskiniemi asked Council if she could work with Police Chief Caudle and bring back a plan to the next Council meeting, as the ACO is under his department, and he is not in attendance this evening.

Reese Cook moved to approve as requested. Seconded by John Rambo. All in favor. Motion carried.

10. Discussion and possible action on Fourth Quarter Updates from the Sweeny Executive Leadership Team, covering July, August, and September 2023.

The Leadership Team gave an update to their quarterly reports given to Council to include Ed Srebalus, Rusty Lofton, Terrance "Tex" Bell, Kaydi Smith, Karla Wilson, and Michelle Medina. Michelle Medina, SEDC Executive Director, gave an update on the roadway at Industrial Park. It is approximately 66 % completed and on budget. It is expected to be completed by the 2nd week of November. City Manager gave a detailed report consisting of the following to include an update to the Top 10 Projects List. She stated that the water wells are found to be non-restrictive and must adhere to the County's requirements. Water quality issues are still being addressed and water line replacements are being completed. She is currently pursuing a grant for water line replacements. We have been conditionally awarded for a one mile water line and hydrant expansion project. For

the Waste Water Treatment Plant, clarifier one is in need of a 6" gorman pump that has been obtained. We will need to construct a roadway leading to the plant in order for the installation. The roadway is being completed in house. Staff is looking at executing a mowing/drainage agreement in the near future. The city street lights have been evaluated and those that remain out are being reviewed by an electrician.

Brian Brooks asked about the clock on Main Street. It was originally donated by Rotary and she is currently looking into this with Beautification. Reese Cook asked about the water quality on pg. 68 of Koskiniemi's update within the packet. It states that we are uncertain if dead end flushers are needed. Council previously approved \$50,000.00 to purchase the auto flushers. Koskiniemi stated staff believes the flushers will not fix the problem. She is wanting to talk in greater depth, prior to continuing forward with the purchase. Reese Cook asked about drainage on West Ashley Wilson Road and McKinney Street. Koskiniemi stated the Drainage District is handling both. On McKinney, they are to replace a culvert and cut out a portion of the tree stump within the ditch area. She has requested an interlocal for labor and materials with the County. Reese Cook asked about the Sidewalk Project. Koskiniemi stated TxDot has a board meeting Thursday at 10 a.m. to announce those selected. She intends to pay the full amount back after the first payment if Sweeny is not selected. John Rambo followed up on the water wells information. He asked about making the committee more relaxed, as we are required to have a wellhead committee per the Ordinance. Rambo is proposing to amend to allow wells if the resident adheres to all county requirements and for Council to act as the wellhead protection committee. Council would need to establish a process for permitting and determine if any fees will be associated. This would need to be put on another agenda to discuss in depth. John Rambo asked for the current headcount of public works employees. We have 2 open positions: a wastewater operator and general laborer. We currently have 7/8 employees. In years prior, we had 12 to 13 employees, then decreased to 9 to 10.
Discussion only; no action.

11. *Discussion and possible action on staff generated request for the purchase of a new sewer jetter for use on culverts to improve and manage drainage and respond to sewer blockages.*

City Manager stated that last month Council gave permission to rent a sewer jetter for a month. She is requesting to purchase. Public Works has been using the jetter to clean culverts in the areas of MLK, Hackberry, and 5th Street. Public Works Director Bell stated his department is in need of the equipment to clear sewer blockages. We have been borrowing from the City of Brazoria. If Brazoria is using and cannot spare to loan, our residents have to wait. Representatives from Kinloch and Pipe Hunter were in attendance. Both representatives were able to answer questions on their quotes previously given, warranty information, and training opportunities associated to the purchase. Both companies are affiliated with either the Buyboard or HGAC cooperatives. At this time, the City of Sweeny is renting a machine from Kinloch.

Reese Cook motioned to move items 11 and 12 down with items 18 & 19 to talk about all four (agenda) items together. John Rambo seconded. All in favor. Motion carried.

Reese Cook moved for a short recess, 5 minutes. Mayor Hopkins stated we would recess starting at 7:48 p.m. Mayor Hopkins reconvened Council at 7:55 p.m.

13. *Discussion/ Possible action on Sweeny EDC's Performance Agreement amendment with Cecil Joe Stark Sawmill & Logging, Inc.*

Michelle Medina, Executive Director of Sweeny EDC, stated Council requested more information at the last Council meeting. EDC previously asked to amend the performance agreement with Stark. Councilman Cook stated the request previously made from Council was for sales tax numbers from prior years. He also referred to page 5 of the business proposal submitted by Stark that shows land

clearing, site prep, and limestone. Is that taxable? Stark stated the clearing is not, but limestone is, only if sold direct. He wants to move to Sweeny in order to have a storefront. He already has a successful business elsewhere. Currently his sells are mainly commercial. He went to the business department at the college to help him with the business proposal submitted to Council, as this will be a new business. These are projections as his business model is changing. His yearly taxable income is approximately \$200,000-\$300,000 taxed at 6.75, the County rate. That would equvalate to approximately \$20,000 a year in sales tax. Stark stated he has provided his sales tax information previously to the EDC. He did pass a copy of the information around for Council to view. Stark gave Council an overview of the types of rental equipment he will have available and the types of materials available for purchase.

John Rambo made the motion to approve the EDC's approval for the performance agreement to move forward with the survey and deed for Stark. Brian Brooks seconded. Brian Brooks, John Rambo, and Tim Pettigrew approved. Reese Cook opposed. Motion carried.

14. Discussion/ Possible action on amendment to Ordinance 130.07 and determining zone allowance; Eight-liner machines

City Manager stated that staff was asked to look into allowing coin machines within the City limits. Is this something that Council wants to allow? City Secretary stated that as of now eight liners are prohibited by city ordinance. If Council wants to allow, the ordinance would need to be amended to include zoning allowances, restrictions, and establishing a permitting process. Councilman Cook asked if eight liners are a taxable income? Yes, we could check with City of Brazoria to see if they could give us approximate amounts annually received. Discussion ensued regarding the length of time these types of establishments remain open and if Council wants to consider allowance.

Reese Cook made the motion to keep the current ordinance in effect. Brian Brooks seconded. All in favor. Motion carried.

15. Discussion/ Possible Action to amend Ordinance Chapter 110; Peddlers and Solicitors

City Secretary stated that the Peddlers and Solicitors Ordinance and the Mobile Food Ordinance was previously brought to Council on possible amendments as the current is in conflict with the Texas Administrative Code and the Health and Safety Code, due to temperature related foods. Roadside and push cart food vendors have been removed from the peddlers ordinance and placed into the mobile food ordinance to comply.

John Rambo made the motion to approve the ordinance as presented. Tim Pettigrew seconded. All in favor. Motion carried.

16. Discussion/ Possible Action to amend Ordinance Chapter 115; Mobile Food Establishments

See item number 15.

John Rambo made the motion to approve amendment to the ordinance as presented. Tim Pettigrew seconded. All in favor. Motion carried.

17. Discussion and possible action for the fourth quarter salvage items from 2023

Reese Cook moved to approve as presented. Tim Pettigrew seconded. All in favor. Motion carried.

18. Discussion/ Possible action on a budget amendment to the FY 2022/2023 Budget; Enterprise Fund amendment for \$50,000.00 to be used for Water Line Replacement Purposes

City Manager stated this is a formality allowing the \$50,000 to be utilized for water line replacements. A budget amendment is required for auditing purposes in order to move funds.

Tim Pettigrew made the motion to approve the budget amendment to the budget year, Fiscal Year 2022/2023, from the Enterprise Fund for \$50,000.00, to be used for water line replacements. John Rambo seconded.

Discussion: John Rambo asked about moving the funds from fund balance. City Manager stated any movement of funds from fund balance needs to be followed up with an amendment. She stated the appropriation from Fund Balance to this fiscal year budget would need to be shown as a new line item as maintenance of water, or in capital outlay for next year in order to show the day to day. *All in favor. Motion carried.*

19. Discussion and possible action on staff generated request to amend the Fiscal Year 2022 – 2023 budget for unanticipated expenses related to water and wastewater.

City Manager explained the agenda item and invoices attached within the packet are due to unanticipated expenses relating to the water and wastewater. The amendments are \$91,728.40 for water and \$167,188.59 for wastewater. The total dollar amount for requested budget amendment is \$258,916.99. Councilman Cook asked if we could talk about items 11 & 12 with this item all together? City Manager wants to table item number 12, as Claybourne is not in attendance to speak about the presentation. Attorney Stevenson stated that all items could be discussed together but Council would need to take action separately, per agenda item. Karla Wilson, Finance Director, reiterated that we are looking at different budget years, as discussion on combining the agenda items continued. City Manager recommended pulling the funds from interest earnings, Texpool funds, or the CO 19.

Reese Cook moved to approve funds transfer from the following accounts: Logic CO 2019 Investment Account- \$144,000.00 and Logic Enterprise Investment Account- \$115,000.00, to pay for unanticipated expenses related to water and wastewater from the FY 2022/2023 budget. Tim Pettigrew seconded. All in favor. Motion carried.

Council continued discussions on previous agenda items, number 11 and 12.

11. Discussion and possible action on staff generated request for the purchase of a new sewer jetter for use on culverts to improve and manage drainage and respond to sewer blockages.

Brian Brooks made the motion to take the one (sewer jetter) we have that we are currently using. Tim Pettigrew seconded.

Discussion: City Manager stated the funds of \$20,000 would cover the first year on the rent to own agreement, which would be approximately \$1,676 a month. We are receiving credit in the amount of \$2,000 from the old sewer jetter. Total is \$84,000 for the model we are currently using. City Manager stated we have the money for the first year now. John Rambo asked what Kinloch will do with the old jetter we are trading in? Morgan Kinloch Taylor stated they would use as parts possibly. *All in favor. Motion carried.*

12. Discussion/ Possible action on proposal received by Water of Texas, Michael Claybourn Sr.

City Manager stated she would like to table this discussion as Mr. Claybourn was not in attendance. *Reese Cook moved to table item 12. John Rambo seconded. All in favor. Motion carried.*

ITEMS OF COMMUNITY INTEREST

Brian Brooks congratulated "Tex", Terrance Bell, on his promotion as Public Works Director.

John Rambo stated the Beautification Main Street clean up was successful. Dr. Leal's Halloween in the park is coming up on Saturday the 28th.

Tim Pettigrew stated the Veteran's Day parade will be Saturday 11/11/23 in Angleton. Breakfast will be before the parade at 6:30 a.m. at the Angleton High School. Pettigrew thanked city staff for the plant received for his moms funeral.

City Manager stated the regularly scheduled Council meeting dates for November and December are close to the Thanksgiving and Christmas holidays. She is proposing to move them a week prior which would be Wednesday, November 15th and Wednesday, December 13th.

ADJOURN REGULAR SESSION

Mayor Hopkins adjourned the Regular Session of the City Council at 8:36 PM.

Staff present:

City Manager, Lindsay Koskiniemi

Police Sargent, Ed Srebalus

Director of Public Works, Terrance Bell

Finance Director / Personnel Services, Karla Wilson

City Secretary/ Developmental Services, Kaydi Smith

Project Manager, Rusty Lofton

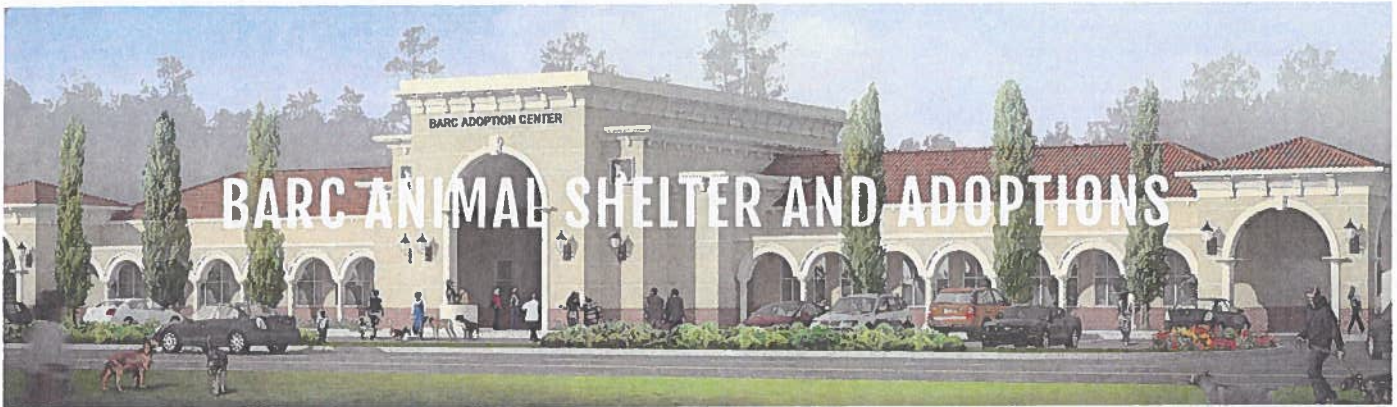
Exhibit 1: Packet presented by Darlene Tipps; Regular Agenda Item No. 9

Exhibit 2: Pipe Hunter Quotes (2); 4733 Single Axle Trailer & 7724 Tandem Axle Trailer; Regular Agenda Item No. 11; submitted by City of Sweeny Project Manager, Rusty Lofton

Exhibit 3: Packet presented by Morgan Kinloch Taylor of Kinloch Equipment Co; Regular Agenda Item No. 11

Passed and approved this _____ day of _____, 2023.

Kaydi Smith - City Secretary



[Home](#) > [BARC Animal Shelter](#) > [Get Involved](#) > About Trap-Neuter-Return Program

[MORE BARC LINKS](#)

Cat = 20 kittens a year

BARC ANIMAL SHELTER AND ADOPTIONS

About Trap-Neuter-Return Program



We love our TNR / Community cats and are grateful for fosters, BARC employees and rescue groups who help us take care of them. Recently we received a very much needed donation from the estate of Mr. Richard Matelske, a cat feeding station for our parking lot kitties. Special thank you to Kelli Matelske and Nela Brown from Frisky Paws Rescue for organizing the feeding station.

GET INVOLVED LINKS

[Volunteer with Us](#)

[Foster a Pet](#)

[Trap-Neuter Return](#)

[Donate Main Page](#)

BARC LINKS

[BARC Home Page](#)

[Hours of Operation](#)

[Our Location](#)

[Donate to BARC](#)

[About BARC](#)

[Before Turning In A Pet To BARC](#)

[License Your Pet](#)

[Fixin' Houston Spay / Neuter Clinic](#)

[Adopt A Pet / Search Adoptable Pets](#)

[Canine Manners Classes](#)

[About Trap-Neuter-Return](#)

[Become a TNR Colony Manager](#)

What is a community cat?

"Community cat" is an umbrella definition that includes any *un-owned* cat. These cats may be "feral" (un-socialized) or friendly, may have been born into the wild or may be lost or abandoned pet cats. Some community cats are routinely fed by one or more community members, while others survive without human intervention. Whatever a cat's individual circumstances, the term "community cat" reflects the reality that for these cats, "home" is within the community rather than in an individual household.

A colony can range from 3-25 cats. Their locations vary. Community cat colonies can be in alleyways, parks, or neighborhoods. Members consist of adult females, their young, and some adult males.

What is Trap Neuter Return?

A Trap, Neuter, and Return (TNR) program is a program approved by the Director of BARC Animal Shelter & Adoptions in which community cats are humanely trapped, evaluated, vaccinated, sterilized, and marked by an identifying notch in the left ear, all administered by a veterinarian, and returned to the trap location. TNR is a proven method that is both humane and effective. The colony population size remains stable. When all cats are spayed, neutered, and returned to a colony, the population size will gradually decrease as offspring are no longer produced. Because of the gradual decrease, the vacuum effect will not occur.

- [TNR] is not only the most humane method of preventing cats from entering the shelter system; it's the most effective. - [Best Friends Animal Society](#)

- "The programs and services of the No Kill Equation include a feral cat Trap-Neuter-Return program..." - [Nathan Winograd, National No-Kill Leader](#)

Why is TNR Beneficial to Houston's Community?

For a long time, "catch and kill" was a widely accepted method of managing community cat colonies. The cats were trapped and removed from their established colony to be euthanized. While this method causes an instant decrease in the overall colony numbers, *it is not effective over time*. Colonies subject to "catch and kill" typically end up increasing in number back to their original size as a result of what is known as the vacuum effect.

What is the vacuum effect? Community cat colonies, like other populations of animals in the wild, have a certain population size at which they are most stable. When the population size of a colony is drastically reduced in a short amount of time, the colony reacts by trying to return to the stable size. The remaining members of the colony increase mating activities in an effort to create more offspring and stabilize the colony population size. A reduction in size also opens the door for newcomers to the colony - other cats in the area may move in. Because of the vacuum effect, "catch and kill" has no lasting impact on the size of a community cat colony.

Once the community cats within a colony are spayed and neutered, not only will the population size gradually decrease, but the cats will also be healthier and coexist more peacefully within a neighborhood. Female cats, prevented from having any more litters, will be healthier. Male cats will gradually lose the urge to roam and fight, and will be less prone to injury. Behaviors associated with unaltered cats, such as yowling and marking territory with urine, will disappear.

What is the alternative to TNR?

BARC operates a very robust adoption program that is focused on saving lives by placing cats and kittens into forever homes. However, the open admission shelter takes in thousands more felines into the shelter annually than it can adopt out.

Get Involved!

Our Wellness Center

Lost a Pet?

Healthy Pets Healthy Streets

Enforcement Information

Helpful Links

Statistics & Reports

BARC integrated an aggressive TNR program to provide additional alternatives to humanely putting them to sleep. If more animals are responsibly released back into their original environments through the TNR program, less animals are euthanized.

TNR is a widely accepted and supported effort to save lives, not only in Houston but around the country. For example, [UC Davis School of Veterinary Medicine](#) recently published an [article supporting the initiative](#). Additionally, shelters across the state including [San Antonio's Animal Care Services](#) and national organizations such as [Best Friends Animal Society](#) and the National No-Kill movement support the initiative.

Does putting community cats back into the community increase the risk for birds and wildlife to be harmed?

It has been argued that cats should be collected from the community, impounded and euthanized in shelters to protect wildlife and public health. However, euthanizing or removing all community cats from an area may lead to an increased population of other non-native species with an even more detrimental effect.

There are many more cats in the community currently than BARC can take in over a short period of time. The TNR program will decrease the number of cats that could potentially harm birds and wildlife over time (refer to more information about the benefits of TNR above).

How can I keep unwanted community cats off of my property?

Remove all potential food sources from the property: This would include pet food for the resident's animals, meat scraps in compost, fallen fruit from trees, barbecue grills, excess bird food from birdfeeders and garbage. Garbage bags are very attractive to animals, so trash should be kept in containers with a secure lid, and put out in the morning of pick up to reduce the temptation for the animals.

Limit availability of water: Limit access to water features, pools and ponds with fencing. Remove or repair sources of standing water.

Remove or secure potential shelter areas: Secure access under houses, sheds, decks, porches and buildings with wire fencing. Open spaces beneath structures should be tightly screened with 1/4- or 1/3-inch galvanized hardware mesh. The bottom edge of the wire should be buried at least 6 inches deep, extended outward for 12 inches, so it forms an L shape, and then covered with soil, or heavy stones. Trees should be trimmed so that the branches that overhang roofs are at least 5 feet from the house. Bushes and shrubs need to be thinned and trimmed so that there is 18 inches of open space above the ground to limit the cover for animals to hide under.

Other useful tactics to deter unwanted cats: Place chicken wire or plastic carpet runner, spikes up, under flower bed mulch to make scratching uncomfortable. Sprinkle coffee grounds or citrus peels or use citrus spray on gardens and shrubs. One very effective tool is a motion detection device combined with common water, available from various outlets. The cat breaks the beam of the device, and is immediately sprayed with a stream of water. This device works on raccoons, dogs, opossums and other animals, too.

What is a TNR Colony Manager?

The City of Houston promotes TNR for the management of our city's community cats, and citizens. Any citizen feeding community cats must be actively working towards getting all cats in the colony spayed and neutered (i.e. accomplishing the TNR of the colony), must be feeding in a way that does not attract raccoons or possums, and must have the permission of the property owner/manager to be

feeding the cats if the colony location is not on either their own property or on city property. As long as citizens are in accordance with these requirements, they are encouraged to feed and care for the community cats within their colony and can submit an application to become an official colony manager.

According to Houston City Ordinance section 6-22, "It shall be unlawful for any person intentionally to cause, suffer, or permit the maintenance of an attractive environment for the assembly of a congregation of unconfined and unlicensed stray cats or dogs by the placement of dog food or cat food," however colony managers who follow city TNR guidelines are permitted to feed community cats "subject to a trap, neuter, and return program approved by the Director."

Get Involved!

Become a colony manager!

Are you feeding community cats in your community? Have you been trapping them and getting them spayed and neutered? If so, you might be interested in becoming a colony manager.

We appreciate and value our colony managers. By Trapping, Neutering, and Returning community cats of your neighborhood, colony managers make an impact on stopping the cycle of community cat overpopulation in the City of Houston.

The City can help you and the cats in your colony by providing spay/neuter appointments for feral cats. Colony managers who follow the City's TNR guidelines will have the City's support. To be in accordance with City of Houston ordinance, all citizens feeding feral or stray cats must adhere to the following requirements:

Citizens must be actively working towards getting the entire colony of cats spayed, neutered, and ear notched.

Citizens must be feeding in a way that does not attract raccoons or possums. Cats must be fed at set times and food cannot be left out after the cats have finished eating.

Citizens must have the permission of the property owner or manager to be feeding unless they are feeding on either their own property or on city property.

If you are following the above guidelines and are interested in becoming a colony manager:

1. You must live inside the Houston city limits. The colony must also be located inside the Houston city limits.
2. Fill out the [Feral Cat Colony Manager Application](#) (.pdf). (Please return by mail to BARC Animal Shelter, 3200 Carr St, Houston, TX 77026 ;or email to barctnr@houston.tx.gov)
3. Fill in the spreadsheet we will provide with information on all the cats in your colony. Update this spreadsheet and submit it again at regular intervals so we can keep track of all the cats in your colony.
4. Provide us with written, signed proof of permission from the property owner/manager where you are feeding, unless you are feeding on either your own property or on Houston city property.

Need to Borrow a Trap?

Traps are available and can be reserved by emailing barctnr@houston.tx.gov. BARC has limited number of traps available and MUST be reserved ahead of time.

There is no cost to reserve a trap, but a credit card form must be completed and if the trap is not returned within 30 days a credit card will be charged

Item 1.

If you are looking to trap and have a preferred day you would like to bring a cat in for surgery you can schedule a surgery appointment for a feral cat by emailing barctnr@houstontx.gov.



BARC INFORMATION

3200 Carr Street,
Houston, TX 77026
Call 3-1-1 for more information

GET INVOLVED



ENHANCED BY Google



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Exhibit 2

Item 1.

April 2008

Confidential PipeHunter Quote

Version 1



4733 Single Axle Trailer - 2,500 PSI @ 40 GPM

Quote Date: September 25, 2023
Customer: Sweeny, Texas
Job #:
Salesman: David Mills

Due Date:
Dealer: Texas Underground
Stock #:
P.O. Number:

Part Number	Description	Quantity	Price	Total
WATER TANK				
9000-0055	400 Gallon Tank 7000 LB AXLE STD	1	Std.	Std.
9000-0103P	Single Filler Assembly	1	Std.	Std.
9000-0106	25' Fill Hose w Storage Rack	1	Std.	Std.
9000-0032P	Main Tank Water Sight Guage(1)Std	1	Std.	Std.
WATER PUMP				
	3,000 PSI @ 30 GPM - Giant Water Pump	1	Std.	Std.
9000-0040	Washdown System-43H with gun and 25ft hose	1	Std.	Std.
9000-0059	Air Purge	1	\$ 185.00	\$ 185.00
9000-0058	Winter recirculation (not available on Jet Eye)	1	\$ 295.00	\$ 295.00
9000-0061	Multi-Flow Valve	1	\$ 295.00	\$ 295.00
ENGINE				
D3307-CR-TIE4B-KEA-1	KOHLER DIESEL ENGINE RATED 74.3 HP Tier 4 Final W Clutch	1	Std.	Std.
	15 Gallon Fuel Tank	1	Std.	Std.
9000-0048	Emergency Kill	1	Std.	Std.
9000-0064	Electric Throttle Upgrade	1	Std.	Std.
	Digital Gauge Package & Tachometer Low Pressure High Temp Shutdown	1	Std.	Std.
9000-0045	Engine Shroud/ Belt Guard/ Fenders - Aluminum	1	Std.	Std.
HOSE REEL				
Single Jet Hose Reels				
9000-0133	800' x 3/4" Jet Hose Reel	1	Std.	Std.
Articulating Reel Option				
9000-0316	Articulating Reel Option Hydraulic Powered Worm Gear	1	\$ 4,200.00	\$ 4,200.00
Hose Reel Accessories				
9000-0049	Standard Level Wind	1	Std.	Std.
	Double Roller Levelwind 45 Degree	1	\$ 295.00	\$ 295.00
HOSE OPTIONS (per foot)				
	3/4" Leader hose-per foot	10	\$ 13.00	\$ 130.00
	3/4" Jet Hose per foot Piranha	500	\$ 4.15	\$ 2,075.00
	Tiger Tail(1)Std 3"	1	Std.	Std.
NOZZLE OPTIONS- Std. Hose Reel Nozzles				
7600-0084	Nozzle Rack (1)	1	Std.	Std.
3007-4014-25400	15 Degree Nozzle (1)	1	Std.	Std.
3007-4013-25400	30 Degree Nozzle (1)	1	Std.	Std.
3007-9000	Nozzle Skid Assy 6" (1)	1	Std.	Std.
ELECTRICAL OPTIONS				
	Light - Strobe Flat Qty 4 ea. Corner	1	\$ 1,200.00	\$ 1,200.00
	Light - Strobe Light w/Limb Guard LED	1	\$ 450.00	\$ 450.00
	Light - Low Water Warning Light	1	\$ 205.00	\$ 205.00
	Light - Panel Light LED	1	\$ 120.00	\$ 120.00
9000-0112	L.E.D. Upgrade Marker and Tail Lights Only	1	\$ 250.00	\$ 250.00
TOOL BOX OPTIONS (Aluminum Diamond Treadplate Construction)				
7600-0661	Locking, (Drawbar) - Aluminum 52" x 26" x 15.5"	1	Std.	Std.
ACCESSORIES				
8401-1401	Manhole - Upper Roller Aluminum	1	\$ 500.00	\$ 500.00
MANUALS				
3023-0002	PipeHunter Operator's Manual CD	1	\$ 10.00	Std.
26-OMRG33324	Engine Operator's Manual CD	1	\$ 75.00	Std.
FRAME & AXLE				
	6" Frame	1	Std.	Std.
	DOT LIGHTING PACKAGE	1	Std.	Std.
	Single 7000 LB Axle W/Electric Brakes 2 5/16 Hitch 3 positions STD W 400	1	Std.	Std.
LINER OPTION				
	PipeHunter Speed Liner Frame & Reel	1	Std.	Std.

Color: TBA

9000-0050(001) ~9000-0039(200) ~ 9000-0053(250) ~ 9000-0056(450)
9000-0052(600)

Quoted By: David Mills 9 25 2023

ATD

Total Options: \$ 10,200.00
Base Price: \$ 72,000.00
Sub Total: \$ 82,200.00
ATD Total: \$ -
Subtotal: \$ 82,200.00
\$ -
\$ -

April 2008

Confidential PipeHunter Quote

Version 1

Part Number

Description

Quantity

Price

Total

Ship Method:

Trade In

\$

(2,000.00)

TERMS:

Total: \$ 80,200.00

Notes:

PII PRICING 01-18 tb

Signing this quote confirms that you have verified the specifications and agree with the final costs. Any specification changes made after verification may alter costs. It is the dealer/customer's responsibility to ensure that the equipment ordered meets specifications and/or quotations.

Terms: TBD

Signature: _____

Date: _____



CADENCE EQUIPMENT FINANCE

10/24/2023

City of Sweeny, TX dmills@texasundergrouninc.com

It is a pleasure to submit for your consideration the following proposal to provide lease-purchase financing based on the terms and conditions set forth below:

1. Lessor: Cadence Equipment Finance, a
division of Cadence Bank
2. Lessee: City of Sweeny, TX
3. Equipment Description: One (1) New Single Axle PipeHunter Trailer
4. Equipment Cost: \$60,200.00 amount to be financed
(\$20,000.00 Down Payment)
5. Lease Term: 3 and 4 years
6. Lease Payments: (These are approximate payment amounts. The
actual payment will be determined at funding
date.)

Pay off at any time with no penalty

3 annual payments of \$22,578.14 arrears
36 monthly payments of \$1,830.58 arrears
4 annual payments of \$17,427.38 arrears
48 monthly payments of \$1,412.97 arrears
7. Lease Rate: 5.97%
8. Funding Date: This proposal is contingent upon the equipment
being delivered and the lease funded prior to the
prime rate increasing above 8.50%. **Any
extension of the funding or delivery date
must be in writing.**
9. Purchase Option: Title is passed to Lessee at lease expiration for
no further consideration.
10. Non-appropriation/Termination: The lease provides that Lessee is to make reasonable
efforts to obtain funds to satisfy the obligation in each fiscal year. However, the lease may be

• Page 2

October 24, 2023

terminated without penalty in the event of non-appropriation. In such event, the Lessee agrees to provide an attorney's opinion confirming the events of non-appropriation and Lessee's exercise of diligence to obtain funds.

11. **Bank Qualification:** This lease-purchase financing shall be designated as a bank qualified tax-exempt transaction as per the 1986 Federal Tax Bill. **This means that the Lessee's governing body will pass a resolution stating that it does not anticipate issuing more than \$10 million in General Obligation debt or other debt falling under the Tax Bill's definition of qualifying debt during the calendar year that the lease is funded.**
12. **Tax Status:** This proposal is subject to the Lessee being qualified as a governmental entity or "political subdivision" within the meaning of Section 103(a) of the Internal Revenue Code of 1954 as amended, within the meaning of said Section. Lessee agrees to cooperate with Lessor in providing evidence as deemed necessary or desirable by Lessor to substantiate such tax status.
13. **Net Lease:** This will be a net lease transaction whereby maintenance, insurance, taxes (if applicable), compliance with laws and similar expenses shall be borne by Lessee.
14. **Financial Statements:** Complete and current financial statements must be submitted to Lessor for review and approval of Lessee creditworthiness
15. **Lease Documentation:** This equipment lease-purchase package is subject to the mutual acceptance of lease-purchase documentation within a reasonable time period, otherwise payments will be subject to market change.

If the foregoing is acceptable, please so indicate by signing this letter in the space provided below and returning it to Cadence Equipment Finance. **The proposal is subject to approval by Cadence Equipment Finance's Credit Committee and to mutually acceptable terms, conditions and documentation.**

Acceptance of this proposal expires as the close of business on 11/24/2023. Extensions must be approved by the undersigned.

Any concerns or questions should be directed to Jonathan King at 228-223-4642 or Jonathan.King@cadencebank.com.

Jonathan King
Municipal Territory Manager

ACKNOWLEDGMENT AND ACCEPTANCE

By: _____

Title

Date: _____

April 2008

Confidential PipeHunter Quote

Version 1



7724 Tandem Axle Trailer - 2,500 PSI @ 40 GPM

Quote Date: October 24, 2023

Customer: Sweeny

Job #:

Salesman: David Mills

Due Date:

Dealer: Texas Underground

Stock #:

P.O. Number:

Part Number	Description	Quantity	Price	Total
WATER TANK				
	700 Gallon High-Density Polyethylene 12000 GVW	1	Std.	Std.
9000-0103P	Single Filler Assembly	1	Std.	Std.
9000-0032P	Main Tank Water Sight Gauge(1)Std Side	1	Std.	Std.
9000-0106	25' Fill Hose w Storage Rack	1	Std.	Std.
WATER PUMP				
9000-0079	2500 PSI @ 40 GPM Giant Water Pump	1	Std.	Std.
9000-0040	Washdown System-43H with gun and 25ft hose	1	Std.	Std.
9000-0059	Air Purge	1	\$ 185.00	\$ 185.00
9000-0058	Winter recirculation (not available on Jet Eye)	1	\$ 295.00	\$ 295.00
9000-0061	Multi-Flow Valve	1	\$ 295.00	\$ 295.00
ENGINE				
	Kohler 74 HP Tier 4 Final With Clutch	1	Std.	Std.
9000-0048	Emergency Kill	1	Std.	Std.
	15 Gallon Fuel Tank	1	Std.	Std.
	Electric Throttle	1	Std.	Std.
	Digital Gauge Package & Tachometer Low Pressure High Temp Shutdown	1	Std.	Std.
9000-0045	Engine Shroud/ Belt Guard/ Fenders - Aluminum	1	Std.	Std.
7834-HRA				
Single Jet Hose Reels				
9000-0093	800' x 3/4" Jet Hose Reel (Narrow Design)	1	Std.	Std.
Articulating Reel Option				
	Articulating Reel Option Hydraulic Powered Articulation Worm Gear	1	\$ 4,200.00	\$ 4,200.00
Hose Reel Accessories				
	Standard Level Wind 3/4"		Std.	Std.
	Double Roller Levelwind 45 Degree 3/4" - Upgrade	1	\$ 395.00	\$ 395.00
HOSE OPTIONS (per foot) Minimum 400 foot Jet hose with 10 foot leader- 400, 600, 800 increments				
3009-4522	Leader hose 3/4"-per foot	10	\$ 13.00	\$ 130.00
4625-12-XXX	3/4" Jet Hose per foot Piranha Only	500	\$ 4.15	\$ 2,075.00
3007-7000	3" Tiger Tail(1)Std	1	\$ 85.00	\$ -
NOZZLE OPTIONS- Std. Hose Reel Nozzles				
	Nozzle Rack(1) 3/4"	1	Std.	Std.
	15 Degree Nozzle(1) 3/4"	1	Std.	Std.
	30 Degree Nozzle(1) 3/4"	1	Std.	Std.
	Nozzle Skid Assy 6"(1) 3/4"	1	Std.	Std.
ELECTRICAL OPTIONS				
	Light - Strobe Flat Qty 4 ea. Corner	1	\$ 1,200.00	\$ 1,200.00
	Light - Strobe Light w/Limb Guard LED	1	\$ 450.00	\$ 450.00
	Light - Low Water Warning Light	1	\$ 205.00	\$ 205.00
	Light - Panel Light LED	1	\$ 120.00	\$ 120.00
9000-0112	L.E.D. Upgrade Marker and Tail Lights Only	1	\$ 250.00	\$ 250.00
TOOL BOX OPTIONS (Aluminum Diamond Treadplate Construction)				
7600-0661	Locking, (Drawbar) - Aluminum 52" x 26" x 15.5"	1	Std.	Std.
ACCESSORIES				
8401-1401	Manhole - Upper Roller Aluminum	1	\$ 500.00	\$ 500.00
7600-0278	Traffic Cone Rack - Deck Mount	1	\$ 150.00	\$ 150.00
MANUALS				
3023-0002	PipeHunter Operator's Manual CD	1	Std.	Std.
26-OMRG33324	Engine Operator's Manual CD	1	Std.	Std.
FRAME & AXLE				
	6" Frame	1	Std.	Std.
	Dual #6000 Axles W/Electric Brakes 2 5/16 Hitch 3 positions	1	Std.	Std.
	DOT LIGHTING PACKAGE	1	Std.	Std.
LINER OPTION				
	PipeHunter Speed Liner Frame & Reel	1	Std.	Std.

Liner Color: TBA

9000-0050(001) ~ 9000-0039(200) ~ 9000-0053(250)
 9000-0056(450) ~ 9000-0052(600)

Quoted By: David Mills

Total Options: \$ 10,450.00
 Base Price: \$ 73,500.00
 Sub Total: \$ 83,950.00
 ATD Total: \$ -

April 2008

Confidential PipeHunter Quote

Version 1

Part Number

Description

Quantity

Price

Total

Subtotal: \$ 83,950.00

\$ -

\$ -

Trade In \$ (2,000.00)

Total: \$ 81,950.00

Ship Method: FOB PEARLAND TX

PH PRICING 2018 65

Signing this quote confirms that you have verified the specifications and agree with the final costs. Any specification changes made after verification may alter costs. It is the dealer/customer's responsibility to ensure that the equipment ordered meets specifications and/or quotations.

Terms: MUNICIPAL (NET 30) CONTRACTORS (COD)

Signature: _____

Date: _____



CADENCE EQUIPMENT FINANCE

10/24/2023

City of Sweeny, TX dmills@texasundergrouninc.com

It is a pleasure to submit for your consideration the following proposal to provide lease-purchase financing based on the terms and conditions set forth below:

1. Lessor: Cadence Equipment Finance, a
division of Cadence Bank
2. Lessee: City of Sweeny, TX
3. Equipment Description: One (1) New Tandem Axle PipeHunter Trailer
4. Equipment Cost: \$61,950.00 amount to be financed
(\$20,000.00 Down Payment)
5. Lease Term: 3 and 4 years
6. Lease Payments: (These are approximate payment amounts. The
actual payment will be determined at funding
date.)

Pay off at any time with no penalty

3 annual payments of \$23,234.48 arrears
36 monthly payments of \$1,883.80 arrears
4 annual payments of \$17,933.99 arrears
48 monthly payments of \$1,454.05 arrears
7. Lease Rate: 5.97%
8. Funding Date: This proposal is contingent upon the equipment
being delivered and the lease funded prior to the
prime rate increasing above **8.50%**. **Any
extension of the funding or delivery date
must be in writing.**
9. Purchase Option: Title is passed to Lessee at lease expiration for
no further consideration.
10. Non-appropriation/Termination: The lease provides that Lessee is to make reasonable
efforts to obtain funds to satisfy the obligation in each fiscal year. However, the lease may be

terminated without penalty in the event of non-appropriation. In such event, the Lessee agrees to provide an attorney's opinion confirming the events of non-appropriation and Lessee's exercise of diligence to obtain funds.

11. **Bank Qualification:** This lease-purchase financing shall be designated as a bank qualified tax-exempt transaction as per the 1986 Federal Tax Bill. **This means that the Lessee's governing body will pass a resolution stating that it does not anticipate issuing more than \$10 million in General Obligation debt or other debt falling under the Tax Bill's definition of qualifying debt during the calendar year that the lease is funded.**
12. **Tax Status:** This proposal is subject to the Lessee being qualified as a governmental entity or "political subdivision" within the meaning of Section 103(a) of the Internal Revenue Code of 1954 as amended, within the meaning of said Section. Lessee agrees to cooperate with Lessor in providing evidence as deemed necessary or desirable by Lessor to substantiate such tax status.
13. **Net Lease:** This will be a net lease transaction whereby maintenance, insurance, taxes (if applicable), compliance with laws and similar expenses shall be borne by Lessee.
14. **Financial Statements:** Complete and current financial statements must be submitted to Lessor for review and approval of Lessee creditworthiness
15. **Lease Documentation:** This equipment lease-purchase package is subject to the mutual acceptance of lease-purchase documentation within a reasonable time period, otherwise payments will be subject to market change.

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Acceptance of this proposal expires as the close of business on 11/24/2023. Extensions must be approved by the undersigned.

Any concerns or questions should be directed to Jonathan King at 228-223-4642 or Jonathan.King@cadencebank.com.

Jonathan King
Municipal Territory Manager

ACKNOWLEDGMENT AND ACCEPTANCE

By: _____
Title

Date: _____

Exhibit 3

Item 1.

A TRAILER JETTER THAT LEADS THE WAY.



VACTOR[®]
RAMJET

DISCOVER THE RAMJET TRAILER & SKID-MOUNTED JETTERS.

Performance you expect from a proven leader.



The Ramjet trailer & skid-mounted jetters are the perfect machines for fast, safe response to sewer blockages as well as regular preventative line maintenance. Our line of reliable, high-pressure water jetters are specially designed for cleaning municipal sewer, drain and pipe lines as well as culverts at low water volume. These units are ideal for cost effective maintenance and emergency response in tight, confined environments.

Vactor has proudly been dedicated to continuously improving sewer cleaners for over fifty years, and the versatile and reliable Ramjet trailer & skid-mounted units are just a few options of the highly customized solutions we offer.



Kinloch
Equipment & Supply, Inc.

kinlochequip.com

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Arlington P | 800.536.5902 F | 817.633.7239
San Antonio P | 210.881.9344 F | 210.881.9475

Scan code
for more info



VACTOR®

Subsidiary of Federal Signal Corporation

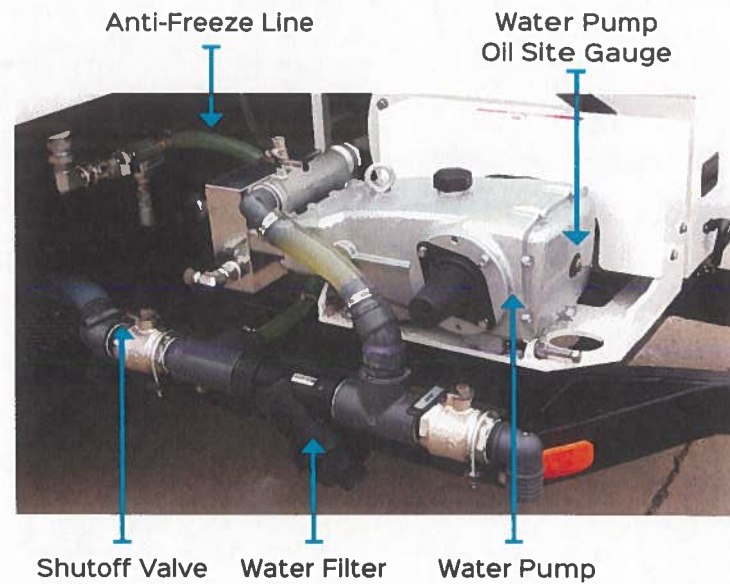
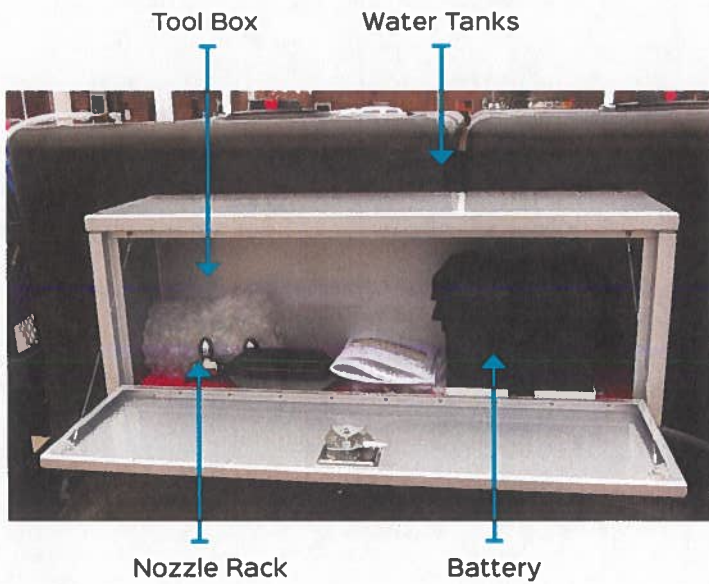
vactor.com

Vactor Manufacturing, Inc. • 1621 South Illinois Street • Streator, IL 61364 USA
 Phone 815.672.3171 • Fax 815.672.2779

Specifications subject to change without notice. Some product shown with optional equipment. Vactor® and Ramjet® are registered trademarks and subsidiaries of Federal Signal Corp. Federal Signal is listed in the NYSE by the symbol FSS.

Effective Date 2/20 P/N 00155-C ©2020 Vactor Manufacturing

WATER SYSTEMS



BASIC FEATURES

18 GPM at 4,000 PSI

- 300 Gallon single axle trailer
- 600 gallon tandem axle trailer
- 3 Cylinder engine
- Tier 4 diesel engine
- 3 Cylinder run-dry water pump*
- Water recirculation, anti-freeze, and pulsation system
- 800' x ½" cap rotating hose reel

30 GPM @ 3,000 PSI

- 375 Gallon single axle trailer
- 750 gallon tandem axle trailer
- Tier 4 diesel engine
- 3 Cylinder ceramic plunger run-dry water pump*
- Water recirculation, anti-freeze, and pulsation system
- 600' x ¾" cap rotating hose reel

36 GPM @ 3,000 PSI

- 375 Gallon single axle trailer
- 750 gallon tandem axle trailer
- Tier 4 diesel engine
- 3 Cylinder ceramic plunger run-dry water pump*
- Water recirculation, anti-freeze, and pulsation system
- 600' x ¾" cap rotating hose reel

40 GPM @ 2,000 PSI

- 375 Gallon single axle trailer
- 750 gallon tandem axle trailer
- Tier 4 diesel engine
- 3 Cylinder ceramic plunger run-dry water pump*
- Water recirculation, anti-freeze, and pulsation system.
- 600' x ¾" cap rotating hose reel

40 GPM @ 3,000 PSI

- 375 Gallon single axle trailer
- 750 gallon tandem axle trailer
- Tier 4 diesel engine
- 3 Cylinder direct gear box driven water pump
- Water recirculation, anti-freeze, and pulsation system
- 600' x ¾" cap rotating hose reel

OPTIONAL EQUIPMENT

- Engine shroud/silent pak
- Electronic throttle control
- JMS remote control system
- Power telescoping hose reel
- Dual hose reel
- Washdown system
- Tool storage

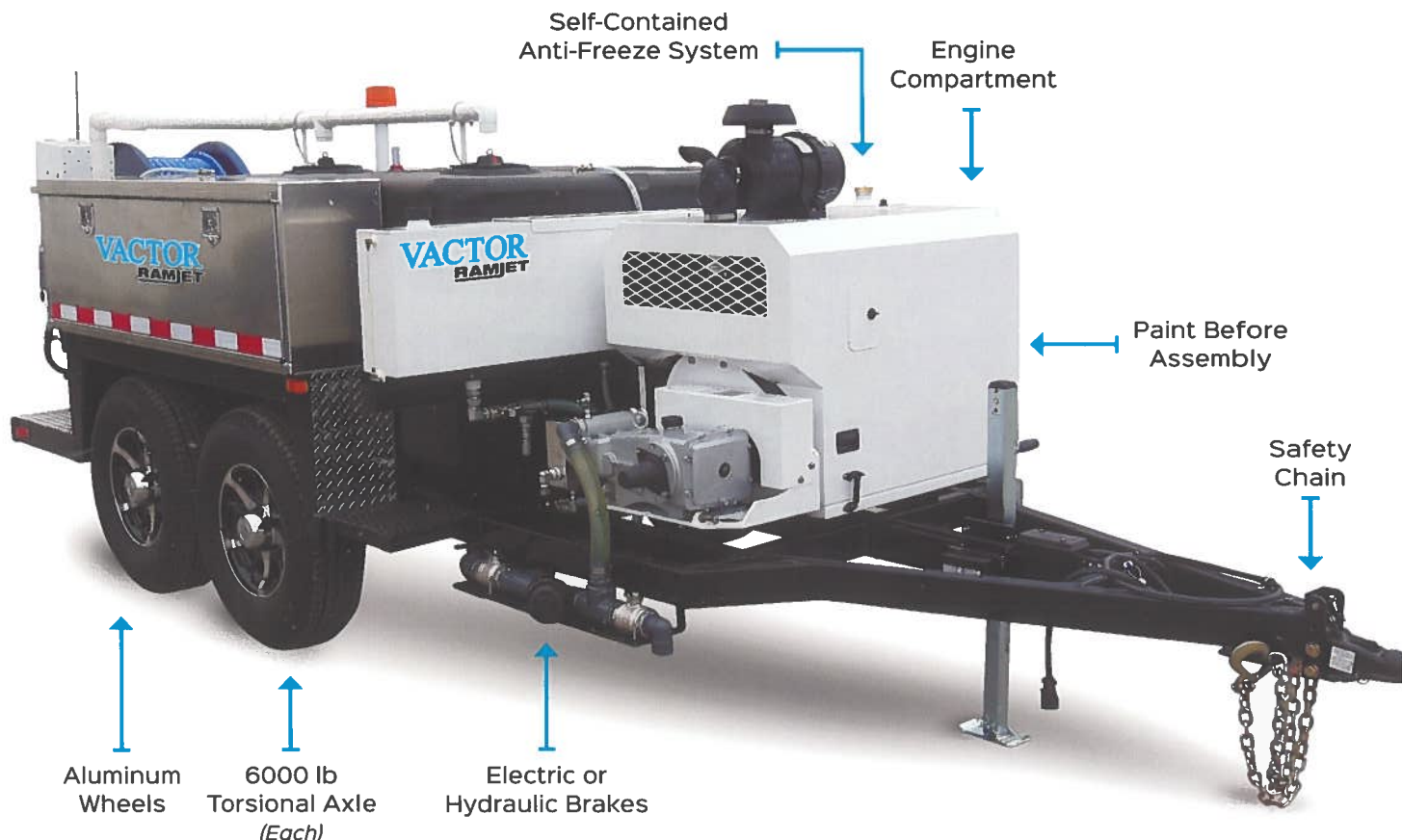
** Run-dry plunger pumps provide the ability of running dry of water without sustaining pump damage. It is not intended to run for long periods of time and/or at high RPM levels without water.*

VACTOR® RAMJET® TRAILER & SKID-MOUNTED JETTERS

If you're looking for a cost-effective, yet powerful, sewer maintenance tool, the Vactor Ramjet trailer and skid-mounted series offers you more than just performance and convenience. With more configuration choices in engines and pumps, plus water tanks up to 1,000 gallons, and a wide range of productivity-building options, the Ramjet series is simply your best choice.

To effectively clean sewers, drains, pipelines and culverts, the Ramjet offers you:

- Five available water systems: 18 GPM at 4,000 PSI, 30 GPM at 3,000 PSI, 36 GPM at 3,000 PSI, 40 GPM at 2,000 PSI and 40 GPM at 3,000 PSI
- State-of-the-art control panel with complete jetter management system and optional wireless remote
- Pivot hose reel for greater operating ease and precision
- Self-contained anti-freeze system for improved cold weather operation
- Advanced hydraulic controls including pay in/out and speed control
- Optional hydraulic pull out reel
- Rugged construction engineered for years of reliable service
- Performance enhancing options that allow you to create a jetter suited to your specific needs and applications





Presents a Proposal Summary

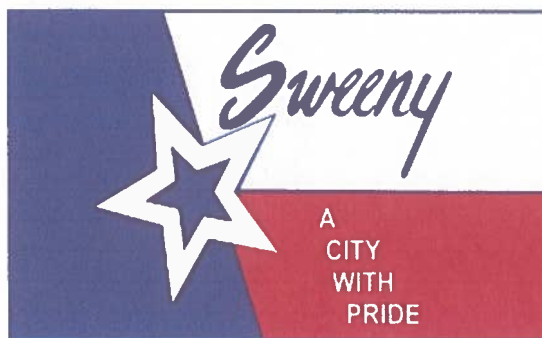
of the

VACTOR[®]
RAMJET



Vactor RamJet 2040-750 Trailer

For



Morgan Taylor
Tel: 281-620-1827

PRODUCT DESCRIPTION

·Vactor Ramjet Tandem Axle trailer with 750 gallons of fresh water powered by a 74hp Hatz Tier 4 diesel engine with an output of 40 GPM at 2,000psi.

STANDARD FEATURES**Engine/Pump:**

Hatz 74 HP Diesel Engine Tier IV

USJ 40 GPM @ 2,000 PSI

Triplex Plunger Run Dry Pump

Tier 4 Basic Control Panel

Auto Shutdown (for High Engine Temp/Low Oil Pressure)

Water Recirculation & Anti-Freeze System

Pulsation System

Shrouded Engine

Twin 375 Gallon Black Water Tank

Standard Pivot Hose Reel

3/4" x 500' Piranha Sewer Hose

Manual Hose Guide

Hydraulic Driven Hose Reel

Twin 6,000 lbs. Torsion Bar Axles

D.O.T. Approved LED Lighting

42" Aluminum Toolbox

Aluminum Rims

2 5/16" Ball Hitch

Black Rounded Fenders

10' Leader Hose

3/4" RPD 3R/1F Nozzle

3/4" RPD 6R Nozzle

Finned Nozzle Extension

3" Tiger Tail

Nozzle Rack

2 1/2" x 25' Hydrant Hose

Emergency Stop Button

Additional Features

FOOTAGE COUNTER MANUAL OPTION

FILL STORAGE HOSE RACK

KEG CULVERT CLEANING NOZZLE

1/2" ADAPTOR

150 FEET 1/2" HOSE

Product Model: Vactor RamJet 2040-750

Payment Terms: Net due Upon Delivery.

Morgan Taylor
Tel: 281-620-1827

Sourcewell Contract Price F.O.B. Sweeny, TX:	\$84,904.58
Less Trailer Jet Trade-In:	(\$2,000)
Less one-month Rent to Purchase rebate:	(\$4,252)
Down Payment:	(\$20,000)
Total Price Net Down Payment:	\$58,652.58

OPTIONAL LEASE/PURCHASE PROGRAM

TERM	ANNUAL PAYMENT	MONTHLY PAYMENT
3 Years	\$22,552.42	\$1,817.73
4 Years	\$17,510.12	\$1,411.32

Proposal Notes:

1. Prices quoted herein are firm until 10.21.23.
2. Price in accordance to Purchasing Coop Sourcewell #101221-VTR.

SIGNED BY:

Date: _____

Morgan Taylor
Tel: 281-620-1827



	<u>Daily</u>	<u>Weekly</u>	<u>4 Weeks</u>
Trailer Mounted Jetter Rental Rates	\$ 315	\$ 1,575	\$ 4,725

RPO Structure Details

The Customer shall have the option to purchase the equipment listed on the rental contract after any rental payments have been made, for the selling price of: eighty nine thousand, six hundred and thirty eight (\$89,638.33) plus all amounts then owed to the Supplier.

If the customer purchases/pays for the unit outright during the first 28 days of the contract and prior to the return of the unit, KESI will apply ninety percent (90%) of the accumulated/total rental money paid against the purchase of the unit.

If the customer purchases/pays for the unit outright during the 29th to the 56th day of the contract and prior to the return of the unit, KESI will apply eighty percent (80%) of the accumulated/total rental money paid against the purchase of the unit.

If the customer purchases/pays for the unit outright during the 57th to the 84th day of the contract and prior to the return of the unit, KESI will apply seventy percent (70%) of the accumulated/total rental money paid against the purchase of the unit.

If the customer purchases/pays for the unit outright during the 85th to the 112th day of the contract and prior to the return of the unit, KESI will apply sixty-five percent (65%) of the accumulated/total rental money paid against the purchase of the unit.

If the customer purchases/pays for the unit outright between the 113th to the 168th day of the contract and prior to the return of the unit, KESI will apply sixty percent (60%) of the accumulated/total rental money paid against the purchase of the unit.

If the customer purchases/pays for the unit outright between the 169th to the 224th day of the contract and prior to the return of the unit, KESI will apply fifty percent (50%) of the accumulated/total rental money paid against the purchase of the unit.

If the customer purchases/pays for the unit outright between the 225th to the 365th day of the contract and prior to the return of the unit, KESI will apply forty percent (40%) of the accumulated/total rental money paid against the purchase of the unit.

Any implied purchase option will expire on the date of expiration of this contract, which is no more than 364 days from the start of this contract.



AGENDA MEMO

Business of the City Council

City of Sweeny, Texas

Meeting Date	11/15/2023	Agenda Item	
Approved by City Manager		Presenter(s)	Administration
Reviewed by City Attorney		Department	Administration
Subject	Discussion and Possible action on contractual agreement with Brazoria County; Tax Assessor Collector		
Attachments	Lease Agreement		
Financial Information	Expenditure Required:		
	Amount Budgeted:		
	Account Number:		
	Additional Appropriation Required:		
	Additional Account Number:		

Executive Summary

City is requesting Council's approval to the Lease Agreement with Brazoria County allowing the Brazoria County Tax Office to occupy office space at 123 N Oak Street. The City is offering this space to the Tax Office at no charge, as our current budget for FY 23/24 is reflective. The Tax Office does collect property taxes on the City's behalf as well as offer state registration services. This is an opportunity for a continued relationship with the County in offering a valued service to our residents and business owners.

Recommended Action

Approval of the contractual agreement with Brazoria County for the leased premises to be occupied by the Brazoria County Tax Assessor Collectors Office.

LEASE AGREEMENT

This LEASE AGREEMENT is made this ____ day of _____,
_____, between THE CITY OF SWEENY, a Texas municipality (Landlord) and
Brazoria County Tax Office (Tenant):

In consideration of the covenants and conditions hereinafter contained, Landlord does hereby lease unto Tenant the following described premises (Leased Premises) located in Sweeny, Brazoria County, Texas:

Office space consisting of approximately 203.4 square feet of space at the Sweeny Police Department in the Landlord's office building located at 123 n. Oak Street, Sweeny, Texas.

- (1) This lease shall be for an initial period of three (3) years beginning the _____ day of _____, _____.
- (2) Tenant shall pay as rent for the leased premises the sum of ZERO and No/DOLLARS (\$0.00) per month on the 1st day of each month beginning the beginning date of the lease specified in paragraph (1) above.
- (3) Landlord shall be responsible for the repair, maintenance and upkeep of the leased premises.
- (4) Tenant will be responsible for furnishing housekeeping/janitorial services for the leased premises.
- (5) Tenant may not make any modifications to the leased premises, except as approved in writing by the Landlord.
- (6) Landlord shall be responsible for the payment of all taxes on the leased premises.
- (7) Landlord shall be responsible for the payment of all utilities on the leased premises.
- (8) Landlord shall fully insure its property located in the leased premises against fire and other casualty and shall maintain comprehensive general liability insurance insuring Landlord and Tenant against any liability arising out of ownership, use, occupancy, or maintenance of the leased premises and all areas appurtenant thereto, with limits of liability of at least \$500,000.00 for each occurrence for Bodily Injury and \$500,000.00 general aggregate for Bodily Injury and Property Damage combined with the endorsement of comprehensive general liability.
- (9) Tenant shall not assign this lease without the prior consent of Landlord.
- (10) The lease term shall be automatically renewed for successive one (1) year terms,

upon the same terms and conditions stated herein, unless one party hereto provides written notice of termination to the other party at least thirty (30) days prior to the expiration of the then current lease term.

- (11) This lease represents the entire agreement of the parties and may not be amended except by written, mutual agreement signed by both parties.
- (12) This lease shall be construed under and in accordance with the laws of the State of Texas.

LANDLORD:
CITY OF SWEENEY, TEXAS

BY Its City Manager

TENANT
BRAZORIA COUNTY TAX OFFICE

BY Hon. County Judge, Matt Sebesta



AGENDA MEMO

Business of the City Council

City of Sweeny, Texas

Item 3.

Meeting Date	11.15.2023	Agenda Item	
Approved by City Manager	Yes	Presenter(s)	Wade Thompson, Lindsay Koskiniemi
Reviewed by City Attorney	No	Department	Finance – Debt Service, CIP
Subject	Discussion and possible action on Limited Tax Note, Series 2023.		
Attachments	1) Limited Tax Note Series 2023 debt schedule		
Financial Information	Expenditure Required:	N/A	
	Amount Budgeted:	N/A	
	Account Number:		
	Additional Appropriation Required:		
	Additional Account Number:		

Executive Summary

In 2023, the City of Sweeny took a loan in the amount of \$2.54 million in anticipation of selection for an 80/20 shared reimbursable project through the Texas Department of Transportation. Unfortunately, the City's project to install safe walking paths along routes commonly accessed by student pedestrians was not selected. The City's appeal of the decision is currently (as of 11/9/2023) by the TxDOT executive director.

In planning for the likely event that the decision to deny the City's second application for this project stands, the City has this debt, held in TexPool, which is gaining interest at over 5.5% - enough to cover the 4.65% interest payment due in December. This loan was designed to be short-term, as the project was anticipated to take place over 36 months. That said, the loan payments for each year a high, in excess of \$430,000, as it was intended to be repaid over 7 years.

The City has the option to retain the debt, as there are numerous capital needs around the City – the most imperative being replacement of metal water lines, possible installation of a manganese filter, and required improvements at the sewer plant.

Wade Thompson of Government Capital will address Council and provide options. The first interest payment in the amount of \$58,843 is due December 01, 2023. Should City Council choose to retain the Limited Tax Note (2023), management's guidance is to work with Mr. Thompson to refinance and extend the note to bring the annual payments down.

Recommended Action

Should City Council choose to retain the Limited Tax Note (2023), management's guidance is to work with Mr. Thompson to refinance and extend the note to bring the annual payments down.

LIMITED TAX NOTE, SERIES 2023	DATE DUE	BOND REDEMPTIONS	COUPON RATE	INTEREST	TOTAL DEBT SERVICE	TOTAL PAYMENT PER FY	DUE IN FY24
FOR: TXDOT REIMBURSABLE PROJECT	12/1/2023			58,842.52	58,842.52		
CONTINGENCY: IF SWEENEY'S PROJECT IS NOT SELECTED, THE PLAN IS TO REPAY THIS LOAN IN A LUMP SUM. FOR THE INTERIM, THE PLAN IS TO HAVE THE FUNDS HELD IN THE HIGHEST GAINING INVESTMENT POOL ACCOUNT.	6/1/2024	316,000.00	4.65%	59,171.25	375,171.25	434,013.77	434,013.77
	12/1/2024			51,824.25	51,824.25		
	6/1/2025	330,000.00	4.65%	51,824.25	381,824.25	433,648.50	
	12/1/2025			44,151.75	44,151.75		
	6/1/2026	346,000.00	4.65%	44,151.75	390,151.75	434,303.50	
	12/1/2026			36,107.25	36,107.25		
	6/1/2027	362,000.00	4.65%	36,107.25	398,107.25	434,214.50	
	12/1/2027			27,690.75	27,690.75		
	6/1/2028	379,000.00	4.65%	27,690.75	406,690.75	434,381.50	
	12/1/2028			18,879.00	18,879.00		
AMOUNT: \$2,545,000 STATUS: IN REPAYMENT	6/1/2029	397,000.00	4.65%	18,879.00	415,879.00	434,758.00	
	12/1/2029			9,648.75	9,648.75		
	6/1/2030	415,000.00	4.65%	9,648.75	424,648.75	434,297.50	
		2,545,000.00		494,617.27	3,039,617.27	3,039,617.27	434,013.77



AGENDA MEMO

Business of the City Council
City of Sweeny, Texas

Meeting Date	11/15/2023	Agenda Item	
Approved by City Manager		Presenter(s)	City Manager; Lindsay Koskiniemi
Reviewed by City Attorney		Department	Administration/ Water Department
Subject	Discussion/ Possible action on proposal received by Water of Texas, Michael Claybourn Sr.		
Attachments			
Financial Information	Expenditure Required:		
	Amount Budgeted:		
	Account Number:		
	Additional Appropriation Required:		
	Additional Account Number:		

Executive Summary

Michael Claybourn, Water of Texas/ Water Treatment Services of Texas, will be presenting drafted proposal to Council as previously requested.

Recommended Action

Council Discretion

Kaydi Smith

From: Lindsay Koskiniemi
Sent: Monday, October 9, 2023 4:07 PM
To: Kaydi Smith
Subject: FW: New Water Treatment System Overview
Attachments: sweenylindsay3.pdf; sweenylindsay2.pdf; sweenylindsay1.pdf; sweenylindsay4.pdf; sweenylindsay5.pdf

From: [REDACTED]
Sent: Wednesday, September 27, 2023 10:35 AM
To: Lindsay Koskiniemi <citymanager@sweenytx.gov>
Cc: [REDACTED]
Subject: New Water Treatment System Overview

Good morning Lindsay,

Attached are several drawings of the water treatment system configurations being considered.

We are learning hard towards recommending the 3" duplex, 600,000 grain per tank, 1,200,000 total capacity, 400 gallon per minute Clack WS-3 based system with metering, bypass, plumbing, piping, valving, installation, and commissioning.

We generally require 50%/25%/25% payment for these special order industrial systems.

50% down upon reaching an agreement on equipment and pricing. 25% upon delivery and placement of equipment. 25% upon commissioning.

The final 25% payment is due after equipment is fine-tuned, any adjustments are made, and units are running in automatic for 2 weeks, 24 hours per day, without any issues or additional adjustments needed.

Pricing also includes: 1) monthly service, for 12 consecutive months, to verify and document proper operation, and to assist your personnel with any additional questions concerning the ongoing operation of the system.

We are awaiting completion of final engineering, drawings, and pricing.

Preliminary pricing indicates that this system will be \$100k, turnkey.

If expansion is necessary within the next one to two years, a second system identical to this one could be put in place for between \$80 and \$90k, contingent upon pricing increases of course. These duplex units will require the footprint of only 1 of the existing units.

This would be a significant savings over time as opposed to attempting to rehab the existing antiquated systems.

These new systems are state of the art, reliable, dependable, much less expensive to maintain, rebuild, rebed, as opposed to the existing units.

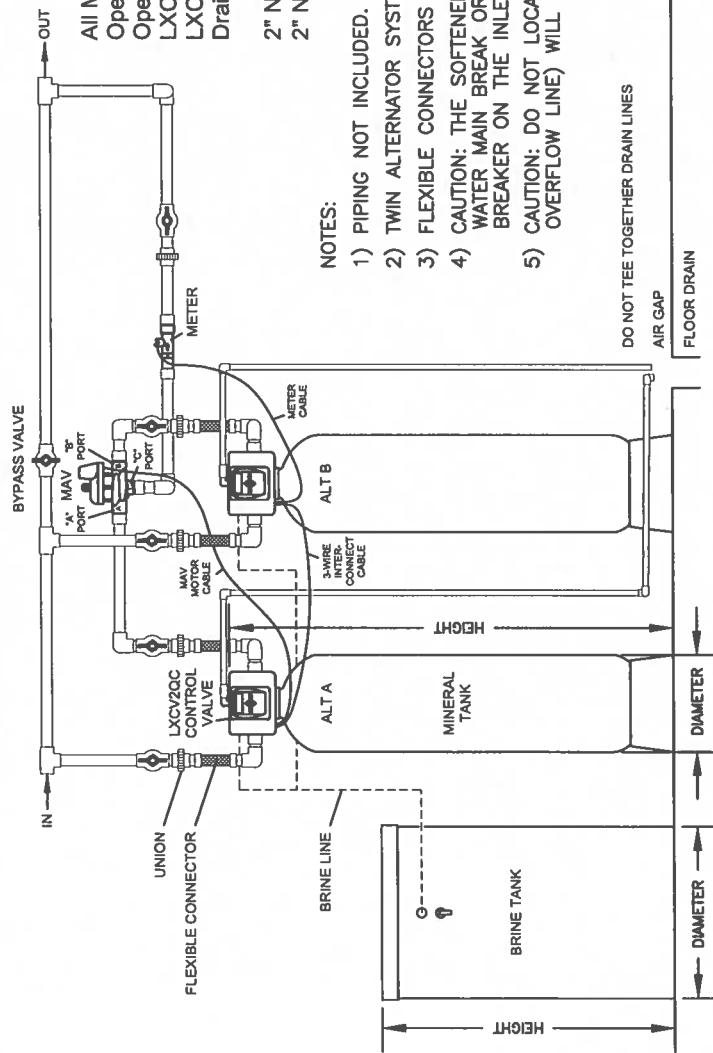
There are a couple of more items that need to be addressed as far as flow paths and pressure and feed water to the units and back to the city system. These questions can no doubt be answered and resolved, but we want to make sure we have the all the possible questions answered before finalizing an agreement. Item 4.

(P.S. The number five drawing included is actually a 24-inch unit. The unit we are proposing is a 36-in. I will forward you those drawings once that is completed)

Get [Outlook for Android](#)

TYPICAL 2" COMMERCIAL TWIN ALTERNATOR SYSTEM

TWO IDENTICAL SOFTENERS, ONLY ONE METER AND BRINE TANK, AND ONE MOTORIZED ALTERNATING VALVE (MAV).
METER IMMEDIATE REGENERATION WITH HARD WATER USED.
ONE SOFTENER ONLINE, ONE SOFTENER ON STANDBY.



All Models:
Operating Water Pressure Range: 20 PSI to 125 PSI.
Operating Water Temperature Range: 40°F to 110°F.
LXCV2QC Control Valves Power Adaptors Input: 120V AC - 60 Hz.
LXCV2QC Control Valves Inlet / Outlet / Drain Port: 2" FPT / 2" FPT / 1.5" FPT.
Drain Line Adaptor Fitting Connection Sizes: 3/4" MPT 90° Elbow for Model 7-TALX2QC-240,
1.5" FPT Straight Fitting for Models 7-TALX2QC-300 thru -1200.
2" NPT Meter Flow Range; Accuracy: 1.5 GPM to 150 GPM; +/- 5%.
2" NPT Motorized Alternating Valve: Full 2" ports; low voltage drive controlled by LXCV2QC.

NOTES:

- 1) PIPING NOT INCLUDED.
- 2) TWIN ALTERNATOR SYSTEMS ARE FACTORY PRE-PROGRAMMED AND LABELED.
- 3) FLEXIBLE CONNECTORS RECOMMENDED BETWEEN THE SOFTENERS AND HARD PIPING.
- 4) CAUTION: THE SOFTENERS CANNOT BE SUBJECT TO A VACUUM DUE TO A LOSS OF PRESSURE (SUCH AS A WATER MAIN BREAK OR SUBMERSIBLE WELL PUMP CHECK VALVE FAILURE). INSTALLATION OF A VACUUM BREAKER ON THE INLET PIPING IS STRONGLY RECOMMENDED.
- 5) CAUTION: DO NOT LOCATE THE SOFTENERS WHERE THEY OR THEIR CONNECTIONS (INCLUDING DRAIN LINES AND OVERFLOW LINE) WILL EVER BE SUBJECT TO ROOM TEMPERATURES UNDER 40° F.

NOT INTENDED TO BE AN INSTALLATION DRAWING.
FOLLOW ALL LOCAL PLUMBING CODES.

7-TALX2QC SERIES TWIN ALTERNATING SOFTENER SYSTEMS SPECIFICATIONS

2" TWIN ALTERNATING SYSTEM # :	7-TALX2QC-240	7-TALX2QC-300	7-TALX2QC-360	7-TALX2QC-420	7-TALX2QC-480	7-TALX2QC-540	7-TALX2QC-600	7-TALX2QC-900	7-TALX2QC-1200
SERVICE FLOW (GPM)									
Continuous @ 15 PSI Pressure Drop	48	75	72	68	77	76	75	88	97
Peak @ 25 PSI Pressure Drop	61	97	92	88	100	98	97	113	126
Softener Diameter x Height (inches)	16 x 77	21 x 79	21 x 79	21 x 79	24 x 85	24 x 85	24 x 85	30 x 84	36 x 85
Mineral Tank Size	16 x 65	21 x 62	21 x 62	21 x 62	24 x 72	24 x 72	24 x 72	30 x 72	36 x 72
Resin per tank (cu. ft.)	4	5	6	7	8	9	10	15	20
Brine Tank Diameter x Height (inches)	24 x 50	24 x 50	24 x 50	24 x 50	30 x 50	30 x 50	30 x 50	39 x 48	39 x 48
Brine Tank Capacity (Lbs salt)	800	800	800	800	1250	1250	1250	2150	2150
BACKWASH (GPM)	6.5	10	10	10	15	15	15	25	35
EXCHANGE CAPACITY per Regeneration									
* Minimum (grains)	96,000	120,000	144,000	168,000	192,000	216,000	240,000	360,000	480,000
Maximum (grains)	120,000	150,000	180,000	210,000	240,000	270,000	300,000	450,000	600,000

any Setting

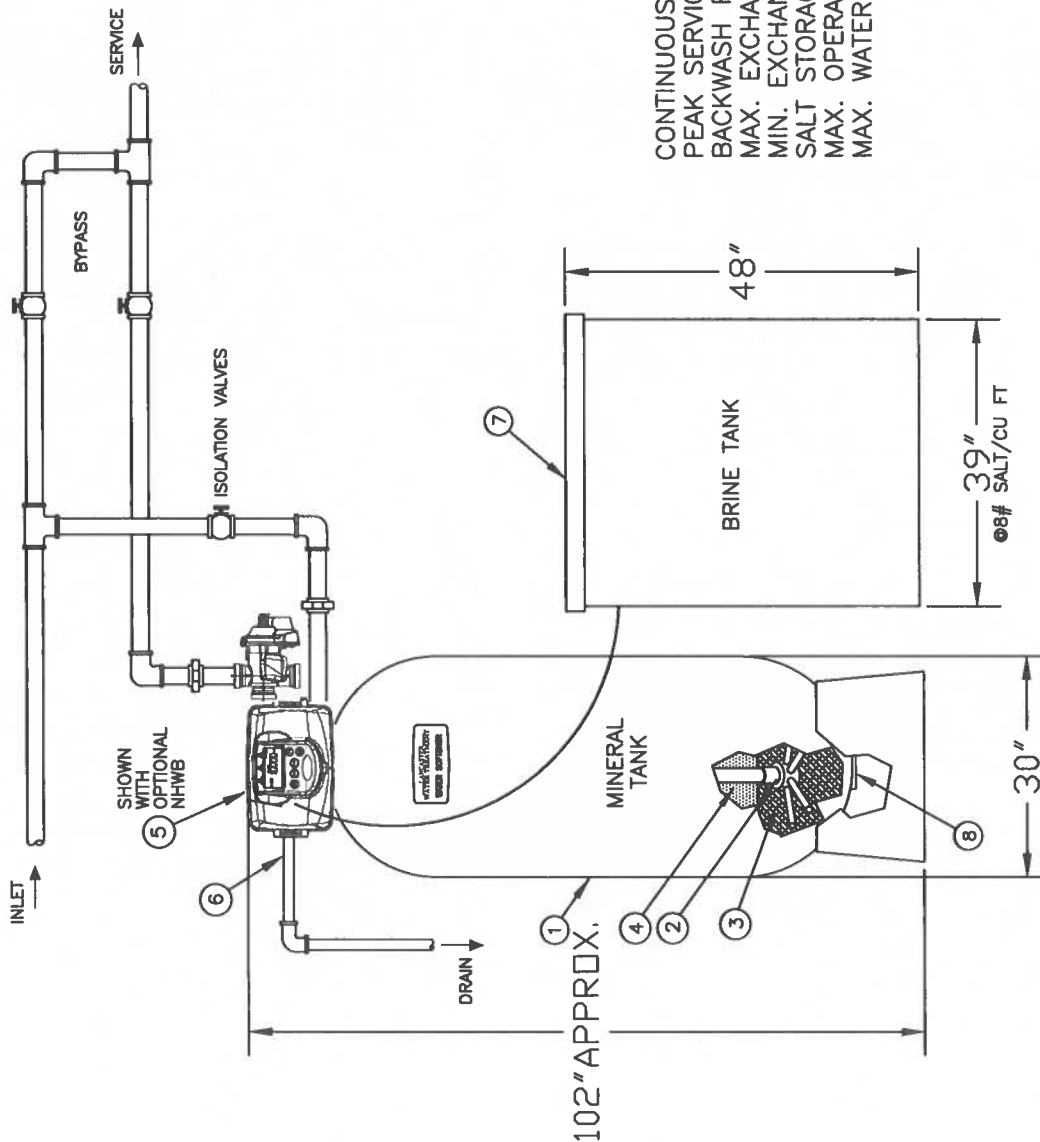
DIMENSIONS ARE APPROXIMATE FOR ESTIMATING ONLY.
ALL DIMENSIONS ARE IN INCHES.

LANCASTER WATER TREATMENT
LANCASTER PUMP DIVISION
1340 MANHEIM PIKE
LANCASTER, PA. 17601

DWG. (PART) NAME 2" COMMERCIAL
TWIN ALTERNATOR SYSTEM
TWO WATER SOFTENERS, ONE BRINE TANK, ONE
METER
DWG. (PROCESS) TYPE GENERAL SPECIFICATIONS

DRAWN BY JCV
APPROVED BY JCV
DATE 6-22-23
SHEET 1 OF 1
SCALE NA
REV. 7-TALX2QC

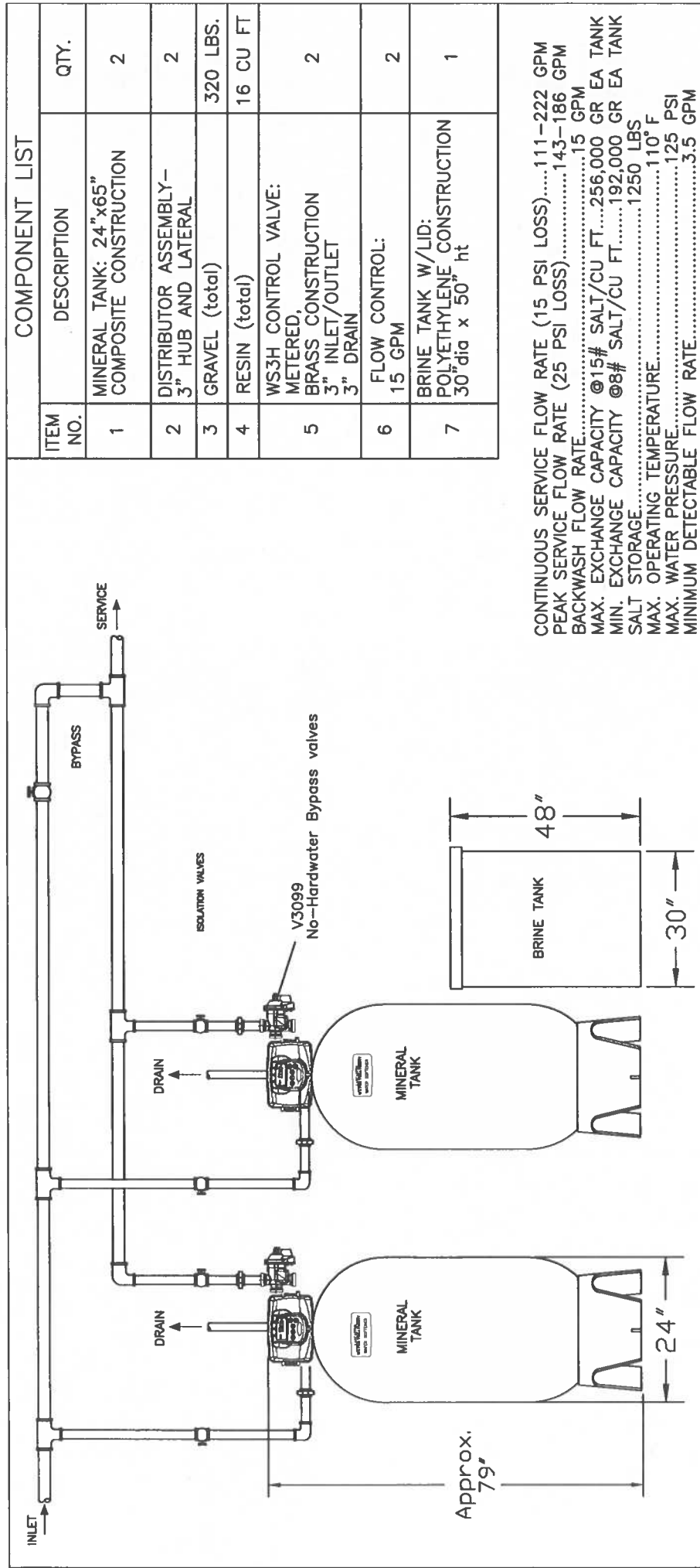
COMPONENT LIST		
ITEM NO.	DESCRIPTION	QTY.
1	MINERAL TANK: 30"x72" COMPOSITE CONSTRUCTION RATED AT 150 PSI	1
2	DISTRIBUTOR ASSEMBLY- 2" HUB AND LATERAL	1
3	GRAVEL	240 LBS.
4	RESIN	15 CU FT
5	WS3 CONTROL VALVE: METERED BRASS CONSTRUCTION 3" INLET/OUTLET 3" DRAIN	1
6	2" FPT FLOW CONTROL: 25 GPM	1
7	BRINE TANK W/LID: POLYETHYLENE CONSTRUCTION 39" x48"	1



CONTINUOUS SERVICE FLOW RATE (15 PSI LOSS).....144 GPM
 PEAK SERVICE FLOW RATE (25 PSI LOSS).....186 GPM
 BACKWASH FLOW RATE.....25 GPM
 MAX. EXCHANGE CAPACITY @15# SALT/CU FT.....450,000 GR
 MIN. EXCHANGE CAPACITY @8# SALT/CU FT.....360,000 GR
 SALT STORAGE.....2150 LBS
 MAX. OPERATING TEMPERATURE.....110° F
 MAX. WATER PRESSURE.....125 PSI

Notes: This drawing is not intended to be an installation drawing. It is for reference only. Follow all local plumbing and electrical codes. Installer needs to install inlet and outlet isolation ball valves with a three valve bypass. It is recommended to have some unions in the plumbing. Regeneration water must be at least 25 psi during regeneration.

LANCASTER WATER TREATMENT LANCASTER PUMP DIVISION C-B TOOL COMPANY 1340 MANHEIM PIKE LANCASTER, PA 17601			
DWG(PART)NAME	COMMERCIAL SOFTENER	DATE	30JULY12
MATERIAL	3" VALVE, METERED	DRAWN BY	249
REV.	DESCRIPTION	DATE	BY
1	THIS DRAWING IS THE PROPERTY OF C-B TOOL CO. AND IS NOT TO BE COPIED OR USED OR DISCLOSED TO OTHERS BY THE RECEIVER WITHOUT WRITTEN AUTHORIZATION BY C-B TOOL CO.		
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COMPONENT LIST		
ITEM NO.	DESCRIPTION	QTY.
1	MINERAL TANK: 24"x65" COMPOSITE CONSTRUCTION	2
2	DISTRIBUTOR ASSEMBLY-- 3" HUB AND LATERAL	2
3	GRAVEL (total)	320 LBS.
4	RESIN (total)	16 CU FT
5	WS3H CONTROL VALVE: METERED, BRASS CONSTRUCTION 3" INLET/OUTLET 3" DRAIN	2
6	FLOW CONTROL: 15 GPM	2
7	BRINE TANK W/LID: POLYETHYLENE CONSTRUCTION 30" dia x 50" ht	1

CONTINUOUS SERVICE FLOW RATE (15 PSI LOSS).....111-222 GPM
 PEAK SERVICE FLOW RATE (25 PSI LOSS).....143-186 GPM
 BACKWASH FLOW RATE.....15 GPM
 MAX. EXCHANGE CAPACITY @15# SALT/CU FT.....256,000 GR EA TANK
 MIN. EXCHANGE CAPACITY @8# SALT/CU FT.....192,000 GR EA TANK
 SALT STORAGE.....1250 LBS
 MAX. OPERATING TEMPERATURE.....110° F
 MAX. WATER PRESSURE.....125 PSI
 MINIMUM DETECTABLE FLOW RATE.....3.5 GPM

Duplex Alternating system consists of two 24" diameter x65" height composite mineral tanks.

Notes: This drawing is not intended to be an installation drawing. It is for reference only. Follow all local plumbing and electrical codes. Installer needs to install inlet and outlet isolation ball valves with a three valve bypass. It is recommended to have some unions in the plumbing.
 g not included.
 water must be at least 25 psi during regeneration.

LANCASTER WATER TREATMENT

LANCASTER PUMP DIVISION C-B TOOL COMPANY

1340 MANHEIM PIKE LANCASTER, PA. 17601

DWG(PART)NAME

COMMERCIAL SOFTENER

DWG(PART)NO.

7-TAWS3

Item 4.

3" VALVE, METERED

MATERIAL

NA

DRAWN BY

APPD BY

DATE

22JUN15

SCALE

NA

REV.

DESCRIPTION

DATE

BY

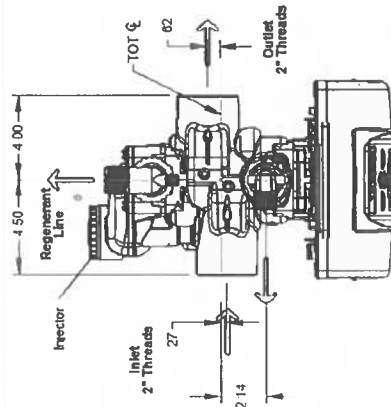
THIS DRAWING IS THE PROPERTY OF C-B TOOL CO. AND IS NOT TO BE COPIED OR USED OR DISCLOSED TO OTHERS BY THE REGISTER WITHOUT WRITTEN AUTHORIZATION BY C-B TOOL CO.

2" COMMERCIAL QUADPLEX PARALLEL PROGRESSIVE FLOW SYSTEM MODEL 7-4PPLX2QC-840

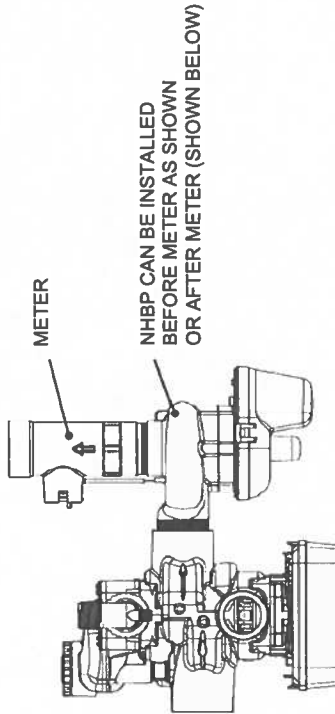
FOUR IDENTICAL SOFTENERS, EACH WITH ITS OWN METER; FOUR BRINE TANKS.

METER IMMEDIATE REGENERATION USED.

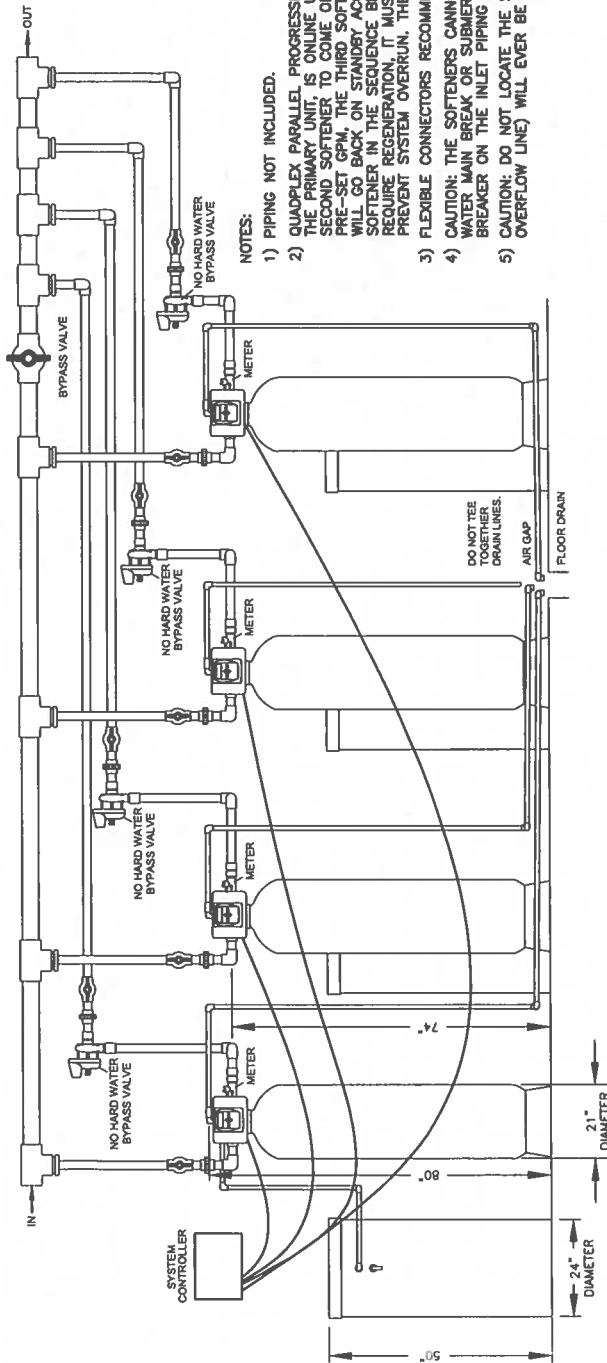
ALL SOFTENERS CAN BE ONLINE FOR FOUR TIMES THE SERVICE FLOW RATE AND EXCHANGE CAPACITY OF A SINGLE SOFTENER.



LXC2QC CONTROL VALVE TOP VIEW



LXC2QC CONTROL VALVE TOP VIEW (NHP)



NOTES:

- 1) PIPING NOT INCLUDED.
- 2) QUADPLEX PARALLEL PROGRESSIVE SYSTEMS ARE FACTORY PRE-PROGRAMMED. ONLY ONE SOFTENER, KNOWN AS THE PRIMARY UNIT, IS ONLINE UNTIL THE SERVICE FLOW RATE INCREASES PAST A PRE-SET GPM FOR THE SECOND SOFTENER TO COME ONLINE. IF THE SECOND SOFTENER SERVICE FLOW RATE INCREASES BEYOND THE PRE-SET GPM, THE THIRD SOFTENER WILL COME ONLINE, ETC. AS THE SERVICE FLOW RATE INCREASES, SOFTENERS WILL GO BACK ON STANDBY ACCORDINGLY. WHEN THE PRIMARY UNIT GOES INTO REGENERATION, THE NEXT SOFTENER IN THE SEQUENCE BECOMES THE PRIMARY UNIT. SHOULD ANOTHER UNIT GO INTO REGENERATION, IT MUST REMAIN OFFLINE UNTIL THE PREVIOUS UNIT HAS BEEN FULLY REGENERATED TO PREVENT SYSTEM OVERRUN. THE PRE-SET GPM UNIT ADD-POINT IS TYPICALLY 60% OF GPM @ 15 PSI.
- 3) FLEXIBLE CONNECTORS RECOMMENDED BETWEEN THE SOFTENERS AND HARD PIPING.
- 4) CAUTION: THE SOFTENERS CANNOT BE SUBJECT TO A VACUUM DUE TO A LOSS OF PRESSURE (SUCH AS A WATER MAIN BREAK OR SUBMERSIBLE WELL PUMP CHECK VALVE FAILURE). INSTALLATION OF A VACUUM BREAKER ON THE INLET PIPING IS STRONGLY RECOMMENDED.
- 5) CAUTION: DO NOT LOCATE THE SOFTENERS WHERE THEY OR THEIR CONNECTIONS (INCLUDING DRAIN LINES AND OVERFLOW LINE) WILL EVER BE SUBJECT TO ROOM TEMPERATURES UNDER 40° F.

* Factory Setting
DIMENSIONS ARE APPROXIMATE FOR ESTIMATING ONLY.
ALL DIMENSIONS ARE IN INCHES.
DRAWN FOR CLARITY ONLY.

NOT INTENDED TO BE AN INSTALLATION DRAWING.
FOLLOW ALL LOCAL PLUMBING CODES.

2" QUADPLEX PARALLEL PROGRESSIVE SYSTEM #: 7-4PPLX2QC-840			
SINGLE TANK SERVICE FLOW (GPM)			
Continuous @ 8 PSI Pressure Drop		32	
Continuous @ 15 PSI Pressure Drop		68	
Peak @ 25 PSI Pressure Drop		88	
Softener Diameter x Height (inches)			
Mineral Tank Size		21 x 80	
Resin per tank (cu. ft.)		21 x 62	7
Brine Tank Diameter x Height (inches)			
Brine Tank Capacity (Lbs salt)		24 x 50	800
BACKWASH (GPM)			
			10
EXCHANGE CAPACITY per Regeneration			
* Minimum (grains) each tank		168,000	
* Maximum (grains) each tank		210,000	

REV.

DESCRIPTION

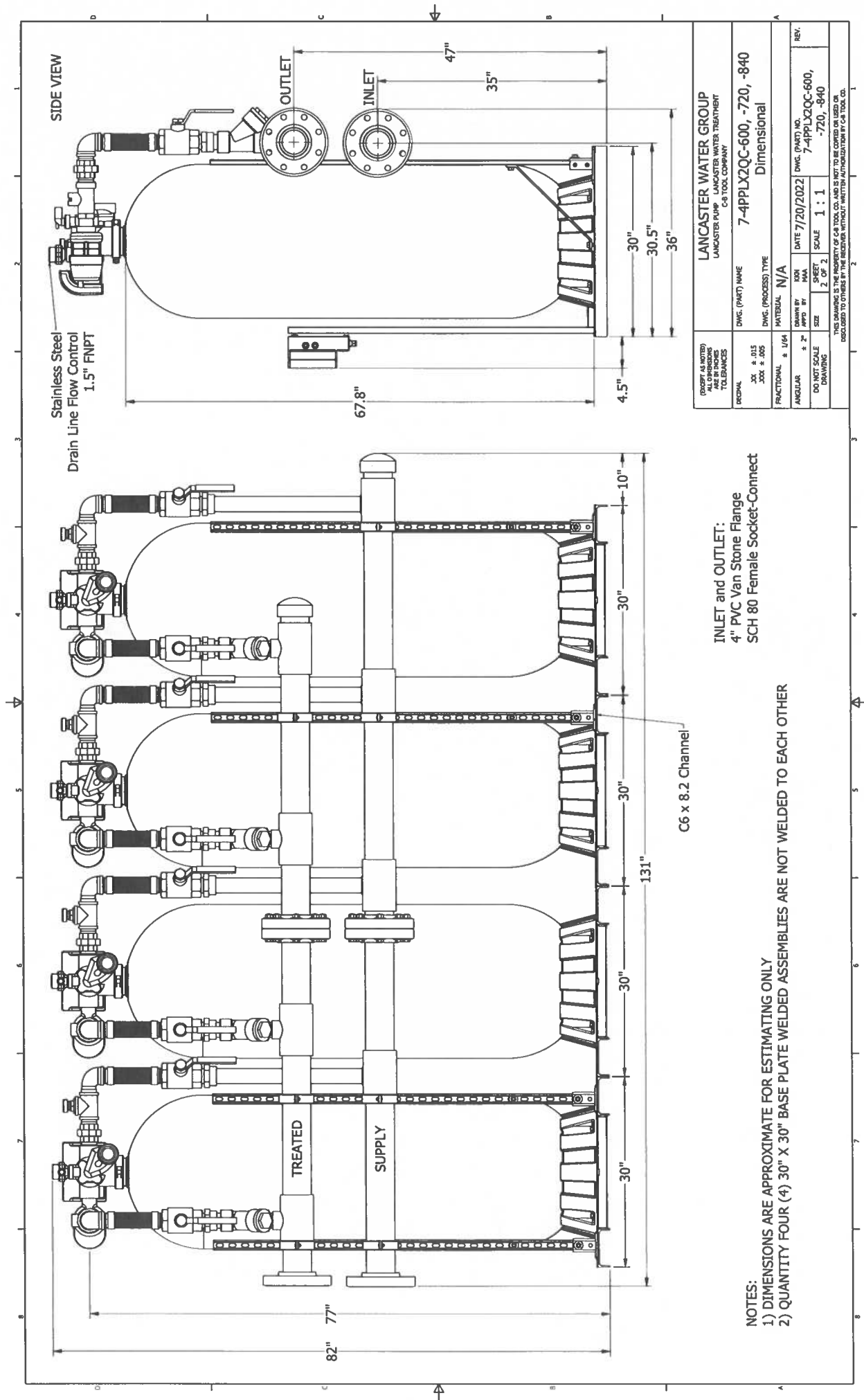
DATE

BY

Operating Water Pressure Range: 20 PSI to 125 PSI.
Operating Water Temperature Range: 40°F to 110°F.
No Plug-in DC Adaptors are required on individual valves, all connected valves will be powered by the System Controller.
Supply Voltage (+/- 10% of Nominal) 120V AC - 60 Hz (U.S.)
LXC2QC Control Valves Inlet / Outlet / Drain Port: 2" FPT / 2" FPT / 1.5" FPT.
Drain Line Adaptor Fitting Connection Size 1.5" FPT.
LXC2QC Control Valves Distributor Pipe Pilot 2.375" OD (2" NPS).
HDPE Lined Composite Fiberglass Filament Wound Mineral Tanks, 4" Top Opening.
4"-8 UN QC Base Assemblies for Control Valves Top Mount.
2" NPT Meters Flow Range: Accuracy: 1.5 GPM to 150 GPM, +/- 5%.

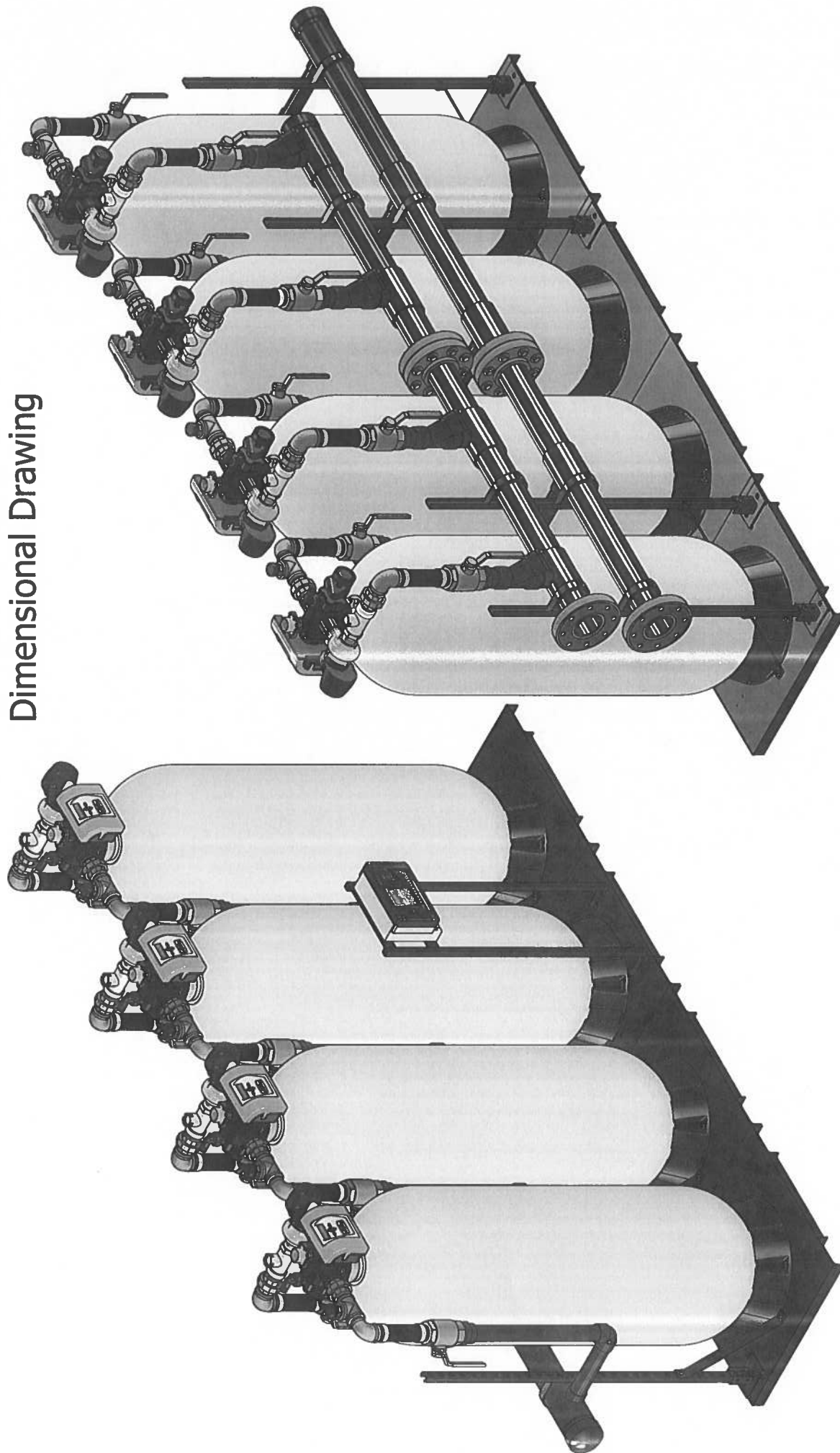
LANCASTER WATER GROUP
LANCASTER WATER TREATMENT
1340 MARKET PLACE
LANCASTER, PA. 17601

DWG. (PART) NAME		2" COMMERCIAL	
QUADPLEX PARALLEL PROGRESSIVE SYS		FOUR METERS, FOUR B	
DWG. (PROCESS) TYPE		GENERAL SPECIFICATIONS	
DRAWN BY	97/ada	DATE	5/13/21
APPROV. BY		SHEET	1
SCALE	NA	REV.	
SIZE	B	7-4PPLX2QC-840	



Item 4.

7-4PPLX2QC-600, -720, -840 Dimensional Drawing





AGENDA MEMO

Business of the City Council
City of Sweeny, Texas

Item 5.

Meeting Date	11.15.2023	Agenda Item	
Approved by City Manager	Yes	Presenter(s)	Lindsay Koskiniemi, City Manager
Reviewed by City Attorney	No	Department	Emergency Management
Subject	Discussion and possible action on the Emergency Stand-By Generator RFP (RFP 2023-07-01) to award contract to lowest, responsible bidder.		
Attachments	<ol style="list-style-type: none">1) Coastal Power Scores2) Coast Power Products Bid3) Texas Municipal Scores4) Texas Municipal Bid5) RFP 2023-07-016) Addendum (1)7) TexPool Disaster Contingency Fund statement (Oct 2023)		
Financial Information	Expenditure Required:	N/A	
	Amount Budgeted:	N/A	
	Account Number:		
	Additional Appropriation Required:		
	Additional Account Number:		

Executive Summary

In 2018, the City of Sweeny began an application for a hazard mitigation grant (#4332) through Texas Department of Emergency Management in response to Hurricane Harvey for the provision of an emergency standby generator to be located at the Sweeny Community Center also named Emergency Operations Center (EOC) in the event of a declared emergency (Council action taken in 2022).

The City was awarded, and this is a 75/25 grant, meaning the City is obligated for 25% of the cost of the project. The project was advertised for bids and initially received one response. An addendum was posted to extend the deadline in hopes of receiving more than one response. The City received a total of two responses. The emergency standby generator was bid with a concrete foundation and secured fence enclosure.

Respondents included Texas Municipal and Coastal Power Products, which bid \$126,070.00 and \$77,820.00, respectively.

The lower of the two bids received was from Coastal Power Products, located in Danbury, TX. This grant is based on a reimbursement, therefore, the City's total obligated 25% share is \$19,455.00, which is proposed to be paid entirely from the Disaster Contingency Fund held in TexPool. As of October 31, 2023, the balance in this account is \$229,991.92. In FY23, the City earned \$7226.72 in interest in this account.

Recommended Action

Staff recommends awarding the contract for the provision and installation of an emergency standby generator to Coastal Power Products in the amount of \$77,820.00

RFP 2023-07-01
EMERGENCY STANDBY GENERATOR
BIDS RECEIVED: 2

Filled out by Lindsay Kostinemi
10-5-2023

SCORE CRITERIA	CONSIDERATION TOTAL POSSIBLE	COASTAL POWER PRODUCTS	NOTES
COST	50%	50%	Bid 1 was \$120K, Bid 2 was \$77K
PRODUCT SPECS	10%	10%	
WARRANTY 1YR OR <	10%	10%	
COMPLIANCE W/ RFP	10%	5%	No pricing broken out, did not find references or Hub status
HUB STATUS	10%	10%	Did not find in bid packet
REFERENCES	10%	0%	Did not find in bid packet
	100%	75%	0%

RFP 2023-07-01
EMERGENCY STANDBY GENERATOR
BIDS RECEIVED: 2

Rusty Lofton
Project Manager
10-5-2023

SCORE CRITERIA	CONSIDERATION TOTAL POSSIBLE	COASTAL POWER PRODUCTS	NOTES
COST	50%	45	Best Pricing
PRODUCT SPECS	10%	10	Good Breakdown of all components
WARRANTY 1YR OR <	10%	8	Solid Warranty
COMPLIANCE w/ RFP	10%	10	
HUB STATUS	10%	0	
REFERENCES	10%	EL 0	
	100%	73 83 0%	

Coastal Power Products

QUOTE

P.O. Box 339 Danbury, TX 77534

www.coastalpowerproducts.com

Seller: Coastal Power Products

Contact: Luke Davenport

Phone: (713) 725-8006

Email: luked@coastalpowerproducts.com

Buyer: City of Sweeny

205 W Ashley Wilson Rd

Sweeny, TX

QUOTE DATE	RESIDENCE / BUSINESS	PREFERRED INSTALL DATE	PAYMENT TERMS
09/08/2023	Residence	TBD	50% down / remaining balance due upon completion of installation
ITEM #	DESCRIPTION		LINE TOTAL
	<ul style="list-style-type: none"> - EMERGENCY STAND-BY GENERATOR PURCHASES: RFP 2023-07-01 - Kohler 80kW Liquid-Cooled Standby Generator: <ul style="list-style-type: none"> o UL 2200 listed generator set o Standby Rated, 120/240V, 3 phase, 4 wire, 60 hz o Electronic Isochronous Governor o 50°c/122°f unit mounted radiator o Controller, APM402 Microprocessor based with ±0.5% VR o 250 amp main line circuit breaker, 100% rated, TM o Sound-attenuated enclosure with internal silencer o Engine jacket water heater - 120VAC o Starting batteries, cables, and 10 amp float-equalize charger o Standard factory tests at 0.8pf as detailed below o Field startup and on-site test with site load o One Year system warranty - Kohler 400 Amp Automatic Transfer Switch: <ul style="list-style-type: none"> o 3 pole, solid neutral, 240Vac, 3 phase, NEMA 3R enclosure o In-phase monitor, ±0.5% voltage and frequency sensing o Programmable inputs, outputs, exerciser, and time delays - Generator Slab & Location - generator set and secured to poured slab west of existing A/C equipment - labor and materials included - Generator Delivery - Generator set and secured to concrete slab - labor and materials included - Electrical Installation <ul style="list-style-type: none"> o Rework electrical service to allow installation of ATS o Install main disconnect at electrical service location with ATS o <u>The property will be without power for at least the majority of a day when changing over the electrical service - temporary generator to power loads not included</u> - Electrical installation to install transfer switch and connect generator to transfer switch - labor and materials included - electrical conduit secured to exterior wall from ATS to generator - New Gas Service - <u>cost for new service not included in quote</u> (to be handled by city) - new gas meter located within 10' of generator location - Plumbing installation to tie generator into new natural gas service - generator gas line in trench from gas service to generator - labor and materials included - Privacy Fence -6' privacy fence with access gate around generator location - Generator plans, permits, start-up, testing, registration, and customer orientation included 		\$77,820.00

<u>INCLUDED</u>	- Surge Protector - <u>INCLUDED</u>	<u>INCLUDED</u>
OPTION	- OmniMetrix - Cellular Monitoring - labor, equipment, 1 st year cellular, and 1 st year monitoring included - \$1,100 <u>ADDER</u>	OPTION
OPTION	- Annual Maintenance - Kohler 80kW - one visit per year - \$525 - one visit per year - \$775 - two visits per year	OPTION
NOTE	- Equipment Lead Time - current factory estimated lead time is about 10 months for this equipment - Coastal Power Products has no control over the actual delivery schedule of equipment - Number of days required to complete bid are dependent upon actual production schedule of manufacturer and are outside of the control of Coastal Power Products	NOTE
NOTE	- Equipment pricing is firm unless there is a price increase by the manufacturer	NOTE
NOTE	- Expedited Lead Time - possibility of expedited equipment procurement at additional cost - can be finalized upon request	NOTE

SUBTOTAL	\$77,820.00
SALES TAX	(8.25%) -
TOTAL	\$77,820.00
Price includes 2.5% discount for cash or check payment	

Quotation prepared by: Luke Davenport

Please review and sign attached Coastal Power Products - Conditions of Sale prior to acceptance of this quotation.

To accept this quotation, sign here and return: _____

Thank you for your business!

Coastal Power Products - Conditions of Sale

1. Quotations:
 - a. Quotations automatically expire 30 calendar days after quotation date (unless indicated otherwise) and are subject to termination or modification by written notice within that period.
 - b. Clerical, estimating, and other errors by Coastal Power Products and/or its representatives are subject to correction before sale is confirmed.
2. Sales and Other Taxes:
 - a. Seller's quoted or published prices do not include any present or future sales tax, use tax, excise tax or duty of any nature whatsoever unless specifically stated otherwise.
 - b. On sales to Texas Buyers, Seller is obligated to charge, collect, and remit Sales Tax to State of Texas, unless Buyer submits a valid exemption certificate to Seller. Such Sales Tax shall be added to the invoice and must be paid by Buyer to Seller.
 - c. On sales to Buyers outside of the State of Texas, it is directly the Buyer's obligation and responsibility to remit any such taxes or duties when due, directly to applicable governmental tax agencies.
3. Prices and Freight Charges:
 - a. Prices, as set by others, i.e. manufacturers and/or suppliers to Coastal Power Products, are subject to change without notice before sale is confirmed.
 - b. Price information published in catalogs or price lists is not a definite offer to sell. Such prices should be confirmed before placing order.
 - c. All orders are shipped F.O.B. Shipping Point or our warehouse in Angleton, TX unless specified otherwise.
4. Credit, Terms of Payment, Service Charges:
 - a. Upon Seller's request, Buyer must promptly supply credit references so that satisfactory credit may be established by Seller; otherwise sales will be made on a C.O.D. basis with a down payment and full payment required prior to shipment.
 - b. Terms of payment for generator sales and installation are 50% down payment with the remaining balance due at time of completed installation or delivery. Terms of payment for parts and service sales are 30 days after date of invoice for customers with approved Coastal Power Products credit account or at time of delivery of parts or service completion for all other customers.
 - c. No percentage of any invoice may be withheld as a retainer, or other set-off, without written consent of the Seller.
 - d. If Buyer's credit standing at any time is not satisfactory to Seller or if payments due to Seller are in arrears over 60 days, Seller reserves the right to suspend work on current orders, and/or withhold shipment of same until payment of all amounts in arrears shall be received. Seller shall be held harmless from any damages that result due to such delays.
5. Order Acceptance:
 - a. Orders accepted by Seller are subject to these Conditions of Sale.
 - b. No order shall be processed until Seller receives a bonafide Purchase Order or Quote signed by the Buyer.
6. Cancellation or Returns:
 - a. Orders placed cannot be cancelled or changed without express consent of Coastal Power Products in writing, and shall be subject to payment by Buyer to Seller for any losses, costs or other expenses incurred by Seller by reason of such cancellation or change.
 - b. Buyer cannot return equipment or materials to Seller without express consent of Seller in writing. If authorization is granted, the Buyer assumes responsibility for any restocking and handling charges levied against Coastal Power Products by its suppliers or service providers.
7. Shipping Dates, Penalty Clauses:
 - a. Shipping dates quoted or promised are based on Seller's (1) best estimates, (2) information provided by suppliers and/or freight agents, and (3) prompt receipt of all necessary information from Buyer.
 - b. All promises as to date of shipments are made in good faith, and the Seller will endeavor to keep such promises by taking every reasonable precaution in the placing of its orders and obligating the manufacturers in every way possible to insure their carrying out their agreement, but since all manufacturers in accepting orders specifically deny any liability for consequential damages, this proposal is made with the distinct understanding that Coastal Power Products is not liable for damages of any character whatsoever consequential upon delays in shipments unless in particular cases where the measure of damage is covered by special agreement and in such cases delays due to strikes, fires, delays in transportation and other causes beyond our reasonable control must be understood as entitling Coastal Power Products to corresponding extensions of time.
 - c. Seller will not accept any liability arising from penalty or liquidated damages clauses of any kind, written or implied, unless specifically approved in writing by an officer of the Seller at the time the order was accepted.
 - d. Seller does not assume any responsibility for costs incurred by Buyer for specialized off-loading equipment when the shipment has been reasonably effected according to the instructions of the Buyer and/or its agents.
8. Storage Charges, Delayed Shipments:
 - a. If equipment is manufactured and made available in accordance with the Buyer's delivery date instructions, and delivery is delayed or deferred by Buyer, for the convenience of Buyer, the equipment will be invoiced on the date of availability for shipment, and terms of payment shall apply from invoice date.
9. General:
 - a. Seller is not responsible for damage to equipment through acts of God, improper use, unauthorized repair or modifications, or attempts to operate equipment above its rated capacities or in abnormal environments.
 - b. Failure of Seller to insist on strict performance of any of the terms and conditions herein shall not be deemed a waiver of any rights or remedies which Seller may have, hereunder or by law.

Buyer or Buyer's Agent: _____

Date Signed: _____

**CITY OF SWEENY
REQUEST FOR BIDS
FOR
PURCHASE OF ONE (1) EMERGENCY STAND-BY GENERATOR**

BID NO. 2023-07-01

BID OPENING DATE: Friday, 08/25/2023 at 2:00 PM

It is the intent of this Request for Bids to describe and ultimately make it possible for the City of Sweeny to contract for the following: **PURCHASE ONE (1) NEW EMERGENCY STAND-BY GENERATOR.**

SPECIFICATIONS FOR THE PURCHASE OF ONE (1) NATURAL GAS-POWERED ENGINE, 80KW GENERATOR INSTALLED AT THE DESIGNATED LOCATION

Please read your specifications thoroughly and be sure that the generator offered complies with all requirements. Any variations from the specifications must be clearly indicated on item specification sheet and covered by letter attached to and made a part of your bid. Do not fill in the blank with "as specified", "available", "standard", "yes", or "ok". If no exceptions are noted, and you are the successful bidder, it will be required that the generator is furnished as specified. You may add additional pages as needed.

COMMUNITY CENTER / EMERGENCY OPERATIONS CENTER (EOC) GENERATOR

MINIMUM REQUIREMENTS

TO BE FILLED OUT BY BIDDER

Stand-by Generator 80KW

Kohler KG80R

- UL 2200/UL Certified
- Standby rated, 120/240V, 3 phase, 4 wire, 60 hz
- Electronic Isochronous Governor
- 50 degrees Celsius / 122 degrees united mounted radiator
- Controller with integral thermal overload protection, remote E-stop switch 2 input / 5 output programmable module for remote indication.
- Standard Limited Warranty
- Installation warranty for labor
- Corrosion-proof sound enclosure
- Runs on Natural Gas or Propane
- Delivery to generator site location, offload and placement
- Startup, onsite testing, owner training, warranty initiation and installation at designated location
- Battery and battery installation

(1) Automatic Transfer Switch- 800 Amps

Kohler KSS 400 Amp ATS

- Three pole, 240V, three phase
- Standard limited warranty
- Corrosion resistance enclosure
- Installation including mounting

Generator and Auto Transfer Switch Installation

- Poured concrete pad along back wall (south) of the Community Center and to the west of the of the ground A/C units. Pad approximately 60" x 140" x 8"
- Electrical installation – labor and materials to include:
1. Rework existing electrical service to allow for auto transfer switch installation.
 2. New main disconnect for utility service to be installed.
 3. Complete connections from ATS to generator
 4. All copper wiring.
- Plumbing: Running & connecting lines to generator.
 - Construct 6' privacy fence with access gate around pad site.
 - Initial fill of diesel tank
 - Deliver equipment to site and set / secure generator in place.
 - Coordinate installation with Texas – New Mexico Power (TNMP) and ATS approval.
 - Startup and testing with site load.
 - Training for city staff members for operation and basic maintenance.
 - Warranty for labor and materials for at least 1 year.

WARRANTY: Please Specify

1 year manufacturer's warranty is included; extended warranties available

WARRANTY SERVICE PROVIDER: Provide Physical Address and Contact Phone Number

Coastal Power Products - 1321 CK 47 Angleton, TX 77515 - 979-983-7010

One (1) Operators and Maintenance/Parts Paper Manual and

One (1) Operators and Maintenance/Parts Digital Copy shall be included.

BID ALTERNATE (1) : Annual Routine Maintenance Contract – 5 Years:

Please Specify Terms: \$525 one visit per year
\$775 two visits per year

BID ALTERNATE (2): Remote Monitoring:

Please Specify Terms: OmniMetrix Cellular monitoring - \$1,100 - year 1

NO LOGOS OR ADVERTISEMENT OF ANY KIND ON ANY PART OF EQUIPMENT EXCEPT MANUFACTURER.

DATE

9/8/2023

SIGNATURE



TYPE/PRINT NAME

Luke Davenport

TITLE

Owner

LEGAL COMPANY NAME

Davenport-Tribble LLC dba
Coastal Power Products

CONFLICT OF INTEREST

DISCLOSURE

Prospective contractors should carefully consider whether any of their activities may give rise to an improper conflict of interest situation. Conflict of interest situations that are not properly addressed can result in a loss of funding to a specific program and/or to the City of Sweeny, and in some cases can result in civil or criminal liability.

Organizations that may enter into a contract with the City of Sweeny should examine the following:

- Are any employees or board members of the organization,
 - a City of Sweeny employee or consultant who exercises program or project specific functions as part of their City position?
 - a member of a Board, Council or Committee that may participate in the City's selection or award process?
 - a City Official?
- Are any immediate family members or business associates of my employees or board member's,
 - a City of Sweeny employee or consultant who participates in the City's selection or award process as part of their City position?
 - a member of a Board, Council or Committee that may participate in the City's selection or award process?
 - a City Official?
- Will any of my employees or board members receive a financial interest or benefit from any project funded and administered through the City (other than employee salaries or personnel benefits)?
- Will any immediate family members or business associates of my employees or board members receive a financial interest or benefit from any project funded and administered through the City (other than employee salaries or personnel benefits)?
- To my knowledge, will my program or project have a financial effect on a City official or employee who exercises City-related functions, or an immediate family member or business associate of such person? For example, will any of these persons be receiving rental payments, other business income, or program services from my company or services offered?

If you can answer "yes" to any of these questions, it is possible that there may be a conflict of interest. You should review the rules below to determine whether an actual conflict situation is raised, and, if so, what action needs to be taken to avoid a violation of the law. You should contact City staff immediately if you suspect that there might be an issue.

Any contractor entering into an agreement with the City will be required to warrant and represent, to the best of his/her knowledge at the time the contract is executed, he/she is not aware of any improper conflict of interest as described. Also, the contract will obligate contractors to exercise due diligence to ensure that no improper conflict situations occur during the contract.

The following Federal, State and local regulations and policies, govern projects funded through the City of Sweeny:

- * 2 CFR Part 200 [Subpart B 200.112 and Subpart D 200.318]
- * Texas Local Government Code Chapter 171.004
- * City of Sweeny Policies & Procurement Manual

Certification:

I, the undersigned, certify and report that to the best of my knowledge,

☒ I have no conflict of interest to disclose.

☐ I have the following conflict of interest to disclose:

Date: 9/8/2023

Company/Vendor Name
Coastal Power Products

Printed Name and Title:
Mike Davenport - Owner

Authorized Signatory:


HOUSE BILL 89 VERIFICATION

I, Luke Davenport, the undersigned representative of
Coastal Power Products, (Company or Business name) (hereafter referred
to as company) being an adult over the age of eighteen (18) years of age, verify that the company named-
above, under the provisions of Subtitle F, Title 10, Government Code Chapter 2270:

1. Does not boycott Israel currently; and

2. Will not boycott Israel during the term of the contract.

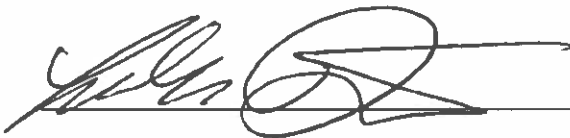
1) Is not currently listed on the State of Texas Comptroller's Companies that Boycott Israel List
located at <https://comptroller.texas.gov/purchasing/publications/divestment.php>

Pursuant to Section 2270.001, Texas Government Code:

1. "Boycott Israel" means refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes; and

2. "Company" means a for-profit sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, or any limited liability company, including a wholly owned

subsidiary, majority-owned subsidiary, parent company or affiliate of those entities or business associations that exist to make a profit.



SIGNATURE OF COMPANY REPRESENTATIVE:

Coastal Power Products

TYPE/PRINT NAME AND TITLE:

Luke Davenport - Owner

DATE:

9/8/2023

SENATE BILL 13 VERIFICATION

I, Huke Davenport, the undersigned representative of
Coastal Power Products, (Company or Business name) (hereafter referred
 to as company) being an adult over the age of eighteen (18) years of age, verify that the company
 named-above, under the provisions of Subtitle F, Title 10, Chapter 809, Government Code 2274:

- 1) does not boycott energy companies and;
- 2) will not boycott energy companies during the term of the contract.

Pursuant to Section 2274.001, Texas Government Code:

1. "Boycott energy company" has the meaning assigned by Section 809.001; and
2. "Company" has the meaning assigned by Section 809.001, except that the term does not include a sole proprietorship.



SIGNATURE OF COMPANY REPRESENTATIVE:

Huke Davenport - Owner

TYPE/PRINT NAME AND TITLE:

9/8/2023

DATE:

SENATE BILL 19 VERIFICATION

I, Huke Davenport, the undersigned representative of
Coastal Power Products, (Company or Business name) (hereafter referred
to as company) being an adult over the age of eighteen (18) years of age, verify that the company
named above, under the provisions of Subtitle F, Title 10, Government Code Chapter 2274:

- (1) does not have a practice, policy, guidance, or directive that
discriminates against a firearm entity or firearm trade association; and,
- (2) will not discriminate during the term of the contract against a firearm
entity or firearm trade association.

Pursuant to Section 2274.001, Texas Government Code:

- 1) "Ammunition" means a loaded cartridge case, primer, bullet, or propellant powder with or without a projectile.
- 2) "Company" means a for-profit organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, or limited liability company, including a wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate of those entities or associations that exists to make a profit. The term does not include a sole proprietorship.
- 3) "Discriminate against a firearm entity or firearm trade association":
 - a) means, with respect to the entity or association, to:
 - i) refuse to engage in the trade of any goods or services with the entity or association based solely on its status as a firearm entity or firearm trade association;
 - ii) refrain from continuing an existing business relationship with the entity or association based solely on its status as a firearm entity or firearm trade association; or
 - iii) terminate an existing business relationship with the entity or association based solely on its status as a firearm entity or firearm trade association; and
 - b) does not include:
 - (i) the established policies of a merchant, retail seller, or platform that restrict or prohibit the listing or selling of ammunition, firearms, or firearm accessories; and
 - (ii) a company's refusal to engage in the trade of any goods or services, decision to refrain from continuing an existing business relationship, or decision to terminate an existing business relationship:
- (aa) to comply with federal, state, or local law, policy, or regulations or a directive by a regulatory agency; or
- (bb) for any traditional business reason that is specific to the customer or potential customer and not based solely on an entity's or association's status as a firearm entity or firearm trade association.
- 4) "Firearm" means a weapon that expels a projectile by the action of explosive or expanding gases.

- 5) "Firearm accessory" means a device specifically designed or adapted to enable an individual to wear, carry, store, or mount a firearm on the individual or on a conveyance and an item used in conjunction with or mounted on a firearm that is not essential to the basic function of the firearm. The term includes a detachable firearm magazine.

1) A firearm means:

- a) firearm, firearm accessory, or ammunition manufacturer, distributor, wholesaler, supplier, or retailer; and
- b) a sport shooting range as defined by Section 250.001, Local Government Code.

- 2) "Firearm trade association" means any person, corporation, unincorporated association, federation, business league, or business organization that:

- a) is not organized or operated for profit and for which none of its net earnings inures to the benefit of any private shareholder or individual;
- b) has two or more firearm entities as members; and
- c) is exempt from federal income taxation under Section 501(a), Internal Revenue Code of 1986, as an organization described by Section 501(c) of that code.



SIGNATURE OF COMPANY REPRESENTATIVE:

Mike Davenport - Owner

TYPE/PRINT NAME AND TITLE:

9/8/2023

DATE

RFP 2023-07-01
EMERGENCY STANDBY GENERATOR
BIDS RECEIVED: 2

Rusty Lofton
Project Manager
10-5-2023

SCORE CRITERIA	CONSIDERATION TOTAL POSSIBLE	TEXAS MUNICIPAL	NOTES
COST	50%	30	Priced Low Over Target
PRODUCT SPECS	10%	8	Need Better Breakdown
WARRANTY 1YR OR <	10%	10	Need Better Warranty
COMPLIANCE W/ RFP	10%	0	
HUB STATUS	10%	0	
REFERENCES	10%	0	
	100%	54 0%	

RFP 2023-07-01
EMERGENCY STANDBY GENERATOR
BIDS RECEIVED: 2

Filled out by Lindsay Kosiński
10-5-2023

SCORE CRITERIA	CONSIDERATION TOTAL POSSIBLE	TEXAS MUNICIPAL	NOTES
COST	50%	25%	
PRODUCT SPECS	10%	10%	
WARRANTY 1YR OR <	10%	10%	
COMPLIANCE w/ RFP	10%	9%	
HUB STATUS	10%	0%	Did not see HUB status or references included w/ bid.
REFERENCES	10%	0%	Did not specify
	100%	54%	

**CITY OF SWEENEY
REQUEST FOR BIDS
FOR
PURCHASE OF ONE (1) EMERGENCY STAND-BY GENERATOR**

BID NO. 2023-07-01

BID OPENING DATE: Friday, 08/25/2023 at 2:00 PM

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SPECIFICATIONS FOR THE PURCHASE OF ONE (1) NATURAL GAS-POWERED ENGINE, 80KW GENERATOR INSTALLED AT THE DESIGNATED LOCATION

Please read your specifications thoroughly and be sure that the generator offered complies with all requirements. Any variations from the specifications must be clearly indicated on item specification sheet and covered by letter attached to and made a part of your bid. Do not fill in the blank with "as specified", "available", "standard", "yes", or "ok". If no exceptions are noted, and you are the successful bidder, it will be required that the generator is furnished as specified. You may add additional pages as needed.

COMMUNITY CENTER / EMERGENCY OPERATIONS CENTER (EOC) GENERATOR

MINIMUM REQUIREMENTS

TO BE FILLED OUT BY BIDDER

Stand-by Generator 80KW

\$ 34,000.00

- UL 2200/UL Certified
- Standby rated, 120/240V, 3 phase, 4 wire, 60 hz
- Electronic Isochronous Governor
- 50 degrees Celsius / 122 degrees united mounted radiator
- Controller with integral thermal overload protection, remote E-stop switch 2 input / 5 output programmable module for remote indication.
- Standard Limited Warranty
- Installation warranty for labor
- Corrosion-proof sound enclosure
- Runs on Natural Gas or Propane
- Delivery to generator site location, offload and placement
- Startup, onsite testing, owner training, warranty initiation and installation at designated location
- Battery and battery installation

(1) Automatic Transfer Switch- 800 Amps

\$ 8,399.00

- Three pole, 240V, three phase
- Standard limited warranty
- Corrosion resistance enclosure
- Installation including mounting

Generator and Auto Transfer Switch Installation\$126,070.00

- Poured concrete pad along back wall (south) of the Community Center and to the west of the of the ground A/C units. Pad approximately 60" x 140" x 8"
- Electrical installation – labor and materials to include:
1. Rework existing electrical service to allow for auto transfer switch installation.
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 3. Complete connections from ATS to generator
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- Plumbing: Running & connecting lines to generator.
 - Construct 6' privacy fence with access gate around pad site.
 - Initial fill of diesel tank
 - Deliver equipment to site and set / secure generator in place.
 - Coordinate installation with Texas – New Mexico Power (TNMP) and ATS approval.
 - Startup and testing with site load.
 - Training for city staff members for operation and basic maintenance.
 - Warranty for labor and materials for at least 1 year.

WARRANTY: Please Specify1 year from Start-up**WARRANTY SERVICE PROVIDER: Provide Physical Address and Contact Phone Number**Loftin Equipment - 16113 Brittmoore Rd., Houston, TX 77041-2811. 310.685.

One (1) Operators and Maintenance/Parts Paper Manual and
 One (1) Operators and Maintenance/Parts Digital Copy shall be included.

BID ALTERNATE (1) : Annual Routine Maintenance Contract – 5 Years:Please Specify Terms: \$ 9,500.00**BID ALTERNATE (2): Remote Monitoring:**Please Specify Terms: \$ 9,300.00

NO LOGOS OR ADVERTISEMENT OF ANY KIND ON ANY PART OF EQUIPMENT EXCEPT MANUFACTURER.

DATE8/21/23**SIGNATURE**Warren Fields**TYPE/PRINT NAME**Warren Fields**TITLE**Vice President**LEGAL COMPANY NAME**Texan Municipal and Industrial, a division of Texan Electric Co, Inc

CONFLICT OF INTEREST

DISCLOSURE

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 - a member of a Board, Council or Committee that may participate in the City's selection or award process?
 - a City Official?
- Are any immediate family members or business associates of my employees or board member's,
 - a City of Sweeny employee or consultant who participates in the City's selection or award process as part of their City position?
 - a member of a Board, Council or Committee that may participate in the City's selection or award process?
 - a City Official?
- Will any of my employees or board members receive a financial interest or benefit from any project funded and administered through the City (other than employee salaries or personnel benefits)?
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- To my knowledge, will my program or project have a financial effect on a City official or employee who exercises City-related functions, or an immediate family member or business associate of such person? For example, will any of these persons be receiving rental payments, other business income, or program services from my company or services offered?

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Any contractor entering into an agreement with the City will be required to warrant and represent, to the best of his/her knowledge at the time the contract is executed, he/she is not aware of any improper conflict of interest as described. Also, the contract will obligate contractors to exercise due diligence to ensure that no improper conflict situations occur during the contract.

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- 2 CFR Part 200 [Subpart B 200.112 and Subpart D 200.318]
- Texas Local Government Code Chapter 171.004
- City of Sweeny Policies & Procurement Manual

Certification:

I, the undersigned, certify and report that to the best of my knowledge,

☒ I have no conflict of interest to disclose.

☐ I have the following conflict of interest to disclose:

Date:

8/21/23

Company/Vendor Name

Texan Municipal and Industrial, a division of Texan Electric Co, Inc

Printed Name and Title:

Warren Fields, Vice President

Authorized Signatory:

Warren Fields

HOUSE BILL 89 VERIFICATION

I, Warren Fields, the undersigned representative of
Texan Municipal and Industrial, a division of Texan Electric Co, Inc., (Company or Business name) (hereafter referred
 to as company) being an adult over the age of eighteen (18) years of age, verify that the company named-
 above, under the provisions of Subtitle F, Title 10, Government Code Chapter 2270:

1. Does not boycott Israel currently; and
2. Will not boycott Israel during the term of the contract.

1) Is not currently listed on the State of Texas Comptroller's Companies that Boycott Israel List
 located at <https://comptroller.texas.gov/purchasing/publications/divestment.php>

Pursuant to Section 2270.001, Texas Government Code:

1. "Boycott Israel" means refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes; and

2. "Company" means a for-profit sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, or any limited liability company, including a wholly owned subsidiary, majority-owned subsidiary, parent company or affiliate of those entities or business associations that exist to make a profit.

SIGNATURE OF COMPANY REPRESENTATIVE:



TYPE/PRINT NAME AND TITLE:

Warren Fields, Vice President

DATE:

8/21/23

SENATE BILL 13 VERIFICATION

I, Warren Fields, the undersigned representative of
 Texan Municipal and Industrial, a division of Texan Electric Co, Inc.
(Company or Business name) (hereafter referred
 to as company) being an adult over the age of eighteen (18) years of age, verify that the company
 named-above, under the provisions of Subtitle F, Title 10, Chapter 809, Government Code 2274:

- 1) does not boycott energy companies and;
- 2) will not boycott energy companies during the term of the contract.

Pursuant to Section 2274.001, Texas Government Code:

1. "Boycott energy company" has the meaning assigned by Section 809.001; and
2. "Company" has the meaning assigned by Section 809.001, except that the term does not include a sole proprietorship.



SIGNATURE OF COMPANY REPRESENTATIVE:

Warren Fields, Vice President

TYPE/PRINT NAME AND TITLE:



DATE:

SENATE BILL 19 VERIFICATION

I, Warren Fields, the undersigned representative of
 Texan Municipal and Industrial, a division of Texan Electric Co, Inc.
(Company or Business name) (hereafter referred
 to as company) being an adult over the age of eighteen (18) years of age, verify that the company
 named above, under the provisions of Subtitle F, Title 10, Government Code Chapter 2274:

- (1) does not have a practice, policy, guidance, or directive that
 discriminates against a firearm entity or firearm trade association; and,
- (2) will not discriminate during the term of the contract against a firearm
 entity or firearm trade association.

Pursuant to Section 2274.001, Texas Government Code:

- 1) *"Ammunition" means a loaded cartridge case, primer, bullet, or propellant powder with or without a projectile.*
- 2) *"Company" means a for-profit organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, or limited liability company, including a wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate of those entities or associations that exists to make a profit. The term does not include a sole proprietorship.*
- 3) *"Discriminate against a firearm entity or firearm trade association":*
 - a) *means, with respect to the entity or association, to:*
 - i) *refuse to engage in the trade of any goods or services with the entity or association based solely on its status as a firearm entity or firearm trade association;*
 - ii) *refrain from continuing an existing business relationship with the entity or association based solely on its status as a firearm entity or firearm trade association; or*
 - iii) *terminate an existing business relationship with the entity or association based solely on its status as a firearm entity or firearm trade association; and*
 - b) *does not include:*
 - (i) *the established policies of a merchant, retail seller, or platform that restrict or prohibit the listing or selling of ammunition, firearms, or firearm accessories; and*
 - (ii) *a company's refusal to engage in the trade of any goods or services, decision to refrain from continuing an existing business relationship, or decision to terminate an existing business relationship:*
- (aa) *to comply with federal, state, or local law, policy, or regulations or a directive by a regulatory agency; or*
- (bb) *for any traditional business reason that is specific to the customer or potential customer and not based solely on an entity's or association's status as a firearm entity or firearm trade association.*
- 4) *"Firearm" means a weapon that expels a projectile by the action of explosive or expanding gases.*

- 5) "Firearm accessory" means a device specifically designed or adapted to enable an individual to wear, carry, store, or mount a firearm on the individual or on a conveyance and an item used in conjunction with or mounted on a firearm that is not essential to the basic function of the firearm. The term includes a detachable firearm magazine.

1) A firearm means:

- a) firearm, firearm accessory, or ammunition manufacturer, distributor, wholesaler, supplier, or retailer; and
- b) a sport shooting range as defined by Section 250.001, Local Government Code.

- 2) "Firearm trade association" means any person, corporation, unincorporated association, federation, business league, or business organization that:

- a) is not organized or operated for profit and for which none of its net earnings inures to the benefit of any private shareholder or individual;
- b) has two or more firearm entities as members; and
- c) is exempt from federal income taxation under Section 501(a), Internal Revenue Code of 1986, as an organization described by Section 501(c) of that code.



SIGNATURE OF COMPANY REPRESENTATIVE:

Warren Fields, Vice President

TYPE/PRINT NAME AND TITLE:

8/21/23

DATE

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

OFFICE USE ONLY CERTIFICATION OF FILING

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.

Texan Electric Co. Inc.
Houston, TX United States

Certificate Number:
2023-1062236

Date Filed:
08/21/2023

Date Acknowledged:

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.
City of Sweeny

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.

RFP-2023-07-01
Emergency Stand-By Generator Purchases: RFP-2023-07-01

4	Name of Interested Party	City, State, Country (place of business)	Nature of Interest (check applicable)	
			Controlling	Intermediary

5 Check only if there is NO Interested Party.



6 UNSWORN DECLARATION

My name is Roma Martinez, and my date of birth is 01/01/2000

My address is 430 Hwy 6 S. Houston TX 77079 U.S.
(street) (city) (state) (zip code) (country)

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Harris County, State of Texas, on the 21 day of August, 2023.
(month) (year)

Roma Martinez
Signature of authorized agent of contracting business entity
(Declarant)

Texan Municipal and Industrial
(a division of Texan Electric Co., Inc.)
 430 Hwy 6 South, Ste 210
 Houston, TX 77079
 Tax ID# 1-76-0032688-2
 Dunn# 10-353-0085

Mailing Address
 P.O. Box 266388
 Houston, TX 77207-6388
 Fax: 713-645-6566

Texan Municipal and Industrial
 (a division of Texan Electric Company, Inc. a 41-year-old Electrical Contractor company incorporated in 1982).

President/ Founder
 Carolyn Hodges
 1710 Hunters Bend
 Friendswood, TX 77546

Operations Manager
 Ruben Torres
 12418 Maverick Ct.
 Willis, TX 77378
 Phone 832-202-3314

Vice President, General Counsel
 Warren Fields
 6407 Deer Meadow Lane
 Katy, TX 77493
 Phone 832-859-4116

Texan Electric Co., Inc.
 Physical Address
 7011 Dixie Drive
 Houston, TX 77087
 Fax: 713-645-6566

Mailing Address
 P.O. Box 266388
 Houston, TX 77207-6388

President/ Co-Founder
 Carolyn Hodges
 1710 Hunters Bend
 Friendswood, TX 77546

Vice President - Operations
 Chad Hodges
 2231 Pilgrims Point
 Friendswood, TX 77546
 Phone:281-908-7656

Vice President – Finance, General Counsel
 Warren Fields
 6407 Deer Meadow Lane
 Katy, TX 77493
 Phone 832-859-4116


Banking Information
Frost National Bank
1234 Clear Lake City Blvd.
Houston, TX 77062
Officer- Ogadi Fields
Houston, TX 77062
Phone: 713-388-1366
27 Year Banking Relationship

Bonding Company
Liberty Mutual
agent – Mithcell Fitzhenry
c/o AJ Etheridge
430 Hwy 6 South, Ste 150
Houston, TX 77079
Phone: 713-464-4888

Respectfully submitted,

Texan Municipal and Industrial, a division of Texan Electric Co., Inc.

By


Carolyn Hodges, President

Texan Electric Co., Inc. License No.: 17124.
Regulated by the Texas Department of Licensing & Regulation,
P.O. Box 12157, Austin, Texas 78711. 1-800-803-9202, 512-463-6599

Website: www.license.state.tx.us/complaints



CERTIFICATE OF LIABILITY INSURANCE

 DATE (MM/DD/YYYY)
 08/21/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER A.J. Etheredge Company 430 Highway 6 South, Suite 150 Houston TX 77079-	CONTACT NAME: Judy Rodriguez PHONE (A/C, H/F, Cell): (713) 464-4888 FAX (A/C, H/F): (281) 584-0094 E-MAIL ADDRESS: judy@ajetheredge.com PRODUCER CUSTOMER ID: TEXAN ELECTRIC CO INC														
INSURED TEXAN MUNICIPAL AND INDUSTRIAL, A DIVISION OF TEXAN ELECTRIC CO, INC. P O BOX 266388 HOUSTON TX 77207-6388	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="text-align: left;">INSURER(S) AFFORDING COVERAGE</th> <th style="text-align: left;">NAIC #</th> </tr> <tr> <td>INSURER A: West American Insurance Company</td> <td></td> </tr> <tr> <td>INSURER B: Ohio Security Insurance Company</td> <td></td> </tr> <tr> <td>INSURER C: The Ohio Casualty Insurance Co.</td> <td></td> </tr> <tr> <td>INSURER D: American Fire and Casualty Co.</td> <td></td> </tr> <tr> <td>INSURER E:</td> <td></td> </tr> <tr> <td>INSURER F:</td> <td></td> </tr> </table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A: West American Insurance Company		INSURER B: Ohio Security Insurance Company		INSURER C: The Ohio Casualty Insurance Co.		INSURER D: American Fire and Casualty Co.		INSURER E:		INSURER F:	
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INSURER D: American Fire and Casualty Co.															
INSURER E:															
INSURER F:															

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN. THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADOL	SOOR	WVD	POLICY NUMBER	POLICY ETV (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	UNITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Per Project Aggregate GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	Y	Y		BKS 62509506	12/28/2022	12/28/2023	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Per occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 15,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/PROP AGG \$ 2,000,000 NOW/ND \$
B	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS	Y	Y		BAS 62509506	12/28/2022	12/28/2023	COMBINED SINGLE LIMIT (Per accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$ \$
C	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DEDUCTIBLE RETENTION \$ 10,000	Y	Y		USO 62509506 Follow Form Policy	12/28/2022	12/28/2023	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000 \$ \$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/OWNER EXCLUDED? <input type="checkbox"/> Y/N <input type="checkbox"/> N/A If yes, describe under DESCRIPTION OF OPERATIONS below		Y		XWS 62509506	12/28/2022	12/28/2023	<input checked="" type="checkbox"/> WC STATUS <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
A	EQUIPMENT				BKW 57034231	12/28/2022	12/28/2023	LEASED/RENTED 100,000
B	Cyber Liability				BKS 62509506	12/28/2022	12/28/2023	Blanket Building Property 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

CERTIFICATE HOLDER

CANCELLATION

(979) 548-3321 () - City of Sweeny 102 Ashley-Wilson Rd. Sweeny Tx 77480-	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
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 ACORD 25 (2009/09)
 INS025 (2009/09)

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REQUESTS FOR PROPOSAL (RFP)
EMERGENCY STAND-BY GENERATOR
PURCHASES: RFP- 2023-07-01

**SPECIFICATIONS AND GENERAL PROPOSAL REQUIREMENTS FOR
 EMERGENCY STAND-BY GENERATOR PURCHASES FOR THE CITY OF
 SWEENY**

NOTICE TO RESPONDERS:

The City of Sweeny is accepting sealed proposals to purchase one (1) 80 KW electric emergency stand-by generator along with maintenance and repair contract for a generator to be located at one (1) facility as stated in this RFP and posted on the City's website: www.sweenytx.gov. Sealed proposals marked **EMERGENCY STAND-BY GENERATOR PURCHASES: RFP-2023-07-01** are to be submitted to:

Lindsay Koskiniemi
 City of Sweeny, 102 W. Ashley-Wilson Rd., Sweeny, Texas 77480
 (979)548-3321

REQUEST FOR PROPOSAL (RFP) SUBMISSION DEADLINE:
2:00 PM, FRIDAY, AUGUST 25, 2023

***** PRE-PROPOSAL SITE VISIT SCHEDULED: 10:00 A.M.,**
WEDNESDAY, AUGUST 16TH, 2023

The City of Sweeny would like to invite potential respondents to attend a site visit with staff at 10:00 am, Wednesday, August 16, 2023. Attendees will arrive at the Sweeny Community Center, 205 W. Ashley-Wilson Rd., Sweeny, Texas 77480. This site visit is intended for all prospective vendors to see the building where the generator will be located including pad location and to ask staff questions needed to submit a complete proposal.

Proposals will be received at the above address until 2:00pm, Friday, August 25, 2023, at which time bids will be opened. No emailed or faxed proposals will be accepted or considered. Proposals will be presented to Sweeny City Council for approval on Tuesday, September 5, 2023.

Proposal envelopes should be clearly marked, “**RFP – Emergency Stand-by Generator Purchase: RFP-2023-07-01**”. Any proposal received later than the specified time, whether delivered in person or mailed, shall be disqualified. The City of Sweeny will not be responsible for delivering mail from the post office. The City of Sweeny will not be responsible for proposals delivered to any location other than the one specified on the page before. Respondents are encouraged to hand deliver their proposals well ahead of opening time.

The City of Sweeny reserves the right to reject any or all proposals submitted.

The City of Sweeny is exempt from taxation under the Sales Tax and Use Tax Laws, and proposals shall not include such taxes.

SCOPE:

1. It is the intention of the City of Sweeny to purchase one (1) natural gas-powered electric generators for Fiscal Year 2022-23, beginning October 1, 2022, and ending September 30, 2023.
2. The City of Sweeny requires an emergency stand-by generator to power its Community Center, also designated at the Emergency Operations Center (EOC) in the event of a power outage.
3. The Community Center / EOC currently has no generator.
4. The site will need a concrete pad, conduit and a Generac or similar transfer switch, and a fence installed to enclose and secure the generator.
5. The City of Sweeny requires at least a one (1) year warranty for parts and labor.
6. In addition, the City of Sweeny requests proposals for maintenance and repairs for a period of five (5) years from date of installation to be included and remote monitoring to be provided as an alternate bid item. The City of Sweeny will have the right and option to terminate the contract upon thirty (30) days written notice.

CITY'S CONSIDERATION OF BIDS

The City of Sweeny will evaluate bids on the basis of the following criteria:

<u>CRITERIA</u>	<u>CONSIDERATION</u>
COST	50%
PRODUCT SPECS	10%
WARRANTY OF 1 YEAR OR MORE	10%
COMPLIANCE WITH RFP	10%
HUB STATUS	10%
REFERENCES	10%

PREPARATION OF BID

Bids MUST give full firm name and address of bidder and be manually signed. Failure to do so will disqualify your bid. Person signing bid must show title or AUTHORITY TO BIND HIS/HER FIRM IN A CONTRACT. Firm name and authorized signature must appear on each page that calls for this information. The legal status of the Respondent/Bidder whether corporation, partnership, or individual, shall also be stated in the bid. A corporation shall execute the bid by its duly authorized officers in accordance with its corporate by-laws and shall also list the state in which it is incorporated. A partnership Respondent/Bidder shall give full names and addresses of all partners. All partners shall execute the bid. Partnership and Individual respondent/Bidder shall state in the bid the names and addresses of all persons with a vested interest therein. The place of residence of each Respondent/Bidder, or the office address in the case of a firm or company, with county, state and telephone number, shall be given after the signature.

ALTERATIONS/AMENDMENTS TO BID

Bids CANNOT be altered or amended after opening time. Alterations made before opening time must be initialed by bidder guaranteeing authenticity. No bid may be withdrawn after opening time without acceptable reason in writing and only after approval by the City of Sweeny.

SALES TAX

State sales tax must not be included in the bid.

SUBSTITUTIONS

No substitutions or cancellations will be permitted without written approval by the City of Sweeny.

NO BID RESPONSE

If unable to submit a bid, bidder should return inquiry giving reasons.

EXCEPTIONS

Any additions, deletions, or variations from the following specifications/requirements must be noted. The bidder shall attach to his/her bid sheet a list of any exceptions to the specifications/requirements if unable to do so, on specification sheet.

DELIVERY

Number of days required to deliver SERVICES after receiving order must be stated in the bid. Failure to do so will obligate bidder to complete service delivery within ONE day.

DELAY IN SERVICE DELIVERY

When delay can be foreseen, Bidder shall give prior notice to City of Sweeny. Bidder must keep City of Sweeny advised at all times of status of order. Default in promised service delivery (without acceptable reasons) or failure to meet specifications / requirements, authorizes the City of Sweeny to purchase such SERVICES elsewhere and charge increase in cost to defaulting vendor. Acceptable reasons for delayed delivery are as follows: Acts of God (floods, tornadoes, hurricanes, etc.), acts of government, fire, strikes, war; Actions beyond the control of the successful bidder.

SERVICE DELIVERED PRICING

Bids in units of quantity specified - extend and show total. In the event of discrepancies in extension, unit prices will govern. Bids subject to unlimited price increase will not be considered.

RIGHT TO REJECT/AWARD

The City of Sweeny reserves the right to refuse and reject any or all Bids, and to waive any or all formalities or technicalities, and to make such awards of contract as may be deemed to be the best and most advantageous to the City of Sweeny.

INDEMNIFICATION CLAUSE

The Bidder agrees to indemnify and save harmless the City, from all suits and actions of every nature and description brought against them or any of them, for or on account of the use of patented appliances, products, or processes, and he shall pay all royalties and charges which are legal and equitable. Evidence of such payment or satisfaction shall be submitted upon request of the City Manager, as a necessary requirement in connection with the final estimate for payment in which such patented appliance, products or processes are used.

FEDERAL REGULATION 41 C.F.R. PART 60-1.4(b):

During the performance of this contract, the contractor agrees as follows:

(1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender identity, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, sexual orientation, gender identity, or national origin. Such action shall include, but not be limited to the following:

Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of the nondiscrimination clause.

(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin.

(3) The contractor will not discharge or in any other manner discriminate against any employee or applicant for employment because such employee or applicant has inquired about, discussed, or disclosed the compensation of the employee or applicant or another employee or applicant. This provision shall not apply to instances in which an employee who has access to the compensation information of other employees or applicants as a part of such employee's essential job functions discloses the compensation of such other employees or applicants to individuals who do not otherwise have access to such information, unless such disclosure is in response to a formal complaint or charge, in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or is consistent with the contractor's legal duty to furnish information.

(4) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representatives of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(5) The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(6) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the administering agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(7) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(8) The contractor will include the portion of the sentence immediately preceding paragraph (1) and the provisions of paragraphs (1) through (8) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for noncompliance:

Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the administering agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States. The applicant further agrees that it will be bound by the above equal opportunity clause with respect to its own employment practices when it participates in federally assisted construction work: Provided, That if the applicant so participating is a State or local government, the above equal opportunity clause is not applicable to any agency, instrumentality or subdivision of such government which does not participate in work on or under the contract.

The applicant agrees that it will assist and cooperate actively with the administering agency and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with the equal opportunity clause and the rules, regulations, and relevant orders of the Secretary of Labor, that it will furnish the administering agency and the Secretary of Labor such information as they may require for the supervision of such compliance, and that it will otherwise assist the administering agency in the discharge of the agency's primary responsibility for securing compliance.

The applicant further agrees that it will refrain from entering into any contract or contract modification subject to Executive Order 11246 of September 24, 1965, with a contractor debarred from, or who has not demonstrated eligibility for, Government contracts and federally assisted construction contracts pursuant to the Executive Order and will carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon contractors and subcontractors by the administering agency or the Secretary of Labor pursuant to Part II, Subpart D of the Executive Order. In addition, the applicant agrees that if it fails or refuses to comply with these undertakings, the administering agency may take any or all of the following actions: Cancel, terminate, or suspend in whole or in part this grant (contract, loan, insurance, guarantee); refrain from extending any further assistance to the applicant under the program with respect to which the failure or refund occurred until satisfactory assurance of future compliance has been received from such applicant; and refer the case to the Department of Justice for appropriate legal proceedings.

ADDENDA

Bidder shall carefully examine the bid forms, specifications / requirements, and instructions to bidders. Should the bidder find discrepancies in, or omissions from bid forms, specifications / requirements, or other documents, or should he / she be in doubt

as to their meaning, he / she should notify the City Manager or Assistant City Manager at once, (Sweeny City Hall, (979)548-3321 and obtain clarification by addendum prior to submitting any bid. Explanations, interpretations, and supplemental. Instructions shall be in the form of written addenda which shall become a part of the contract documents. Said addenda shall be mailed, e-mailed, hand delivered and/or faxed, to all prospective bidders. All addenda issued in respect to this project shall be considered official changes to the original bid documents. Verbal statements in response to inquiries and/or requests for explanations shall not be authoritative nor binding. It shall be the bidder(s) responsibility to ensure that they have received all addenda in respect to this project.

Furthermore, bidders are advised that they must recognize, comply with, and attach a signed copy of each addendum which shall be made part of their bid submittal. Bidder(s) signature on addenda shall be interpreted as the bidder's "recognition and compliance to" official changes as outlined by the City of Sweeny and as such are made part of the original solicitation documents. Failure of any bidder to receive any such addendum or interpretation shall not relieve such bidder from its terms and requirements. The City may issue a written addendum no later than five calendar days prior to the date bids must be received. Addendums will be made available online at www.SweenyTexas.org under bids.

CUT OFF DATE FOR QUESTIONS IS MONDAY AUGUST 21, 2023 AT 5:00 P.M.
QUESTIONS MUST BE SUMITTED TO LINDSAY KOSKINIEMI AT CITYMANAGER@SWEENYTX.GOV

TERMS OF PAYMENT

Upon receipt of the invoice, payment will be within 30 days. The invoice must be itemized as much as possible.

ASSIGNMENT

Neither the Bidder's contract nor payment due to an awarded vendor may be assigned to a third party without the written approval of the City of Sweeny.

BIDDER'S EMPLOYEES

Neither the Bidder nor his/her employees engaged in fulfilling the terms and conditions of this Purchase Contract shall be considered employees of the City. The method and manner of performance of such undertakings shall be under the exclusive control of the vendor on contract. The City shall have the right of inspection of said undertakings at any time.

INTERPRETATIONS

Any questions concerning the conditions and/or specifications/requirements with regards to this solicitation for Bids shall be directed to the designated individuals as outlined in the Request for Bids. Such interpretations, which may affect the eventual outcome of this request for Bids, shall be furnished in writing to all prospective Bidders

via Addendum. No interpretation shall be considered binding unless provided in writing by the City of Sweeny in accordance with paragraph entitled "Addenda".

STATUTORY REQUIREMENTS

It shall be the responsibility of the successful Bidder to comply with all applicable State & Federal laws, Executive Orders and Municipal Ordinances, and the Rules and Regulations of all authorities having jurisdiction over the work to be performed hereunder and such shall apply to the contract throughout, and that they will be deemed to be included in the contract as though written out in full in the contract documents. (To include issues related to health, environmental, and safety to name a few.)

RIGHT TO WAIVE

City of Sweeny reserves the right to waive or take exception to any part of these specifications/requirements when in the best interest of the City of Sweeny.

COOPERATIVE PRICING

Bidders are advised that in addition to responding to our "local" solicitation for bids/Bids with Dealer pricing, vendors/contractors are encouraged to provide pricing on the below referenced items/products/services based on BuyBoard, Choice Partners, H-GAC and/or any other State of Texas recognized and approved cooperative which has complied with the bidding requirements for the State of Texas. If bidding other than or in addition to "dealer" pricing, kindly duplicate the bid forms for each bid being provided from a cooperative contract. Any and all applicable fees must be included. All cooperative pricing must be submitted on or before bid opening date and hour.

TIME ALLOWED FOR ACTION TAKEN

The City of Sweeny may hold bids 60 days after the opening of Bids without taking action. Bidders are required to hold their Bids firm for same period of time.

PREPARATION OF BID

The City of Sweeny shall not be held liable for any costs incurred by any bidder for work performed in the preparation of and production of a bid or for any work performed prior to execution of contract.

CONFIDENTIAL INFORMATION

Any information deemed to be confidential by the bidder should be clearly noted on the pages where confidential information is contained; however, the City cannot guarantee that it will not be compelled to disclose all or part of any public record under Texas Public Information Act, since information deemed to be confidential by the bidder may not be considered confidential under Texas Law, or pursuant to a Court order.

VERBAL THREATS

Any threats made to any employee of the City, be it verbal or written, to discontinue the providing of item/material/services for whatever reason and/or reasons shall be considered a breach of contract and the City will immediately sever the contract with the Vendor on contract.

MATHEMATICAL ERRORS

If mathematical errors exist in any bid, unit prices/rates -v- totals, unit prices/rates will govern.

AUDIT

The City of Sweeny reserves the right to audit the vendor's books and records relating to the performance of this contract. The City of Sweeny, at its own expense, shall have the right at all reasonable times during normal business hours and upon at least twenty-four (24) hours' advance notice, to audit, to examine, and to make copies of or extracts from the books of account and records maintained by the vendor(s) with respect to the Supply/Service and/or Purchase Contract. If such audit shall disclose overpayment by City to vendor, written notice of such overpayment shall be provided to the vendor and the amount of overpayment shall be promptly reimbursed by vendor to the City. In the event any such overpayment is not paid within ten (10) business days after receipt of such notice; the unpaid amount of such overpayment shall bear interest at the rate of one percent (1%) per month from the date of such notice until paid.

JURISDICTION

Contract(s) executed as part of this solicitation shall be subject to and governed under the laws of the State of Texas. Any and all obligations and payments are due and performable and payable in Brazoria County, Texas.

VENUE

The parties agree that venue for purposes of any and all lawsuits, cause of action, arbitration, and/or any other dispute(s) shall be in Brazoria County, Texas. IF YOU HAVE ANY QUESTIONS ABOUT COMPLIANCE, PLEASE CONSULT YOUR OWN LEGAL COUNSEL. COMPLIANCE IS THE INDIVIDUAL RESPONSIBILITY OF EACH PERSON OR AGENT OF A PERSON WHO IS SUBJECT TO THE FILING REQUIREMENT. AN OFFENSE UNDER CHAPTER 176 IS A CLASS "C" MISDEMEANOR.

CONFLICT OF INTEREST

CHAPTER 176 OF THE TEXAS LOCAL GOVERNMENT CODE Effective January 1, 2006, Chapter 176 of the Texas Local Government Code requires that any vendor or person considering doing business with a local government entity disclose in the Questionnaire Form CIQ, the vendor or person's affiliation or business relationship that

might cause a conflict of interest with a local government entity. By law, this questionnaire must be filed with the records administrator of the City of Sweeny not later than the 7th business day after the date the person becomes aware of facts that require the statement be filed. See Section 176.006, Local Government Code. A person commits an offense if the person violates Section 176.006, Local Government Code. An offense under this section is a Class C misdemeanor. For more information or to obtain Questionnaire CIQ

go to the Texas Ethics Commission web page at
<https://www.ethics.state.tx.us/data/forms/conflict/CIQ.pdf>.

CERTIFICATE OF INTERESTED PARTIES (Form 1295)

In 2015, the Texas Legislature adopted House Bill 1295, which added section 2252.908 of the Government Code. The law states that a governmental entity or state agency may not enter into certain contracts with a business entity unless the business entity submits a disclosure of interested parties to the governmental entity or state agency at the time the business entity submits the signed contract to the governmental entity or state agency. The law applies only to a contract of a governmental entity or state agency that either (1) requires an action or vote by the governing body of the entity or agency before the contract may be signed or (2) has a value of at least \$1 million. The disclosure requirement applies to a contract entered into on or after January 1, 2016. For more information go to the Texas Ethics Commission web page at <https://www.ethics.state.tx.us/filinginfo/1295/>.

HB 89

The 85th Texas Legislature approved new legislation, effective Sept. 1, 2017, which amends Texas Local Government Code Section 1. Subtitle F, Title 10, Government Code by adding Chapter 2270 which states that a governmental entity may not enter into a contract with a company for goods or services unless the contract contains a written verification from the company that it: 1) does not boycott Israel; and 2) will not boycott Israel during the term of the contract.

SB 13 ENERGY COMPANY BOYCOTTS

The 87th Texas Legislature approved new legislation, effective Sept. 1, 2021, which amends Texas Local Government Code 2274.001. Subtitle F, Title 10, Chapter 809 which states that a governmental entity may not enter into a contract with a company for goods or services unless the contract contains a written verification from the company that it:

1. does not boycott energy companies and will not boycott energy companies during the term of the Contract. If Respondent does not make that verification, Respondent must so indicate in its Response and state why the certification is not required, or
2. the verification required by Section 2274.002 of the Texas Government Code does not apply to the contract. If circumstances relevant to this provision change during the course of the contract, Respondent shall promptly notify Agency.

SB 19 FIREARM ENTITIES AND TRADE ASSOCIATIONS DISCRIMINATIONS

The 87th Texas Legislature approved new legislation, effective Sept. 1, 2021, which amends Texas Local Government Code Section 1. Subtitle F, Title 10 of the Texas Government Code 2274.002, Respondent verifies that it:

1. does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association and
2. will not discriminate during the term of the contract against a firearm entity or firearm trade association.

If Respondent does not make that verification, Respondent must indicate in its Response and state why the verification is not required. If circumstances relevant to this provision change during the course of the contract, Respondent shall promptly notify Agency.

ETHICAL STANDARD

No City official or employee shall have an interest in any contract resulting from this bid. The following forms must be completed with your bid response.

- Conflict of Interest Questionnaire
- HB 89 Verification Form
- SB 13 Verification Form
- SB 19 Verification Form

The forms stated above MUST be returned as part of your Bid response. Failure to include these forms may result in your Bid being considered unresponsive and therefore disqualified. Sample copies of these forms are included in the Bid. * FORM 1295 (CERTIFICATE OF INTERESTED PARTIES) is not required with the bid submittal but will be required from the awarded party before entering into a contract with the City of Sweeny.

INSURANCE

1. The successful bidder will be required to carry the following insurance coverage and limits of coverage, as well as list the City as an additional insured to liability coverage as requested by the City. In addition, the successful bidder shall provide the City with evidence of coverage and furnish acceptable proof of payment of insurance premiums.
2. The successful bidder will be required to secure and/or have insurance coverage in force with an admitted property and casualty insurance company licensed by the State of Texas to conduct business in the State of Texas.
3. In contracts not involving building and construction projects, as that activity is defined in TEX. LABOR CODE §406.096, contractors may obtain alternative form of worker accident insurance with minimum limits of liability of \$100,000 per claim.

Minimum Insurance Requirements

<u>Type of Coverage</u>	<u>Limits of Liability</u>
<u>Worker's Compensation</u>	Statutory Coverage
<u>Employer's Liability</u>	Bodily Injury by Accident: \$100,000 each accident Bodily Injury by Disease: \$100,000 each employee/\$500,000 policy limit
<u>Comprehensive General Liability</u>	
Bodily Injury	\$250,000 each person/\$500,000 each occurrence
Property Damage	\$100,000 each occurrence/\$100,000 aggregate or \$500,000 combined single limits
<u>Comprehensive Auto Liability</u>	
Bodily Injury	\$100,000 each person/\$500,000 each occurrence
Property Damage	\$100,000 each occurrence/\$100,000 aggregate or \$500,000 combined single limits
<u>City's Protective Liability</u>	
Bodily Injury	\$250,000 each person/\$500,000 each occurrence
Property Damage	\$100,000 each occurrence/\$100,000 aggregate or \$500,000 combined single limits

Policies must name the City of Sweeny as an Additional Insured. Certificates of insurance naming the CITY as an additional insured shall be submitted to the CITY for approval prior to any services being performed by Contractor. Each policy of insurance required hereunder shall extend for a period equivalent to, or longer than the term of the Contract, and any insurer hereunder shall be required to give at least thirty (30) days written notice to the CITY prior to the cancellation of any such coverage on the termination date, or otherwise. This Contract shall be automatically suspended upon the cancellation, or other termination, of any required policy of insurance hereunder, and such suspension shall continue until evidence that adequate replacement coverage is provided to the CITY. If replacement coverage is not provided within thirty (30) days following suspension of the

Contract, the Contract shall automatically terminate.

REFERENCES

A minimum of three (3) references from current commercial and/or governmental accounts are to be submitted with proposal. Names and phone numbers of contact person at each commercial and/or government account must also be included. Additionally, the Better Business Bureau will be contacted for professional reference.

RFP SUBMITTAL SCORING

Each proposal submitted will be reviewed by a panel of City Staff. Once proposal has been reviewed for completeness and references checked, Staff will rank the proposals using a scoring matrix. The top proposal will be recommended to City Council for approval. Scoring matrix:

<u>CRITERIA</u>	<u>CONSIDERATION</u>
COST	50%
PRODUCT SPECS	10%
WARRANTY OF 1 YEAR OR MORE	10%
COMPLIANCE WITH RFP	10%
HUB STATUS	10%
REFERENCES	10%

REQUIRED FORMS

The following pages contain the forms that must be completed and submitted with your proposal.

**CITY OF SWEENY
REQUEST FOR BIDS
FOR
PURCHASE OF ONE (1) EMERGENCY STAND-BY GENERATOR**

BID NO. 2023-07-01

BID OPENING DATE: Friday, 08/25/2023 at 2:00 PM

It is the intent of this Request for Bids to describe and ultimately make it possible for the City of Sweeny to contract for the following: **PURCHASE ONE (1) NEW EMERGENCY STAND-BY GENERATOR.**

SPECIFICATIONS FOR THE PURCHASE OF ONE (1) NATURAL GAS-POWERED ENGINE, 80KW GENERATOR INSTALLED AT THE DESIGNATED LOCATION

Please read your specifications thoroughly and be sure that the generator offered complies with all requirements. Any variations from the specifications must be clearly indicated on item specification sheet and covered by letter attached to and made a part of your bid. Do not fill in the blank with "as specified", "available", "standard", "yes", or "ok". If no exceptions are noted, and you are the successful bidder, it will be required that the generator is furnished as specified. You may add additional pages as needed.

COMMUNITY CENTER / EMERGENCY OPERATIONS CENTER (EOC) GENERATOR

MINIMUM REQUIREMENTS

TO BE FILLED OUT BY BIDDER

Stand-by Generator 80KW

- UL 2200/UL Certified
- Standby rated, 120/240V, 3 phase, 4 wire, 60 hz
- Electronic Isochronous Governor
- 50 degrees Celsius / 122 degrees united mounted radiator
- Controller with integral thermal overload protection, remote E-stop switch 2 input / 5 output programmable module for remote indication.
- Standard Limited Warranty
- Installation warranty for labor
- Corrosion-proof sound enclosure
- Runs on Natural Gas or Propane
- Delivery to generator site location, offload and placement
- Startup, onsite testing, owner training, warranty initiation and installation at designated location
- Battery and battery installation

(1) Automatic Transfer Switch- 800 Amps

- Three pole, 240V, three phase
- Standard limited warranty
- Corrosion resistance enclosure
- Installation including mounting

Generator and Auto Transfer Switch Installation

- Poured concrete pad along back wall (south) of the Community Center and to the west of the of the ground A/C units. Pad approximately 60" x 140" x 8"
- Electrical installation – labor and materials to include:

1. Rework existing electrical service to allow for auto transfer switch installation.
 2. New main disconnect for utility service to be installed.
 3. Complete connections from ATS to generator
 4. All copper wiring.
- Plumbing: Running & connecting lines to generator.
 - Construct 6' privacy fence with access gate around pad site.
 - Initial fill of diesel tank
 - Deliver equipment to site and set / secure generator in place.
 - Coordinate installation with Texas – New Mexico Power (TNMP) and ATS approval.
 - Startup and testing with site load.
 - Training for city staff members for operation and basic maintenance.
 - Warranty for labor and materials for at least 1 year.

WARRANTY: Please Specify

WARRANTY SERVICE PROVIDER: Provide Physical Address and Contact Phone Number

One (1) Operators and Maintenance/Parts Paper Manual and
 One (1) Operators and Maintenance/Parts Digital Copy shall be included.

BID ALTERNATE (1) : Annual Routine Maintenance Contract – 5 Years:

Please Specify Terms: _____

BID ALTERNATE (2): Remote Monitoring:

Please Specify Terms: _____

NO LOGOS OR ADVERTISEMENT OF ANY KIND ON ANY PART OF EQUIPMENT EXCEPT MANUFACTURER.

DATE

SIGNATURE

TYPE/PRINT NAME

TITLE

LEGAL COMPANY NAME

CONFLICT OF INTEREST

DISCLOSURE

Prospective contractors should carefully consider whether any of their activities may give rise to an improper conflict of interest situation. Conflict of interest situations that are not properly addressed can result in a loss of funding to a specific program and/or to the City of Sweeny, and in some cases can result in civil or criminal liability.

Organizations that may enter into a contract with the City of Sweeny should examine the following:

- Are any employees or board members of the organization,
 - a City of Sweeny employee or consultant who exercises program or project specific functions as part of their City position?
 - a member of a Board, Council or Committee that may participate in the City's selection or award process?
 - a City Official?
- Are any immediate family members or business associates of my employees or board member's,
 - a City of Sweeny employee or consultant who participates in the City's selection or award process as part of their City position?
 - a member of a Board, Council or Committee that may participate in the City's selection or award process?
 - a City Official?
- Will any of my employees or board members receive a financial interest or benefit from any project funded and administered through the City (other than employee salaries or personnel benefits)?
- Will any immediate family members or business associates of my employees or board members receive a financial interest or benefit from any project funded and administered through the City (other than employee salaries or personnel benefits)?
- To my knowledge, will my program or project have a financial effect on a City official or employee who exercises City-related functions, or an immediate family member or business associate of such person? For example, will any of these persons be receiving rental payments, other business income, or program services from my company or services offered?

If you can answer "yes" to any of these questions, it is possible that there may be a conflict of interest. You should review the rules below to determine whether an actual conflict situation is raised, and, if so, what action needs to be taken to avoid a violation of the law. You should contact City staff immediately if you suspect that there might be an issue.

Any contractor entering into an agreement with the City will be required to warrant and represent, to the best of his/her knowledge at the time the contract is executed, he/she is not aware of any improper conflict of interest as described. Also, the contract will obligate contractors to exercise due diligence to ensure that no improper conflict situations occur during the contract.

The following Federal, State and local regulations and policies, govern projects funded through the City of Sweeny:

- * 2 CFR Part 200 [Subpart B 200.112 and Subpart D 200.318]
- * Texas Local Government Code Chapter 171.004
- * City of Sweeny Policies & Procurement Manual

Certification:

I, the undersigned, certify and report that to the best of my knowledge,

☐ I have no conflict of interest to disclose.

☐ I have the following conflict of interest to disclose:

Date:

Company/Vendor Name

Printed Name and Title:

Authorized Signatory:

HOUSE BILL 89 VERIFICATION

I, _____, the undersigned representative of
 _____, (Company or Business name) (hereafter referred
 to as company) being an adult over the age of eighteen (18) years of age, verify that the company named-
 above, under the provisions of Subtitle F, Title 10, Government Code Chapter 2270:

1. Does not boycott Israel currently; and
2. Will not boycott Israel during the term of the contract.

1) Is not currently listed on the State of Texas Comptroller's Companies that Boycott Israel List
 located at <https://comptroller.texas.gov/purchasing/publications/divestment.php>

Pursuant to Section 2270.001, Texas Government Code:

1. "Boycott Israel" means refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes; and
2. "Company" means a for-profit sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, or any limited liability company, including a wholly owned subsidiary, majority-owned subsidiary, parent company or affiliate of those entities or business associations that exist to make a profit.

SIGNATURE OF COMPANY REPRESENTATIVE:

TYPE/PRINT NAME AND TITLE:

DATE:

SENATE BILL 13 VERIFICATION

I, _____, the undersigned representative of
 _____, (Company or Business name) (hereafter referred
 to as company) **being an adult over the age of eighteen (18) years of age, verify that the company
 named-above, under the provisions of Subtitle F, Title 10, Chapter 809, Government Code 2274:**

- 1) **does not boycott energy companies and;**
- 2) **will not boycott energy companies during the term of the contract.**

Pursuant to Section 2274.001, Texas Government Code:

1. *"Boycott energy company" has the meaning assigned by Section 809.001; and*
 2. *"Company" has the meaning assigned by Section 809.001, except that the term does not include a sole proprietorship.*
-

SIGNATURE OF COMPANY REPRESENTATIVE:

TYPE/PRINT NAME AND TITLE:

DATE:

SENATE BILL 19 VERIFICATION

I, _____, the undersigned representative of

_____, (Company or Business name) (hereafter referred to as company) being an adult over the age of eighteen (18) years of age, verify that the company named above, under the provisions of Subtitle F, Title 10, Government Code Chapter 2274:

- (1) **does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association; and,**
- (2) **will not discriminate during the term of the contract against a firearm entity or firearm trade association.**

Pursuant to Section 2274.001, Texas Government Code:

- 1) *"Ammunition" means a loaded cartridge case, primer, bullet, or propellant powder with or without a projectile.*
- 2) *"Company" means a for-profit organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, or limited liability company, including a wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate of those entities or associations that exists to make a profit. The term does not include a sole proprietorship.*
- 3) *"Discriminate against a firearm entity or firearm trade association":*
 - a) *means, with respect to the entity or association, to:*
 - i) *refuse to engage in the trade of any goods or services with the entity or association based solely on its status as a firearm entity or firearm trade association;*
 - ii) *refrain from continuing an existing business relationship with the entity or association based solely on its status as a firearm entity or firearm trade association; or*
 - iii) *terminate an existing business relationship with the entity or association based solely on its status as a firearm entity or firearm trade association; and*
 - b) *does not include:*
 - (i) *the established policies of a merchant, retail seller, or platform that restrict or prohibit the listing or selling of ammunition, firearms, or firearm accessories; and*
 - (ii) *a company 's refusal to engage in the trade of any goods or services, decision to refrain from continuing an existing business relationship, or decision to terminate an existing business relationship:*
 - (aa) *to comply with federal, state, or local law, policy, or regulations or a directive by a regulatory agency; or*
 - (bb) *for any traditional business reason that is specific to the customer or potential customer and not based solely on an entity 's or association 's status as a firearm entity or firearm trade association.*
- 4) *"Firearm" means a weapon that expels a projectile by the action of explosive or expanding gases.*

5) *"Firearm accessory" means a device specifically designed or adapted to enable an individual to wear, carry, store, or mount a firearm on the individual or on a conveyance and an item used in conjunction with or mounted on a firearm that is not essential to the basic function of the firearm. The term includes a detachable firearm magazine.*

1) *A firearm means:*

- a) *firearm, firearm accessory, or ammunition manufacturer, distributor, wholesaler, supplier, or retailer; and*
- b) *a sport shooting range as defined by Section 250.001, Local Government Code.*

2) *"Firearm trade association" means any person, corporation, unincorporated association, federation, business league, or business organization that:*

- a) *is not organized or operated for profit and for which none of its net earnings inures to the benefit of any private shareholder or individual;*
- b) *has two or more firearm entities as members; and*
- c) *is exempt from federal income taxation under Section 501(a), Internal Revenue Code of 1986, as an organization described by Section 501(c) of that code.*

SIGNATURE OF COMPANY REPRESENTATIVE:

TYPE/PRINT NAME AND TITLE:

DATE



**ADDENDUM TO REQUESTS FOR
PROPOSAL (RFP) EMERGENCY
STAND-BY GENERATOR PURCHASES
ISSUED 08/31/2023: RFP- 2023-07-01**

**DEADLINE EXTENSION TO RECEIVE
ADDITIONAL BIDS**

**SPECIFICATIONS AND GENERAL PROPOSAL REQUIREMENTS
FOR EMERGENCY STAND-BY GENERATOR PURCHASES FOR
THE CITY OF SWEENY**

NOTICE TO RESPONDERS:

The City of Sweeny is accepting sealed proposals to purchase one (1) 80 KW electric emergency stand-by generator along with maintenance and repair contract for a generator to be located at one (1) facility as stated in this RFP and posted on the City's website: www.sweenytx.gov. Sealed proposals marked **EMERGENCY STAND-BY GENERATOR PURCHASES: RFP-2023-07-01** are to be submitted to:

Lindsay Koskiniemi
City of Sweeny, 102 W. Ashley-Wilson Rd.,
Sweeny, Texas 77480 (979)548-3321

**DEADLINE EXTENSION DATE FOR ADDITIONAL
REQUEST FOR PROPOSAL (RFP) SUBMISSIONS
DUE 2:00 PM, FRIDAY, SEPTEMBER 8TH, 2023**

**REQUEST FOR PROPOSAL (RFP) SUBMISSION
DEADLINE: 2:00 PM, FRIDAY, AUGUST 25, 2023**

**PRE-PROPOSAL SITE VISIT SCHEDULED:
10:00 A.M., WEDNESDAY, AUGUST 16TH, 2023**

The City of Sweeny would like to invite potential respondents to attend a site visit with staff at 10:00 am, Wednesday, August 16, 2023. Attendees will arrive at the Sweeny Community Center, 205 W. Ashley-Wilson Rd., Sweeny, Texas 77480. This site visit is intended for all prospective vendors to see the building where the generator will be located including pad location and to ask staff questions needed to submit a complete proposal.

issued posted online

TexPool Participant Services
1001 Texas Avenue, Suite 1150
Houston, TX 77002



CITY OF SWEENY
DISASTER CONTINGENCY FUND
ATTN LINDSAY KOSKINIEMI
PO BOX 248
SWEENY TX 77480-0248

Participant Statement

Statement Period 10/01/2023 - 10/31/2023

Customer Service 1-866-TEX-POOL
Location ID 000077174
Investor ID 000015089

TexPool Update

Keep up to date with the latest market talk from our portfolio managers and strategists by visiting the Insights page of TexPool.com.

TexPool Summary

Pool Name	Beginning Balance	Total Deposits	Total Withdrawals	Total Interest	Current Balance	Average Balance
Texas Local Government Investment Pool	\$228,949.87	\$0.00	\$0.00	\$1,042.05	\$229,991.92	\$228,983.48
Total Dollar Value	\$228,949.87	\$0.00	\$0.00	\$1,042.05	\$229,991.92	

Portfolio Value

Pool Name	Pool/Account	Market Value (10/01/2023)	Share Price (10/31/2023)	Shares Owned (10/31/2023)	Market Value (10/31/2023)
Texas Local Government Investment Pool	449/208200004	\$228,949.87	\$1.00	229,991.920	\$229,991.92
Total Dollar Value		\$228,949.87			\$229,991.92

Interest Summary

Pool Name	Pool/Account	Month-to-Date Interest	Year-to-Date Interest
Texas Local Government Investment Pool	449/208200004	\$1,042.05	\$9,242.75
Total		\$1,042.05	\$9,242.75

Transaction Detail

Texas Local Government Investment Pool

Participant: CITY OF SWEENY

Pool/Account: 449/208200004

Transaction Date	Settlement Date	Transaction Description	Transaction Dollar Amount	Share Price	Shares This Transaction	Shares Owned
10/01/2023	10/01/2023	BEGINNING BALANCE	\$228,949.87	\$1.00		228,949.870
10/31/2023	10/31/2023	MONTHLY POSTING	\$1,042.05	\$1.00	1,042.050	229,991.920
Account Value as of 10/31/2023			\$229,991.92	\$1.00		229,991.920



AGENDA MEMO

Business of the City Council
City of Sweeny, Texas

Item 6.

Meeting Date	11/15/2023	Agenda Item	
Approved by City Manager		Presenter(s)	Michelle Medina
Reviewed by City Attorney		Department	Sweeny EDC
Subject	Sweeny EDC Board of Directors vacancy		
Attachments			
Financial Information	Expenditure Required:		
	Amount Budgeted:		
	Account Number:		
	Additional Appropriation Required:		
	Additional Account Number:		

Executive Summary

We have received two applications Neal Bess Jr. and Katie M Goff.

Recommended Action

The Sweeny EDC Board of Directors voted 4 to 1 not to recommend an applicant. They will let the City Council choose the best applicant.



CITY OF SWEENEY

Item 6.

102 W. Ashley Wilson Rd. • PO Box 248 • Sweeny, Texas 77480 • P: (979) 548-3321 • F: (979) 548-7745

BOARDS AND COMMISSIONS APPLICATION

Application for:

Planning and Zoning Board of Adjustments

Planning and Zoning Board of Commissions

Economic Development Corporations (EDC)

X

Personal Information:

Name:

Neal Bess Jr.

Mailing Address:

[REDACTED]

Physical Address:

Sweeny, TX.

Email(s):

[REDACTED]

Phone(s):

[REDACTED]

Please provide a brief background on yourself and tell why you are applying for the specified position. What is your vision for specified organization?

Life time resident; Pass EDC board member.

Please provide a current copy of your resume and three (3) personal references including name, phone number, and email address for each reference. Applications without a resume and three references will not be accepted.

Signature:

Neal Bess Jr.

Date:

09-9-23



CITY OF SWEENY

102 W. Ashley Wilson Rd. • PO Box 248 • Sweeny, Texas 77480 • P: (979) 548-3321 • F: (979) 548-7745

BOARDS AND COMMISSIONS APPLICATION

Application for:

Crime Control & Prevention District

Planning and Zoning Board of Commissions

Economic Development Corporations (EDC)

Parks & Recreation Board

X

Personal Information:

Name: Katie M Goff

Mailing Address: [REDACTED] Sweeny, TX 77480

Physical Address: Same as above

Email(s): [REDACTED]

Phone(s): [REDACTED]

Please provide a brief background on yourself and tell why you are applying for the specified position. What is your vision for specified organization?

I have 10 plus years of Secretarial/Administrative work. Currently involve with Sweeny ISD, Sweeny FFA and an active member of Sweeny FFA Alumni. Actively help out with Sweeny High School BBQ as well as a committee member with BCFA for the past 3 years. Want to get involved with EDC so I can become more involved with local decisions, such as bringing in local and out of town businesses to help grow our town of Sweeny for future generations to come.

Signature: [Handwritten Signature]

Date: Sept 14, 2023



AGENDA MEMO

Business of the City Council

City of Sweeny, Texas

Item 7.

Meeting Date	11/15/2023	Agenda Item	
Approved by City Manager		Presenter(s)	Kaydi Smith
Reviewed by City Attorney		Department	Zoning
Subject	Discussion and Possible action to create a mixed use zone within Section 110 of the City's Code of Ordinance		
Attachments	Mixed Zone (proposed); Zoning Ordinance Exhibit A		
Financial Information	Expenditure Required:	-	
	Amount Budgeted:	-	
	Account Number:	-	
	Additional Appropriation Required:	-	
	Additional Account Number:	-	

Executive Summary

The City has been approached to rezone the Industrial Park, making it less restrictive to accommodate additional allowable types of businesses within. In preparation to the rezone, in order to accommodate the properties, we feel a mixed use zone would be beneficial.

We will be having two businesses occupying a portion of the property in the near future that do not necessarily fit solely within the light industrial zone. Currently, Industrial Park is zoned light industrial which does not include office space and/or retail sales. We do not believe it would be sufficient to have multiple different zoning classifications on adjoining properties, therefore, staff is proposing a mixed use zone to incorporate the light industry, commercial, and business zones. This would allow for additional types of permitted uses within. The mixed use zone would encompass the following allowable permitted uses: manufacturing, warehouses, retail sales, recreational type facilities/centers, motels, and office buildings/professional offices.

The City does not currently have a mixed use zone within the zoning ordinance. The attached is a proposed option for consideration of a mixed use zone reflective to the City of Sweeny's current zoning ordinance. This is simply proposed, meaning Council would be able to restrict/add/deny/suggest on what they wish to see within the mixed use zone.

Staff is requesting feedback from Council as to if Council wants staff to proceed drafting a mixed use zone amendment. The complete process would be lengthy and would entail Council's participation in joint meetings with the Planning and Zoning Board of Commissioners.

Recommended Action

To allow staff to move forward in drafting a mixed use zone amendment within Section 110 of the City's Code of Ordinances.

OR

Leave Section 110 of the City's Code of ordinances as is.

Sec. 110- 86 MXU, Mixed Use Zone.

The following regulations shall be applicable to the MXU, Mixed Use Zone, zoning district:

- (1) *Description and Purpose*: A zone to allow several types of allowable zone uses within a specified area.
- (2) *Permitted Uses*: Those allowable within the B-1, B-1A, B-2, B-3, C-1, C-2, and M-1 zones.
- (3) *Maximum percentage of lot to be used by building*: Once hundred (100) percent.
- (4) *Minimum floor area*: None required
- (5) *Maximum height of building*: Four (4) stories or fifty (50) feet or as approved.
- (6) *Minimum lot area*: two thousand (2,000) square feet
- (7) *Minimum frontage of lot*: Thirty (30) feet
- (8) *Minimum depth of lot*: One hundred (100) feet
- (9) *Minimum yard setback*: None required unless abutting residential zone of E-1, R-1, R-2, R-2B, R-3, or T-1, then there shall be a minimum setback of twenty (20) feet on the rear and on the side, for all buildings of up to fifty (50) feet in height, where the property abuts such zones. If the building is greater than fifty (50) feet in height, the setback on the rear and side shall be twenty (20) feet plus twice the height of that portion of the building that is in excess of the first fifty (50) feet. Portions of drainage ditches on the property or between properties shall be credited to the landowner for the purposes of establishing the setback.
- (10) *Permitted accessory use*: No restrictions
- (11) *Accessory building* : No restrictions
- (12) *Conditional use*: Reference those allowable within the B-1, B-1A, B-2, B-3, C-1, C-2, and M-1 zones.
- (13) *Off street parking*: See section 110-162
- (14) *Off street loading*: See section 110-163
- (15) *Other provisions*: See section 110-178 for additional rules on design limitations and performance standards when a MXU lot line is within sixty (60) feet of single family residential area lot line.

** The highlighted, we currently do not have zoned property within city limits. Do we want to leave for future development?

Also would need to Update:

Sec. 110-86 from Reserved to the MXU

Sec 110-87—110-105. RESERVED

Additional Information: We do not currently have The B1, B1A, B2, or B3 property zoned within COS.

- The B-1 would encompass any type of eatery, retail, or office building potentially developed.
- B 1 -A would include any professional type offices.
- B-2 would encompass the conditional uses of recreational facilities.
- B-3 would encompass an institutional zone for larger gatherings/meetings. Additionally, conditional uses are for playfields, stadiums, recreation centers.
- C -1 would encompass the warehouses (Trilogy/Stark), retail sales (Stark), office buildings
- C-2 would encompass high rise buildings (hotel/motels).
- M-1- would encompass Trilogy, and Stark, trucking yards, fuel yards, warehousing, manufacturing, fabricating, processing facilities

ZONING *

Article I. In General

- Sec. 110-1. General purpose
- Sec. 110-2. Definitions
- Sec. 110-3. Administration generally
- Sec. 110-4. Interim zoning of newly annexed territory
- Sec. 110-5. Permanent zoning of new territory
- Sec. 110-6. Amendments
- Sec. 110-7. Advertising costs.
- Sec. 110-8. Nonconforming uses.
- Sec. 110-9. Building permits.
- Sec. 110-10. Special permits.
- Sec. 110-11. External lighting
- Sec. 110-12. Certificate of occupancy.
- Sec. 110-13. Penalty
- Secs. 110-14 – 110-35. Reserve.

Article II. Board of Adjustment

- Sec. 110-36. Powers, duties generally
- Sec. 110-37. Composition, compensation
- Sec. 110-38. Appointment, terms; ex officio members
- Sec. 110-39. Officers; rules of procedure
- Sec. 110-40. Appeals
- Sec. 110-41. Conduct of hearings.
- Sec. 110-42. Special exceptions to chapter not under board's jurisdiction
- Sec. 110-43. Scope of cases.
- Secs. 110-44 – 110-65. Reserved

Article III. Zone Regulations

- Sec. 110-66. Establishment of zones
- Sec. 110-67. E-1, single- family residence, estates
- Sec. 110-68. R-1, single - family residence
- Sec. 110-69. R-2, single - family residence
- Sec. 110-69.1 R-2A, single- family residence
- Sec. 110-69.2 R-2B, single- family residence
- Sec. 110-70. R-3, two-family residence
- Sec. 110-71. R-4, multifamily residence
- Sec. 110-72. B-1, neighborhood business
- Sec. 110-73. B-1A, professional offices
- Sec. 110-74. B-2, central business
- Sec. 110-75. B-3, institutional zone.
- Sec. 110-76. C-1, commercial
- Sec. 110-77. C-2, commercial
- Sec. 110-78. M-1, light industrial.

Sec. 110-79. M-2 heavy industrial
 Sec. 110-80. T-1, single-family residence, townhouse
 Sec. 110-81. PUD, planned unit development
 Sec. 110-82. PURZ, planned unit residential zone
 Sec. 110-83. MH-1, Mobile Home Park
 Sec. 110-84. MH-2, manufactured homes
 Sec. 110-85. Exceptions
 Secs. 110-86 -- 110-105. Reserved

***Charter references – Sec. 10.13. Boards, Agencies, and Commissions.** The City Council shall have the authority to establish by ordinance such boards, agencies, and commissions as it may deem necessary or desirable for the conduct of the City’s business and the management of its affairs.

Cross references – Streets and Sidewalks, chapter 91; Animals, chapter 95; Business Regulations, chapter 110; Building Regulations, Construction, chapter 150; Man. Homes and Home Parks, Rec. Vehicle Parks, chapter 151; Subdivisions, chapter 152.

State law reference – Municipal zoning authority V. T. C. A. Local Government Code §§ 211.002, 211.006, 211.007.

Article IV. Planned Unit Development

Sec. 110-106. Generally
 Sec. 110-107. Purpose
 Sec. 110-108. Application.
 Sec. 110-109. Application for classification.
 Sec. 110-110. Review of plat; recordation; changes.
 Sec. 110-111. Design standards.
 Sec. 110-112. -- 110-130 Reserved.

Article V. Planned Unit Residential Zone

Sec. 110-131. Intent.
 Sec. 110-132. Definitions.
 Sec. 110-133. Purpose.
 Sec. 110-134. Objectives.
 Sec. 110-135. Application of article.
 Sec. 110-136. Permitted uses.
 Sec. 110-137. Standards and criteria.
 Sec. 110-138. Application for approval.
 Sec. 110-139. Public hearing.
 Sec. 110-140. Final plan and recordation.
 Secs. 110-141 -- 110-160. Reserved.

Article VI. Supplementary Regulations

Sec. 110-161. customary home occupations.
 Sec. 110-162. Parking requirements.
 Sec. 110-163. Loading requirements.
 Sec. 110-164. Mining, excavation, soil removal.
 Sec. 110-165. Number of main buildings -- Residential.
 Sec. 110-166. Same -- Nonresidential.

Sec. 110-167. Same -- Facing streets.
 Sec. 110-168. Screening.
 Sec. 110-169. Permits for multiple buildings.
 Sec. 110-170. Height restrictions generally.
 Sec. 110-171. Sight-obstruction at intersections.
 Sec. 110-172. Fences --When required.
 Sec. 110-173. Same -- Construction at intersections.
 Sec. 110-174. Surfacing of off-street parking areas.
 Sec. 110-175. Lot widths.
 Sec. 110-176. Tents in business and commercial zones.
 Sec. 110-177. Screen enclosures.
 Sec. 110-178. Design limitations.
 Sec. 110-179-- 110-195. Reserved.

Article VII. Airport Zoning

Sec. 110-196. Airport zoning.

ARTICLE I IN GENERAL

Sec. 110-1. General Purpose.

The purpose of this chapter shall be to:

1. Promote the desirable development of all land.
2. Protect the desirable development.
3. Promote stability of development.
4. Enhance and protect building and land values.
5. Protect the public health and general welfare.

State law reference -- Zoning regulations to be designed to carry out certain planning purposes, V.T.C.A., Local Government Code § 211.004.

Sec. 110-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning. Words in the present tense include the future; words in the singular number include the plural and words in the plural number include the singular. The word "shall" is mandatory and not discretionary; the word "may" is permissive.

Accessory building means a building subordinate to the principal building on a lot. Where a wall or portion of a wall is common to the principal building or when the roof is attached to the principal building, the accessory building shall be counted as part of the principal building.

Accessory use means land and /or building uses which are allowed in a zone only when they are clearly subordinate to and in conjunction with a permitted use.

Apartment hotel means a building with three (3) or more apartments and with the dining and cooking facilities separate.

Apartment house or rooming house means a building with three (3) or more apartments and without separate dining or cooking facilities.

Boardinghouse means a building other than a hotel, apartment hotel or apartment house where lodging with meals is offered for compensation.

Building means any structure built for the support, shelter, or enclosure of persons, animals, chattels or movable property.

Building line means a line, usually parallel to street or property line, beyond which buildings shall not be erected. Once a building is legally erected under the provisions of this chapter, the front of the building shall be considered to be the building line for that building for the purpose of determining placement of all fences, except ornamental fences as outlined in section 110-171.

Bungalow court means a development consisting of two (2) or more one-family or two-family dwellings on a single tract where the building may face onto a courtyard or mall rather than on the street.

Church means a facility principally used for people to gather together for public worship, religious training, or other religious activities. This includes monasteries, convents, rectories, etc. This does not include home meetings or other religious activities conducted in a privately occupied residence.

Common area means an area held, designed and designated principally for the common use of the occupants of a townhouse project.

Conditional uses means land and / or building uses which, because they may generate special problems such as excessive traffic, excessive noise or other conditions, may in certain cases prove undesirable for a certain zone. Each must be treated separately, and each must attain approval of the planning commission. The approval of one conditional use in a zone does not mean that this becomes a permitted use.

Customary home occupants means an occupation which may be conducted in the home without changing the character of the residential use and which is incidental and secondary to the residential use. See section 110-161.

Day care facility means a facility that is licensed or registered with the state which regularly provides care for persons less than twenty-four (24) hours a day.

Duplex. See *Dwelling, two-family*.

Dwelling, one-family. means a detached building having accommodation for and occupied by not more than one (1) family.

Dwelling, two-family. means a detached building having separate accommodations for and occupied by not more than two (2) families.

Family means any number of persons related by blood, adoption or marriage living together on the premises as a single housekeeping unit, or not more than two (2) persons unrelated by blood, adoption or marriage, or not more than three (3) exchange students or missionaries unrelated by blood, adoption or marriage, or any number of persons permitted or required under the Fair Housing Act of 1988; or more than two (2) persons but less than five (5) persons unrelated by blood, adoption or marriage who live together for a period of six (6) months or less.

Floor area means the total horizontal area of the several floors of a structure covered by a roof, exclusive of garages, stoops, carports and unenclosed porches; same as *living area*.

Gross floor area means the total horizontal area of the several floors of a structure covered by a roof, inclusive of garages, stoops, carports, unenclosed porches and other similar areas.

Height of building means the distance from average grade or curbs level to the highest point of the roof, but not including chimneys, towers, spires and the like.

Hotels means a building containing rooms intended or designed to be used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests and where only a general kitchen and dining room are provided within the building or in an accessory building.

Incidental livestock means livestock, not including pigs or goats, and poultry kept for the use of or the consumption by the occupants of the lot; provided however, that no corrals, stables, chicken houses or their yards shall be located closer than fifty (50) feet from any property line, and that they shall comply with the sanitary regulations; and that the number of livestock and poultry and their manner of keeping do not constitute a nuisance to the neighborhood.

Living area means gross horizontal areas of the several floors of a structure covered by a roof exclusive of garages, carports and unenclosed porches; same as *floor area*.

Lot frontage means the width of the lot at either front line or building line, whichever is greater.

Lot line means the boundaries of any lot as described on the subdivision plat.

Motel has the same definition as *Hotel*.

Playfield or stadium means an athletic facility or stadium owned and operated by a public or private agency for the general public including a baseball field, golf course, football field or stadium.

Private yard means an area of open space within a townhouse but which is unoccupied and unobstructed by any portion of a structure.

Recreation center means a building or complex of buildings housing community recreation facilities.

Religious institution means any place of worship for the carrying on of religious activities which consists of one (1) or more permanent buildings.

Service shops means bakeries, beauty shops, restaurants, laundry agency, washateria, shoe repair, gasoline service, etc., but excluding auto repair, bus terminals, machinery repair and welding.

Setback means a minimum yard dimension measured from the lot line to the building or other structure.

Street right - of - way means property either conveyed or dedicated to the public for use as a public street.

Structure means any object that is erected, constructed or installed by man that requires location in or on the ground or attachment to something having location on the ground having a definite pattern of organization, including buildings, the construction of buildings or accessory buildings, decks, decking or swimming pools, spas, hot tubs, saunas and other similar constructions or installations.

Supervised living facility means a facility that provides care, training, education, custody, treatment, or supervision for more than six (6) persons who are not related by blood, marriage, or adoption to the owner or operator of the facility, for all or part of the twenty-four day, whether or not the facility is operated for profit or charges for the services it offers. This includes physical therapy centers, orphanages, youth homes, convalescent homes, etc. This does not include day care centers.

Townhouse means a dwelling unit structure having a separate wall with one (1) or more adjoining dwelling unit structures.

Townhouse group means for (4) to ten (10) contiguous townhouses connected by common walls.

Townhouse project means a townhouse development or plan which is submitted and approved by a single special permit.

Cross reference -- Definitions generally, § 1-2.

Section 110-3. Administration generally.

(a) *Enforcing officials.* The provisions of this chapter shall be administered and enforced by the building official of the city.

(b) *Right of entry.* The building official or any duty authorized person shall have the right to enter upon any premises necessary to carry out his duties in the enforcement of this chapter.

(c) *Stop orders.* Whenever any building work is being done contrary to provisions of this chapter, the building official may order the work stopped by notice in writing served on any person engaged in doing or causing such work to be done, and any such person shall forthwith stop such work until authorized by the building official to proceed with the work.

(d) *Furnishing utilities.* No person or public utility shall furnish water, gas, or electric energy to, nor make connection with, any building in the city which has been erected or structurally altered, unless and until such person or public utility shall have received from the building official,

city secretary or city council notification that such erection or structural alteration of such building complies with the ordinances of the city.

Cross reference -- Administration, ch. 2.

State law reference -- Enforcement of zoning ordinance, V.T.C.A., Local Government Code § 211.012.

Sec. 110-4. Interim zoning of newly annexed territory.

(a) No permit of the construction of a building shall be issued by the building official in a territory where an ordinance has passed on the first reading, annexing same to the city, other than a permit which will allow the construction of a building permitted to be constructed in what is defined as R-1 single-family residence as defined in section 110-68. An application for any other use other than that specified herein above shall be made to the building official and by him referred to the planning commission which acts as the zoning commission on the designation by the council for a consideration and recommendation to the city council. Whenever such recommendation is filed with the city council by the planning commission, such classification and such recommendation shall be advisory in its nature and the council shall be at liberty to affirm it or allow such construction as the facts in their opinion may justify.

(b) No existing building in a territory where an ordinance has been passed on first reading, annexing the same to the city, not at that time lawfully used for business purposes, shall be altered, remodeled or constructed for business purposes without a permit from the city council. This permit shall be obtained under the same procedure set out in subsection (a) of this section.

(c) The owner, lessees, or any other person owning, controlling, constructing, or directing the construction of any building or structure now in process of construction and which is incomplete at the time the land upon which it is situated is covered in an ordinance passed on first reading, annexing same to the city, before proceeding any further with the construction, alteration or completion thereof, shall apply to the building official for a permit authorizing further work on such building or structure and shall attach to such application for such permit plans and specifications relating to the construction of such building, or structure, which such application for building permit shall be promptly referred to the planning commission for consideration and the commission shall promptly thereafter file with the council its recommendation as to granting, modifying or rejecting such permit, the recommendation to be advisory, as stated in subsection (a) of this section. Such construction work shall be suspended until the permit provided for in this section has been issued, or until final zoning regulations have been adopted with permit for the construction, use and occupancy of the structure or building.

Sec. 110-5. Permanent zoning of new territory.

The permanent zoning of newly annexed territory shall be handled in the same manner as amendments to the zoning ordinance provided under section 110-6 and the subsections there under.

Sec. 110-6. Amendments.

(a) *Requirements for change.* Whenever the public necessity, convenience, general welfare or good zoning practice justifies such action, and after consideration by the city council, city

planning commission, zoning board of adjustment or the joint consideration of the planning commission and the city council, or by a petition by one (1) or more of the owners, optionees or lessees of property within the area proposed to be changed, the zoning of any specific property in the city may be changed pursuant to the provisions of this section.

(b) *Initiation of change.* A proposed change of zone may be initiated by the city council, city planning commission, zoning board of adjustment, or by a petition by one (1) or more of the owners, optionees or lessees of property within the area proposed to be changed.

(c) *Changing ordinance; public hearing required.* At any regularly scheduled meeting of the planning commission, the owners, optionees or lessees of property who desire a change of zone may appear and request that a public hearing be called to consider their petition. The city council may at any time request that the planning commission hold a special hearing to consider zoning matters. Written notice of all public hearings before the planning commission on proposed changes in classification shall be sent to owners of real property lying within two hundred (200) feet of the property on which the change in classification is proposed, such notice to be given not less than ten (10) days before the date set for hearing to all such owners who have rendered their property for city taxes as the ownership appears on the last approved city tax roll. Such notice may be served by depositing the same, properly addressed and postage paid, in the city post office. Where property lying within two hundred (200) feet of the property proposed to be changed is located in territory which was annexed to the city after final date for making the renditions which are included on the last approved city tax roll, notice to such owners shall be given by publication in the manner provided in subsection (d) of this section, the city council may hold a public hearing jointly with the planning commission, but after such joint hearing, the city council shall not take any action until it has received the final report of the planning commission. The city council shall, however, be able to call and hold a public hearing on its own to consider, approve or disapprove request for changes whenever a majority of the entire council deem it necessary or appropriate, and a report from the planning commission may also meet in its own capacity to hold public hearings, when required under this Code. The city planning commission may approve or disapprove any proposed change either in whole or part. If approved in whole or part, a recommendation in conformity with such approved change, shall be presented to the city council and an ordinance approving such a change in whole or in part may be adopted by the council after a public hearing. If such proposed change is disapproved by the city planning commission, a report of its decision shall be made to the city council. The city council may then review the decision of the planning commission. If the city council is in favor of the proposed change it may, after a public hearing, make such change in such ordinance by a majority of the entire membership of the city council. A joint public hearing by the planning commission and the city council shall satisfy this requirement.

(d) *Notice of public hearing by city council or by planning commission.* Notice of a public hearing by the city council or by the planning commission to consider proposed changes to this chapter shall be given by publication in the official paper of the city once a week for three (3) consecutive weeks. Such notice shall state the time, place and nature of such public hearing and such hearing shall not be held earlier than fifteen (15) days from the date of the first publication of such notice.

(e) *Passage of rezoning ordinance where written protest filed.* In case, however, of a written protest against such change, signed by the owners of twenty (20) percent or more either of the area of the lots or land included in such proposed change, or of the lots or land immediately adjoining the same and extending two hundred (200) feet from, such amendment shall not become effective except by the favorable vote of three-fifths (3/5) of all members of the city council. The

provisions of subsection (d) relative to public hearing and official notice shall apply equally to all changes or amendments.

(f) *Restrictions.* Any prior deed restrictions or other prior restrictions placed on any lot or land that is the subject of a zoning change request shall be disclosed to the city planning commission and to the city council by the land owner or optionee of land, when a change is requested by such owner or optionee. Any restriction on land or lots which was agreed to by the owner or optionee of property at the time the change of zone is approved by the city council shall be entered in the council minutes as a part of the permanent record. If the land is undeveloped, the restriction shall be placed in the plat at the time of plat approval by the planning commission. A violation of this subsection constitutes a misdemeanor and shall be punishable in accordance with section 110-12.

State law reference -- Procedures for amending zoning ordinance, V.T.C.A., Local Government Code §§ 211.002, 211.006, 211.007.

Sec. 110-7. Advertising costs.

Persons applying for variances, conditional uses or zoning amendments must pay for the cost of advertising for such requests.

Sec. 110-8. Nonconforming uses.

Any use or structure existing at the time of enactment of this Zoning Ordinance or subsequent amendment of this chapter, but not in conformity with its provisions, may be continued with the following limitations. Any use or building which does not conform to this chapter may not be:

- (1) Changed to another conforming use;
- (2) Reestablished after discontinuance for six (6) months;
- (3) Extended except in conformity to this chapter; or

(4) Rebuilt after damage exceeding 51% of its fair sales value immediately prior to damage. Except for existing residential homes in the Commercial Zones on Second and Main St. they are able to rebuild.

Sec. 110-9. Building permits.

(a) *Required.* It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures or to store building material or construct entrances or parking lots, commence the moving, structural alterations, conversions, extensions, enlargements, alteration or repair (except repairs consisting only of painting or wallpapering, changing the fixtures and reroofing in residential zones), of any structure, including accessory structures, until the building official has issued a building permit for such work. Permits for conditional uses must be reviewed by the city council.

(b) *Application.* Application for a building permit shall be made to the building official on forms provided for that purpose

(c) *Requirements.* The building official shall require that every application for a building permit be accompanied by one (1) copy of a plan or plot drawn to scale and showing the following in sufficient detail to enable the building official to ascertain whether the proposed excavation, construction, reconstruction or conversion, moving or alteration is in conformance with this chapter:

(1) *Lot dimensions and corners-* The actual shape, proportion and dimensions of the lot to be built upon and satisfactory evidence that actual corners of the lot are known and are established on the ground.

(2) *Proposed structures-* The shape, size, and location of all buildings or other structures to be erected, altered or moved and of any buildings or other structures already on the lot.

(3) *Use of structures-* The existing and intended use of all such buildings or other structures.

(4) *Existing yards-* The dimensions of all yards and such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this chapter are being observed.

(5) *Building code-* Any other information as required by the building code.

(d) *Issuance-* If the proposed excavation, construction, moving or alteration as set forth in the application is in conformity with the provisions of this chapter the building official shall issue a building permit.

(e) *Disapproval-* If an application for a building permit is not approved, the building official shall state in writing on the application the reasons for such disapproval.

Sec. 110-10. Special permits.

The following land uses shall require approval of the planning commission instead of the building inspector because of special problems of traffic, parking safety or effect on surrounding property:

(1) Public buildings erected by city, county, state, school district, federal or any other governmental body.

(2) Airports, landing fields or airport facilities.

(3) Water reservoirs, pumping station, water towers or artesian wells.

(4) Radio or television transmitting or receiving towers taller than one hundred (100) feet, whether commercial or private.

(5) Trailer camps.

(6) Drive - in theaters.

(7) Large scale developments, including housing projects, and shopping centers, after submission to the planning commission of a site plan drawn to scale and showing the development

in detail, including such essential requirements as parking facilities, location of buildings and uses to be permitted, and means of ingress and egress.

(8) Any of those uses which may be obnoxious or offensive by reason of emission of odor, dust, smoke, gas, noise, vibration and the like.

(9) Strip lighting.

State law reference -- Authority of local governments under Texas Clean Air Act, V.T.C.A., Health and Safety Code § 382.111 et seq.

Sec. 110-11. External lighting.

(a) *Purpose:*

(1) The purpose of this section is to that outdoor lighting does not (a) interfere with the safety and welfare of the community and does not (b) interfere with or endanger the public in traveling to and from on streets, and does not (c) interfere with the reasonable use and enjoyment of property. It is also the purpose of this section to encourage outdoor electrically powered illuminating devices, lighting design practices, and systems which will conserve energy, while preserving the natural environment while increasing night time safety, utility, security, and productivity.

(b) *Outdoor illuminating devices:*

(1) Generally, artificial outdoor or extended illuminating devices shall be installed in accordance with, and when permitted by, the requirements of this section.

(c) *Outdoor illuminating devices, in nonresidential zones:*

(1) In all nonresidential zones the proposed lighting plan shall be reviewed by the city engineer and be included as part of the site plan. The owner shall stay in compliance with the lighting requirements of the site plan and shall not deviate from such requirements unless the owner receives approval from the planning commission.

(2) When a nonresidential zone is located adjacent to a residential zone, all external lighting shall be shielded to prohibit illumination at the boundary of the nonresidential zone and the residential zone in excess of one-fourth (0.25) foot-candles of average general light overflow or one-half (0.50) foot-candles at any point on such boundary. In all cases, exterior lighting shall be installed, hooded, regulated, and maintained by the owner or person in control thereof in such manner that the direct beam of any such light will not glare upon any lot, tract, or parcel of land other than that upon which it is situated.

(d) *Outdoor illuminated devices in other zones:*

(1) Lighting in R4, PUD, PURZ, or MH-1 zones shall also comply with this section.

(e) *Special permits:*

(1) Laser source light, strobe light and similar high intensity light sources for advertising or entertainment shall be prohibited in any zone, unless a permit is obtained from the building official for specific events and timeframes.

(2) Searchlights shall be prohibited in any zone, unless a permit is obtained from the building official for specific events and timeframes.

(f) *Phased in compliance.*

(1) For those tracts that have lighting that does not conform to the provisions of this section at the inception of the section, such lighting shall either be abated, removed or modified to conform with the code as determined by the city building official, within a period of two (2) years, from the effective date of this adoption of this section.

(2) After the enactment of this section, the city manager shall as soon as practicable, survey the city for lighting which does not conform to the requirements of this Code. Upon determination that lighting is nonconforming, the manager shall use reasonable efforts to so notify, in writing, the user or owner of the property on which the lighting is located of the following:

a. The nonconformity of the lighting; and

b. The need to conform within two (2) years, as well as the potential penalties for failure to do so. If the user or owner of the property cannot be located, the notice may be affixed in a conspicuous place to the premises with which the lighting is associated.

(g) *Exemptions:*

(1) Strip lighting approved by the planning commission under section 110-10 (9) shall be exempt from this section.

(2) Emergency lighting by police, fire, and rescue authorities is exempt from this section.

Sec. 110-12 Certificate of occupancy.

(a) *Required.* No change in the use or occupancy of land nor any change for use or occupancy in an existing building other than for single-family residence or for farming or gardening shall be made, nor shall any new building be occupied for any purpose other than for single-family residence use until a certificate of occupancy has been issued by the building and fire official.

(b) *Record kept by building official.* A record of all certificates of occupancy shall be kept on file in the office of the building official, and copies shall be furnished on request to any person having a proprietary or tenancy interest in land or a building affected by such certificate of occupancy. The certificate of occupancy or a copy thereof shall be prominently displayed in the building for which it is issued.

(c) *Nonconforming uses must apply for certificates.* A certificate of occupancy shall be required for all nonconforming uses of land or buildings existing on the effective date of the Zoning Ordinance. Application for such certificate of occupancy for nonconforming uses shall be filed with the building official by the owner or lessee of the land or building occupied by such nonconforming use not later than 180 days after the effective date of the Zoning Ordinance.. It shall be the duty of the building official to issue a certificate of occupancy for nonconforming use. Failure to apply for such certificate of occupancy for nonconforming use shall be considered evidence that such nonconforming use did not exist on the effective date of the Zoning Ordinance.

Sec. 110-13 Penalty.

(a) Any person who shall violate any of the provisions of this chapter, or who shall build, alter, occupy or use any building or property in violation of any statement or plan submitted and approved under this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not to exceed two thousand dollars (\$2,000.00). Each day such violation shall be continued, or shall be allowed to continue to exist, shall constitute a separate offense.

(b) The owner of any building or property or part thereof where anything in violation of this chapter shall be placed or shall exist, and any architect, builder, contractor, agent, attorney, or other person employed in connection therewith and who has assisted in the commission of such violations, shall be guilty of a separate offense, and upon conviction thereof shall be fined in any sum not to exceed five hundred dollars (\$500.00).

(c) In addition to the remedies provided for in this section the enforcing officer may, in case any buildings or structures are erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this chapter, institute any appropriate action or proceedings to prevent such unlawful erection, reconstruction, alteration, repair, conversion, maintenance, or use to restrain, correct or abate such violation, to prevent the occupancy of such building, structure, or land, or to prevent any illegal act, conduct of business or use in or about such premises.

Secs. 110-14 -- 110-35. Reserved.**ARTICLE II - BOARD OF ADJUSTMENT *****Sec. 110-36. Powers, duties generally.**

The zoning board of adjustment of the city shall have all the powers and duties granted in section 10.13 of the home rule Charter of the city, as well as this article.

* **State law references** --- Board of adjustment, V.T.C.A., Local Government Code § 211.008 et seq.; appeal to board of adjustment, V.T.C.A.; Local Government Code § 211.010.

Sec. 110-37. Composition, compensation.

The zoning board of adjustment shall consist of five (5) members who shall be residents of the city and who shall serve without compensation.

Sec. 110-38. Appointment, terms; ex officio members.

All members of the zoning board of adjustment shall be appointed by the city council. Two (2) such members to be appointed in each even - numbered years, and three (3) such members to be appointed in each odd numbered years. The appointments to be made each year within thirty (30) days following election. The term of office of each such member shall be two (2) years. In addition, a representative of the city manager or designated representative shall be an ex officio

member of the board and shall serve the board in an advisory capacity, but shall have no voting rights, and shall attend meetings as requested.

Sec. 110-39. Officers; rules of procedure.

A board chairman and secretary shall be elected by the board annually, and the board shall establish its own rules and procedures which shall include the following:

(1) A quorum shall consist of three (3) voting members of the board, and an affirmative vote of three (3) members of the board shall be necessary to pass upon pending questions, or to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the applicant on any matter upon which the board may or is required to pass under this section, the chairman being entitled to vote upon all questions.

(2) Meetings shall be held as needed.

(3) A record of all proceedings shall be kept, which records shall be filed with the person performing the duties of the city secretary.

(4) Notice of meetings of the zoning board of adjustment shall be provided to persons living within two hundred (200) feet of the property that is the subject of a variance request or an appeal from a decision of an administrative official.

Sec. 110-40. Appeals.

Appeals to the board of adjustment shall be taken within a reasonable time as determined by the rules of the board, complete with a notice of appeal specifying the grounds thereof. The officer, or body, from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

Sec. 110-41. Conduct of hearings.

The board of adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time or thirty (30) days, whichever is less. Upon the hearing, any party may appear in person or by agent or by attorney. An applicant for a variance or an appellant from an administrative decision shall have the burden of proving that his proposed use is reasonably necessary and that it will not conflict with the public interest or adversely affect uses of adjacent and neighboring property.

Sec. 110-42. Special exceptions to chapter not under boards jurisdiction.

In no case shall it be appropriate for the zoning board of adjustment to hear and make special exceptions to this chapter.

Sec. 110-43. Scope of cases.

The cases which are appropriate for the zoning board of adjustment to hear and decide are limited to the following:

(1) Appeals from a decision of an administrative official:

- a. In the enforcement of this chapter or any ordinance adopted pursuant thereto.
- b. In the refusal of building permits for any use that is permitted by this chapter for the zone where the proposed building would occur.

(2) Variances from the terms of this chapter as will not be contrary to the public interest where there is an unusual condition and a literal enforcement of the provisions of this chapter will result in unnecessary hardship to the applicant with regard to this chapter, including:

- a. Building lines.
- b. Side line setback.
- c. Rear line setback.
- d. Front line setback.
- e. Lot size.
- f. Width or length of lots.
- g. Permitting driveways to intrude on easements.
- h. Sign size or height.
- i. Building slab heights.
- j. Home occupations.
- k. Cases in which this chapter does not permit any reasonable use of a tract or lot, not merely to accommodate the highest or best use of the property.
- l. Abatement of, extension of, or addition to a nonconforming use.

Sec. 110-44 -- 110-65. Reserved.

ARTICLE III - ZONE REGULATIONS *

Sec. 110-66. Establishment of zones.

In order to carry out the provisions of this chapter, the city is hereby divided into twenty (20) zones known as:

- (1) E-1 Single - family residence, estates.
- (2) R-1 Single - family residence.
- (3) R-2 Single - family residence.
- (4) R-2A Single - family residence.
- (5) R-2B Single – family residence.
- (6) R-3 Two - family residence.
- (7) R-4 Multifamily residence.
- (8) B-1 Neighborhood business.
- (9) B-1A Professional offices.
- (10) B-2 Central business.
- (11) B-3 Institutional Zone.
- (12) C-1 Commercial.
- (13) C-2 Commercial.
- (14) M-1 Light Industrial.
- (15) M-2 Heavy Industrial.
- (16) T-1 Single - family residence, townhouse.
- (17) PURZ Planned unit residential zone.

State law reference -- Zoning districts, V.T.C.A. Local Government Code § 211.005.

- (18) PUD Planned unit development.
- (19) MH-1 Mobile home park.
- (20) MH-2 Manufactured home.

Sec. 110-67. E-1, single - family residence, estates.

The following regulations shall be applicable to the E-1, single-family residence, estates, zoning district:

- (1) *Description and purpose:* The most restrictive of residential zones, composed chiefly of individual homes on relatively large lots.

- (2) *Permitted use:* One-family dwellings.
- (3) *Maximum percentage of lot be used for building:* Twenty -five (25) percent.
- (4) *Minimum living area for houses:* Two-thousand (2,000) square foot.
- (5) *Maximum height of building:* Two and one-half (2 1/2) stories.
- (6) *Minimum lot area:* One (1) acre.
- (7) *Minimum frontage of lot:* Two hundred feet (200) feet.
- (8) *Minimum lot depth:* One hundred fifty (150) feet.
- (9) *Minimum lot setback:*
 - a. From front, forty (40) feet.
 - b. From side, twenty-five (25) feet.
 - c. From rear, twenty (20) percent of depth.
 - d. Side street, twenty-five (25) feet.
- (10) *Permitted accessory uses:* Servant quarters, garden, tool and play houses, personal recreational facilities, country club and incidental livestock, customary home occupations.
- (11) *Accessory buildings:*
 - a. Height, twenty (20) feet.
 - b. Side yard setback, twenty-five (25) feet minimum.
 - c. Rear yard setback, thirty (30) feet.
 - d. Front yard setback, sixty-five (65) feet.
 - e. Maximum floor area, fifty (50) percent of main building.
 - f. Maximum number, one (1) per acre.
- (12) *Conditional uses:* Golf course, parks.
- (13) *Off-street parking:* Minimum two-space garage (see section 110-162).

Sec. 110-68. R-1, single - family residence.

The following regulations shall be applicable to the R-1, single - family residence, zoning district:

(1) *Description and purpose:* A highly restricted zone composed chiefly of individual homes.

(2) *Permitted use:* One - family dwelling.

(3) *Maximum percentage of lot to be used for building:* Thirty (30) percent.

(4) *Minimum living area for houses:* One thousand four hundred (1,400) square feet.

(5) *Maximum height of building:* Two and one-half (2 1/2) stories or thirty-five (35) feet.

(6) *Minimum lot area:* Fifteen thousand (15,000) square foot.

(7) *Minimum frontage of lot:* One hundred (100) feet.

(8) *Minimum depth:* One hundred fifty (150) feet.

(9) *Minimum yard setback:*

a. Front, thirty (30) feet.

b. Side, ten (10) feet.

c. Rear, fifteen (15) feet.

d. Side street, fifteen (15) feet.

(10) *Permitted accessory use:* Garden, tool and playhouses, personal recreation facilities.

(11) *Accessory building:*

a. No storage, garden, tool or playhouse shall be used as a garage.

b. Garages should meet the setback requirements as required for the principal building.

c. No garage shall exit out the back of the lot.

d. Maximum height, twenty (20) feet.

e. Maximum setback:

1. Side, five (5) feet.

2. Rear, five (5) feet or interior line of easement.

3. Front, to front of house.

f. Maximum size for storage buildings, garden, tool and playhouses, four hundred (400) square feet.

(12) *Conditional uses*: Golf course, parks.

(13) *Off-street parking*: Minimum two-space garage (see section 110-162).

Sec. 110-69. R-2, single-family residence.

The following regulations shall be applicable to the R-2, single-family residence, zoning district:

(1) *Description and purpose*: A medium-density zone composed primarily of individual homes.

(2) *Permitted use*: One-family dwelling.

(3) *Maximum percentage of lot to be used for buildings*: Thirty-five (35) percent.

(4) *Minimum living area for houses*: One thousand two hundred (1,200) square feet.

(5) *Maximum height of buildings*: Two and one-half (2 1/2) stories or thirty-five (35) feet.

(6) *Minimum lot area*: Eight thousand four hundred (8,400) square feet.

(7) *Minimum frontage of lot*: Sixty (60) feet for all area platted prior to Zoning Ordinance, seventy (70) feet for all areas platted subsequent to Zoning Ordinance.

(8) *Minimum lot depth*: One hundred twenty (120) feet.

(9) *Minimum yard setback*:

- a. Front, twenty-five (25) feet.
- b. Side, fifteen (15) feet total for both sides, no less than five (5) feet on any one side.
- c. Rear, fifteen (15) feet.
- d. Side street, fifteen (15) feet.

(10) *Permitted accessory use*: Garden, tool, and playhouses, personal recreation facilities.

(11) *Accessory building*:

- a. No storage, garden, tool or playhouses shall be used as a garage.
- b. Garages shall meet all the setback requirements as required for the principal building.
- c. No garage shall exit out the back of the lot.
- d. Maximum height, twenty (20) feet.

e. Maximum setback:

1. Side, five (5) feet.
2. Rear, five (5) feet.

3. Front, to front of house Front to front of home (garage / carport can extend beyond front of home as long as meets set back requirements of the principal building)

f. Maximum size for storage buildings, garden, tool, and playhouses, 8% of lot size. Limited to 3 buildings.

(12) *Conditional uses*: Parks.

(13) *Off-street parking*: Minimum of a one car carport or a one car garage. All carports and garages must meet all setback and building requirements, if applicable, however it is provided that a carport and / or garage may extend beyond the front of the home, as long as setback and building requirements are met.

(14) Any home currently located in this zone which sustains a total loss or demolition of the structure, may be rebuilt by the owner of the property without meeting zoning requirements if the home is re-constructed using the same footprint. However, if the footprint of the home is changed in any way, the new structure would be required to meet the R2 zoning requirements set out in this ordinance.

Sec. 110-69.1. R-2A, single-family residence:

The following regulations shall be applicable to the R-2A, single-family residence zoning district:

(1) *Description and purpose*: A medium-density zone composed primarily of individual homes.

(2) *Permitted use*: One-family dwelling.

(3) *Maximum percentage of lot to be used for building*: Thirty- five (45) percent.

(4) *Minimum living area for houses*: One thousand (1,000) square feet.

(5) *Maximum height of buildings*: Two and one-half (2 1/2) stories or thirty-five (35) feet.

(6) *Minimum lot area*: Seven thousand two hundred (7,200) square feet.

(7) *Minimum frontage of lot*: Sixty (60) feet.

(8) *Minimum lot depth*: One hundred twenty (120) feet.

(9) *Minimum yard setback:*

- a. Front, twenty-five (25) feet.
- b. Side, five (5) feet for each side.
- c. Rear, fifteen (15) feet.
- d. Side street, fifteen (15) feet.

(10) *Permitted accessory use:* Garden, tool, and playhouses, personal recreation facilities.

(11) *Accessory building:*

- a. No storage, garden, tool or playhouse shall be used as a garage.
- b. Garages shall meet all the setback requirements as required for the principal building.
- c. No garage shall exit out the back of the lot.
- d. Maximum height, twenty (20) feet.
- e. Maximum setback:
 - 1. Side, five (5) feet.
 - 2. Rear, five (5) feet or interior line of easement.
 - 3. Front, to front of house.
- f. Maximum size for storage buildings, garden, tool, and playhouses, four hundred (400) square feet.

(12) *Conditional uses:* Parks.

(13) *Off-street parking:* Either a two-space garage or a carport type garage (See section 110-162).

Sec. 110-69.2. R-2B, single-family residence: (Lots platted prior to the date of the Ordinance or replatts of those lots platted prior to the Ordinance)

The following regulations shall be applicable to the R-2B, single-family residence zoning district:

- (1) *Description and purpose:* A medium-density zone composed primarily of individual homes.
- (2) *Permitted use:* One-family dwelling.
- (3) *Maximum percentage of lot to be used for building:* Forty- five (45) percent.

- (4) *Minimum living area for houses:* Eight Hundred (800) square feet.
- (5) *Maximum height of buildings:* Two and one-half (2 1/2) stories or thirty-five (35) feet.
- (6) *Minimum lot area:* Five thousand (5,000) square feet.
- (7) *Minimum frontage of lot:* Fifty (50) feet.
- (8) *Minimum lot depth:* Eighty (80) feet.
- (9) *Minimum yard setback:*
- a. Front, fifteen (15) feet.
 - b. Side, five (5) feet for each side.
 - c. Rear, fifteen (15) feet.
 - d. Side street, fifteen (15) feet. It is provided however, that a side street setback of ten (10) feet will be permitted provided the lot is not located on a major street and the contemplated structure is at least sixty (60) feet from the centerline of the street located in front of the property.
- (10) *Permitted accessory use:* Garden, tool, and playhouses, personal recreation facilities.
- (11) *Accessory building:*
- a. No storage, garden, tool or playhouse shall be used as a garage.
 - b. Garages/ carports shall meet all the setback requirements as required for the principal building.
 - c. No garage / carport shall exit out the back of the lot.
 - d. Maximum height, twenty (20) feet.
 - e. Maximum setback:
 - 1. Side, five (5) feet.
 - 2. Rear, five (5) feet or interior line of easement.
 - 3. Front, to front of house Front to front of home (garage / carport can extend beyond front of home as long as meets set back requirements of the principal building)
 - f. Maximum size for storage buildings, garden, tool, and playhouses, 8% of lot size. Limited to 3 buildings.
- (12) *Conditional uses:* Parks.

13) *Off-street parking*: Minimum of a one car carport or a one car garage. All carports and garages must meet all setback and building requirements, if applicable, however it is provided that a carport and / or garage may extend beyond the front of the home, as long as setback and building requirements are met.

(14) Any home currently located in this zone which sustains a total loss or demolition of the structure, may be rebuilt by the owner of the property without meeting zoning requirements if the home is re-constructed using the same footprint. However, if the footprint of the home is changed in any way, the new structure would be required to meet the R2 -B zoning requirements set out in this ordinance.

Sec. 110-70. R-3, two-family residence.

The following regulations shall be applicable to the R-3, two-family residence, zoning district:

(1) *Description and purpose*: A two-family dwelling zone providing most of the desirable residential characteristics attributed to single-family districts. In addition to large areas appropriate for such use it has useful application as a buffer zone bordering neighborhood shopping centers.

(2) *Permitted use*: One-family dwelling, duplexes.

(3) *Maximum percentage of lot to be used for building*: Forty-five (45) percent.

(4) *Minimum living area per family*: Nine hundred (900) square feet.

(5) *Maximum height of building*: Two and one-half (2 1/2) stories or thirty-five (35) feet.

(6) *Minimum lot area*: Eight thousand five hundred (8,500) square feet.

(7) *Minimum frontage of lot*: One hundred (100) feet.

(8) *Minimum depth*: Eighty-five (85) feet.

(9) *Minimum yard setback*:

- a. Front, twenty-five (25) feet.
- b. Sides, ten (10) feet.
- c. Rear, fifteen (15) percent of depth.
- d. Side street, fifteen (15) feet.

(10) *Permitted accessory use*: Garden, tool and playhouses, personal recreation facilities.

(11) *Accessory building*:

- a. No storage, garden, tool or playhouse shall be used as a garage.
- b. Garages shall meet all the setback requirements as required for the principal building.
- c. No garage shall exit out the back of the lot.
- d. Maximum height, twenty (20) feet.
- e. Maximum setback:
 - 1. Side, five (5) feet.
 - 2. Rear, five (5) feet or interior line of easement.
 - 3. Front, to front of house.
- f. Maximum size for storage buildings, garden, tool and playhouses, and two hundred (200) square feet.

(12) *Conditional uses*: Parks.

(13) *Off-street parking*: Minimum four (4) covered spaces (see section 110-162).

Sec. 110.-71. R-4, multifamily residence.

The following regulations shall be applicable to the R-4, multifamily residence, zoning district:

- (1) *Description and purpose*: A medium density zone for garden apartments, group housing and courts.
- (2) *Permitted uses*: One-family dwelling, apartment houses, duplexes, condominiums.
- (3) *Maximum percentage of lot to be used for building*: Fifty (50) percent.
- (4) *Minimum living area per family*: Four hundred fifty (450) square feet.
- (5) *Maximum height of building*: Two and one-half (2 1/2) stories or thirty-five (35) feet.
- (6) *Maximum density*: Twenty (20) units per acre
- (7) *Minimum frontage of site*: One hundred (100) feet.
- (8) *Minimum site depth*: One hundred twenty (120) feet.
- (9) *Minimum site area*: One (1) acre.
- (10) Minimum yard setback:
 - a. Front, twenty-five (25) feet.

- b. Side, twenty-five (25) feet.
- c. Rear, twenty-five (25) feet.
- d. Side street, fifteen (15) feet.

(11) *Permitted accessory uses*: Garden, tool, and playhouses, personal recreation facilities, boarding houses, day nurseries, nursing homes, professional offices.

(12) *Accessory buildings*:

- a. No storage, garden, tool, or playhouse shall be used as a garage.
- b. Garages shall meet all of the setback requirements as required for principal building.
- c. No garage shall exit out the back of the lot.
- d. Maximum height, twenty (20) feet.
- e. Maximum setback:
 - 1. Side, five (5) feet.
 - 2. Rear, five (5) feet.
 - 3. Front, to front of house.
- f. Maximum size for storage building, two hundred (200) square feet.

(13) *Conditional uses*: Hospitals, clinics, membership clubs, homes for the aged, homes for orphans, funeral homes, fraternity/sorority homes, nursing homes, supervised living facilities, cemeteries.

(14) *Off-street parking*: See section 110-162.

(15) *Off-street loading*: None.

(16) *Other provisions*: All signs shall be shielded and source for steady light. No signs larger than one hundred (100) square feet, nor exceeding 4:1 height to width or width to height ratio.

Sec. 110-72. B-1, neighborhood business.

The following regulations shall be applicable to the B-1, neighborhood business zoning district after effective date of Zoning Ordinance.

(1) *Description and purpose*: A neighborhood shopping zone wherein retail business or selected service establishments supply commodities or services to meet the daily needs of the surrounding neighborhood, in which they are located. Uses which are not necessary to serve the neighborhood such as industrial/ business supply or service facilities such as theaters, motels or

warehouse style retail stores and automobile dealerships are not permitted in the zone unless built prior to January 1, 2000. B-1 neighborhood businesses that would be harmful to, or would adversely impact, single-family residential areas or facilities which are either hazardous, noxious or offensive to an ordinary reasonable person because of congested vehicular traffic, generation or emission of noise, vibration, smoke, dust, particulate matter, odorous matter, heat, humidity, glare, refuse, radiation or other objectionable emission, are not permitted in this zone unless built prior to January 1, 2000. Those businesses and properties built prior to January 1, 2000, may be remodeled or rebuilt under the terms of the applicable building code or ordinance in effect on January 1, 2000. Potentially harmful or objectionable characteristics of certain development may be mitigated by the inclusion of additional design or architectural features. To provide additional basis for exercising judgment in the determination of potential harm or adverse impact, permitted and conditional uses are listed below as well as use requirements and design limitations that serve to prevent potential harm.

(2) *Permitted uses:* Office and office buildings, studios, retail shops, service shops, drive-in eating places, groceries, day care facilities, auto repair, membership clubs, nursing homes, homes for orphans, home for aged.

(3) *Maximum percentage of lot to be used by building:* One hundred (100) percent.

(4) *Minimum floor area:* None required.

(5) *Maximum height of building:* Two and one-half (2 1/2) stories or thirty-five (35) feet.

(6) *Minimum lot area:* Two thousand (2,000) square feet.

(7) *Minimum frontage of lot:* Twenty (20) feet.

(8) *Minimum depth of lot:* One hundred (100) feet.

(9) *Minimum yard setback:* None required.

(10) *Permitted accessory use:* None allowed.

(11) *Accessory building:* None allowed.

(12) *Conditional uses:* Supervised living facilities, churches.

(13) *Off-street parking:* See section 110-162.

(14) *Off-street loading:* See section 110-163.

(15) *Other provisions:* All signs shall be shielded and sources of light steady. All signs must be physically attached to the building and on property owned or leased.

(16) The following provisions shall apply when B-1 neighborhood businesses have business lot lines within sixty (60) feet of single-family residential lot lines.

a. *Permitted uses:*

Professional offices.

Retail stores.

Convenience stores (not open more than nineteen (19) hours per day).

Service shops (i.e. hair salons, shoe repair, banking, dry cleaners and personal care facilities).

Day care centers.

Restaurants excluding those with drive-in or drive-through facilities.

Health clubs.

b. *Maximum percentage of lot to be used by building:* That percentage allowed after taking into consideration the limits dictated by the provisions of (1) (1) 4 below.

c. *Minimum floor plan:* None required.

d. *Maximum height of building:* Two and one-half (2 1/2) stories or thirty-five (35) feet.

e. *Minimum lot area:* Two thousand (2,000) square feet.

f. *Minimum frontage lot:* Twenty (20) feet.

g. *Minimum depth of lot:* One hundred (100) feet.

h. Minimum yard setback.

i. *Permitted accessory use:* None allowed.

j. *Accessory building:* None allowed.

k. *Conditional uses:*

Gasoline services not including car wash services.

Automotive repair conducted completely within an enclosed facility.

Supervised living facilities.

Convenience stores (twenty-four (24) hours per day),

Vehicular drive-in or drive-through restaurants.

(1) Design limitations applicable to B-1 businesses with business lot lines within sixty (60) feet of single- family residential area lot lines:

1. All garbage storage shall be screened and located no closer than ten (10) feet from a single-family residential zone and may not be located between the front of the structure and any street right of way.

2. Unsightly features (loading docks, mechanical equipment, etc.) shall be screened through the use of either masonry walls, fencing, berms with adequate trees or shrubs, or chain link fencing with adequate trees or shrubs, all being thick enough to hide the unsightly features from neighboring residential areas.

3. Hours of operation shall be limited to 5:00 a.m. to 12:00 midnight unless planning commission review determines alternative hours will not adversely impact the neighborhood residents. Outside normal hours of operations, all external lighting except that necessary for security purposes shall be secured.

4. No structure shall be located nearer to any single-family residential property than a distance equal to one and one-half (1 1/2) times the height of the exterior walls of such building or structure. But those business built prior to the effective date of the Zoning Ordinance are exempted from this requirement.

5. No mechanical, electrical or other equipment which produces noise, electrical or magnetic interference, vibration, heat, glare or other annoyance at nearby residential lot lines shall be permitted. Mechanical and electrical equipment shall be designed and installed to minimize noise impact on surrounding residential property. Additionally, no external amplified sound for other than safety or security purposes is allowed.

6. Uses that typically and inherently produce significant noise such as tire shops, muffler shops, and car wash facilities are not allowed unless design features are present to eliminate noise that would intrude on the neighborhood.

7. All exterior signage, both temporary and permanent, shall meet the conducive color standards of section 110-72 (17) and is subject to a design review and placement study by the planning commission. All signage detached from building / structures shall meet the requirements of a monument sign as defined in section 78-10 of this Code.

8. All storage, both temporary and permanent, of materials, pending customer work (i.e.; vehicles), freight / deliveries, or products intended for sale / lease shall be within the building or structure.

(17) The following performance standards shall be used for the purpose of evaluating the development proposals in the neighborhood business zone if the proposed B-1 neighborhood businesses lot line is within sixty (60) feet of single-family residential area lot lines:

a. New development shall be designed to be compatible with neighboring residential areas. This shall require that materials used on the outside of the buildings be of earth tone colors or colors conducive to colors in the surrounding residential area.

1. Colors or awnings should be muted, natural or earth toned and related to major materials of the building.

2. Window frames may be of an accent color to complement the major wall material.

3. Paint shall be flat or semi - gloss.
4. Metal roofs grey, natural green, rust or brown.
5. Metal canopies dark anodized or black or to match roof.

This shall involve the preservation of the character and integrity of residential areas and the maintaining of an appropriate visual and functional interrelationship between residential and commercial uses. Potential intrusive design elements such as traffic circulation and light glare shall be designed to avoid interference with the residential environment.

b. The height, scale, mass and bulk of buildings shall not be overbearing in relation to neighborhood residential structures. Height, scale, mass and bulk shall also be a function of their proximity to residential structures, with buildings in close proximity made to adhere to a similar scale of development. Potential view impediments shall also be considered.

c. Architectural styles and features shall be compatible with and complementary to neighborhood residential structures to the extent commercial and residential structures share a visual relationship.

Sec. 110-73. B-1A, professional offices.

The following regulations shall be applicable to the B-1A, professional offices, zoning district:

- (1) *Purpose and description:* A zone comprised of professional offices.
- (2) *Permitted uses:* Professional offices and office buildings, studios, clinics. No retail sales.
- (3) *Maximum percentage of lot to be used by building:* One hundred (100) percent.
- (4) *Minimum floor area:* None required.
- (5) *Maximum height of building:* Two and one-half (2 1/2) stories or thirty-five (35) feet.
- (6) *Minimum lot area:* Two thousand (2,000) square foot.
- (7) *Minimum frontage of lot:* One hundred (100) feet.
- (8) *Minimum depth of lot:* One hundred (100) feet.
- (9) *Minimum yard setback:* None required.
- (10) *Permitted accessory use:* None allowed.
- (11) *Accessory building:* None allowed.
- (12) *Conditional uses:* Hospital, churches.
- (13) *Off-street parking:* See section 110-162.

(14) *Off-street loading*: See section 110-163.

(15) *Other provisions*:

a. All signs shall be shielded and source of light steady. All signs must be physically attached to the building and on property owned or leased.

b. See section 110-178 for additional rules on design limitations and performance standards when a B-1A zone lot line is within sixty (60) feet of single-family residential area lot lines.

Sec. 110-74. B-2, central business.

The following regulations shall be applicable to the B-2, central business, zoning district:

(1) *Description and purpose*: The zone is the principal area and permits most types of general commercial enterprise. Manufacturing and nuisance industries are excluded.

(2) *Permitted uses*: Office and office buildings, studios, retail shops, service shops, drive-in eating places, groceries, day care center, auto repair shops, membership clubs, nursing homes, homes for orphans, homes for aged, newspaper, auto dealers, hotels, theatres, motels, banks and financial institutions.

(3) *Maximum percentage of lot to be used by building*: One hundred (100) percent.

(4) *Minimum floor area*: None required.

(5) *Maximum height*: Four (4) stories, fifty (50) feet or as approved.

(6) *Minimum lot area*: Two thousand (2,000) square feet.

(7) *Minimum frontage of lot*: Thirty (30) feet.

(8) *Minimum depth of lot*: One hundred (100) feet.

(9) *Minimum yard setback*: None required unless abutting residential zone of E-1, R-1, R-2, R-3, T-1, then there shall be a minimum setback of twenty (20) feet on the rear and on the side, for all buildings up to fifty (50) feet in height, where the property abuts such zones. If the building is greater than fifty (50) feet in height, the setback on the rear and side shall be twenty (20) feet plus twice the height of that portion of the building that is in excess of the first fifty (50) feet. Portions of drainage ditches on the property or between properties shall be credited to the landowner for the purposes of establishing the setback.

(10) *Permitted accessory use*: None allowed.

(11) *Accessory building*: None allowed.

(12) *Conditional uses*: Bowling alley and other recreational facilities, clinics and supervised living facilities and churches. No funeral homes.

(13) *Off-street parking*: See section 110-162.

(14) *Off- street loading*: See section 110-163.

(15) *Other provisions*:

a. All signs shall be shielded and source of light steady. All signs must be physically attached to the building and on property owned or leased.

b. See section 110-178 for additional rules on design limitations and performance standards when a B-2 zone lot line is within sixty (60) feet of single -family residential area lot lines.

Sec. 110-75. B-3, institutional zone.

The following regulations shall be applicable to the B-3, institutional zone, zoning district:

(1) *Description and purpose*: A zone for cultural, educational and other institutional uses.

(2) *Permitted uses*: Church, religious institution, public, private or parochial schools.

(3) *Minimum floor area*: None required.

(4) *Maximum height*: Four (4) stories, fifty (50) feet or as approved. The distance from average grade or curb level to the highest point of the roof, but not including chimneys, towers, spires and the like.

(5) *Minimum lot area*: One (1) acre.

(6) *Minimum frontage of lot*: Two hundred (200) feet.

(7) *Minimum yard setback*: None required unless abutting residential zones of E-1, R-1, R-2, R-3, or T-1, then there shall be a minimum setback of twenty (20) feet on the rear and on the side, for all buildings up to fifty (50) feet in height, where the property abuts such zones. If the building is greater than fifty (50) feet in height, the setback on the rear side shall be twenty (20) feet, plus twice the height of that portion of the building that is in excess of the first fifty (50) feet. Portions of drainage ditches on the property or between properties shall be credited to the landowner for the purposes of establishing the setback. Front setback is thirty (30) feet.

(8) *Permitted accessory use*: Parking garage, day care facility.

(9) *Accessory building*: Any customary, incidental to business.

(10) *Conditional uses*: Playfield or stadium, recreation center.

(11) *Off-street parking*:

a. No parking facility shall occupy any portion of a required setback within ten (10) feet of a public street or within ten (10) feet of a lot line adjacent to a residential zone (E-1, R or T-1) or more restrictive district.

b. The parking requirements of section 110-162 shall apply.

(12) *Special conditions:*

a. Screening devices will be required.

(13) *Off-street loading:* See section 110-163.

Sec. 110-76. C-1, commercial.

The following regulations shall be applicable to the C-1, commercial, zoning district:

(1) *Description and purpose:* This is a zone designed to contain mostly warehousing, distribution types of activity.

(2) *Permitted uses:* Office and office buildings, studios, retail shops, service shops, drive-in eating places, groceries, day care center, auto repair shops, membership clubs, nursing homes, homes for orphans, homes for aged, newspaper, auto dealers, hotels, theatres, motels, banks, and financial institutions, lumberyards, and brickyards, warehouses, wholesale business, veterinary clinic, commercial laundries, beverage manufacturing.

(3) *Maximum percentage of lot to be used by building:* One hundred (100) percent.

(4) *Minimum floor area:* None required.

(5) *Maximum height of building:* Four (4) stories, fifty (50) feet or as approved.

(6) *Minimum lot area:* Three thousand (3,000) square feet.

(7) *Minimum frontage of lot:* Thirty (30) feet.

(8) *Minimum depth of lot:* One hundred (100) feet.

(9) *Minimum yard setbacks:* None required unless abutting residential zone of E-1, R-1, R-2a, R-3, or T-1, then there shall be a minimum setback of twenty (20) feet on the rear and on the side, for all buildings up to fifty (50) feet in height, where the property abuts such zones. If the building is greater than fifty (50) feet in height, the setback on the rear and side shall be twenty (20) feet, plus twice the height of that portion of the building that is in excess of the first fifty (50) feet. Portions of drainage ditches on the property or between properties shall be credited to the landowner for the purposes of establishing the setback.

(10) *Permitted accessory uses:* None allowed.

(11) *Accessory building:* Any customary, incidental to business.

(12) *Conditional uses:* Supervised living facility and churches.

(13) *Off-street parking:* See section 110-162.

(14) *Off-street loading:* See section 110-163.

(15) *Other provisions:* See section 110-178 for additional rules on design limitations and performance standards when a C-1 zone lot line is within sixty (60) feet of single-family residential area lot lines.

Sec. 110-77. C-2, commercial.

The following regulations shall be applicable to the C-2, commercial, zoning district:

- (1) *Description and purpose:* This zone is designed to contain high-rise buildings.
- (2) *Permitted uses:* Hotels, motels, office buildings, hospitals, banks, and financial institutions.
- (3) *Maximum percentage of lot to be used by building:* One hundred (100) percent.
- (4) *Minimum floor area:* None required.
- (5) *Maximum height of building:* Four (4) stories, fifty (50) feet or as approved.
- (6) *Minimum lot area:* Ten thousand (10,000) square feet.
- (7) *Minimum frontage of lot:* Thirty (30) feet.
- (8) *Minimum depth of lot:* One hundred (100) feet.
- (9) *Minimum yard setback:* None required unless abutting residential zone of E-1, R-1, R-2, R-3, or T-1, then there shall be a minimum setback of twenty (20) feet on the rear and on the side, for all buildings up to fifty (50) feet in height, where the property abuts such zones. If the building is greater than fifty (50) feet in height the setback on the rear and side shall be twenty (20) feet plus twice the height of that portion of the building that is in excess of the first fifty (50) feet. Portions of drainage ditches on the property or between properties shall be credited to the landowner for the purposes of establishing the setback.
- (10) *Permitted accessory uses:* None allowed.
- (11) *Accessory building:* Any customary, incidental to business.
- (12) *Conditional uses:* None allowed.
- (13) *Off-street parking:* See section 110-162.
- (14) *Off-street loading:* See section 110-163.

(15) *Other provisions:* See section 110-178 for additional rules on design limitations and performance standards when a C-2 zone lot line is within sixty (60) feet of single-family residential area lot lines.

Sec. 110-78. M-1, light industrial.

The following regulations shall be applicable to the M-1, light industrial, zoning district:

(1) *Description and purpose:* This zone permits most compounding, assembling or treatment of articles or materials with the exception of heavy manufacturing and the processing of raw materials.

(2) *Permitted uses:* Machine shops, carpenter shops, ice manufacturing, light metal processing, meat and food processing, paper fabricating, plastic manufacturing, clay products manufacturing, trucking yard, dairy product manufacturing, feed and fuel yards and miniwarehouses.

(3) *Maximum percentage of lot to be used by building:* One hundred (100) percent.

(4) *Minimum floor area:* None required.

(5) *Maximum height:* Four (4) stories, fifty (50) feet or as approved.

(6) *Minimum lot area:* Eight thousand four hundred (8,400) square feet.

(7) *Minimum frontage of lot:* Sixty (60) feet.

(8) *Minimum depth of lot:* One hundred (100) feet.

(9) *Minimum yard setback:* None required unless abutting residential zone of E-1, R-1, R-2, R-3, or T-1, then there shall be a minimum setback of twenty (20) feet on the rear and on the side, for all buildings of to fifty (50) feet in height, where the property abuts such zones. If the building is greater than fifty (50) feet in height the setback on the rear and side shall be twenty (20) feet plus twice the height of that portion of the building that is in excess of the first fifty (50) feet. Portions of drainage ditches on the property or between properties shall be credited to the landowner for the purposes of establishing the setback.

(10) *Permitted accessory use:* No restrictions.

(11) *Accessory building:* No restrictions.

(12) *Conditional use:* Churches.

(13) *Off-street parking:* See section 110-162.

(14) *Off-street loading:* See section 110-163.

(15) *Other provisions:* See section 110-178 for additional rules on design limitations and performance standards when an M-1 zone lot line is within sixty (60) feet of single-family residential lot lines.

Sec. 110-79. M-2, heavy industrial.

The following regulations shall be applicable to the M-2, heavy industrial, zoning district:

(1) *Description and purpose:* This zone is designed to contain those industries which process raw material into useful goods.

(2) *Permitted uses*: Machine shop, carpenter shops, ice manufacturing, light metal processing, meat and food processing, paper fabricating, plastic manufacturing, feed and fuel yards and miniwarehouses. All other manufacturing must obtain special permits.

(3) *Maximum percentage of lot to be used for building*: One hundred (100) percent.

(4) *Minimum floor area*: None required.

(5) *Maximum height*: Four (4) stories, fifty (50) feet or as approved.

(6) *Minimum lot area*: Fifteen thousand (15,000) square foot.

(7) *Minimum frontage of lot*: One hundred fifty (150) feet.

(8) *Minimum depth of lot*: One hundred (100) feet.

(9) *Minimum yard setback*: None required unless abutting residential zone of E-1, R-1, R-2, R-3 or T-1, then there shall be a minimum setback of twenty (20) feet on the rear and on the side, for all buildings up to fifty (50) feet in height, where the property abuts such zones. If the building is greater than fifty (50) feet in height the setback on the rear and side shall be twenty (20) feet plus twice the height of that portion of the building that is in excess of the first fifty (50) feet. Portions of drainage ditches on the property or between properties shall be credited to the land owner for the purposes of establishing the setback.

(10) *Permitted accessory uses*: No restriction except no dwellings.

(11) *Accessory building*: No restrictions.

(12) *Conditional use*: Churches.

(13) *Off-street parking*: See section 110-162.

(14) *Off-street loading*: See section 110-163.

(15) Other provisions: See section 110-178 for additional rules on design limitations and performance standards when a M-2 zone lot line is within sixty (60) feet of single-family residential area lot lines.

Sec. 110-80. T-1, single-family residence, townhouse.

In a T-1, single-family residence, townhouse, zone designated and approved according to the provisions of this chapter, within the city or within the extraterritorial jurisdiction of the city of subdivision purposes, a townhouse or townhouse group may be erected or constructed, provided it meets the following requirements:

(1) *Description and purpose*: A highly restricted high density residential zone composed of single-family townhouse dwellings.

(2) *Permitted uses*: Single-family dwelling.

(3) *Maximum percent of project to be used for covered buildings:* Fifty (50) percent, including common area. Those structures constituting "covered buildings" under this provision include, but are not limited to, buildings and required covered parking spaces.

(4) *Minimum living area per family:* Eight hundred (800) square feet.

(5) *Lots:* Each townhouse is located on an individual lot.

(6) *Units and area:*

a. There shall be at least four (4) connected units in each townhouse project.

b. Each townhouse group shall have not less than four (4) adjoining townhouse units.

(7) *Maximum height of building:* Thirty-five (35) feet or two and one-half (2 1/2) stories.

(8) *Minimum area per family:* Three thousand five hundred (3,500) square feet, including common area.

(9) *Minimum lot area:* Two thousand (2,000) square feet.

(10) *Minimum frontage of lot:* Twenty (20) feet.

(11) *Minimum lot depth:* One hundred (100) feet.

(12) *Minimum yard setback:*

a. Each townhouse or townhouse group shall be set back from the front street five (5) feet for the building line.

b. Each townhouse or townhouse group shall be set back from a side street twenty-five (25) feet for the building line.

c. Each townhouse or townhouse group shall be set back from the rear lot line at least ten (10) feet for the building line. Garages or carports having direct access to a rear alley or common driveway shall set back from the rear lot line at least ten (10) feet; provided, however, the planning commission may reduce or waive the required rear setback requirements where a common area of at least twenty-five (25) feet in width is provided and there is provision for pedestrian and vehicular safety, utility service and privacy.

(13) *Permitted accessory use:* Mechanical building, maintenance and tool shop and recreational building, customary home occupations.

(14) *Accessory building:* Shall be the same design and appearance as townhouses and subject to the same maximum height restrictions.

(15) *Conditional uses:* There are no conditional uses allowed.

(16) *Yards:*

a. Each lot shall contain a private yard with not less than three hundred (300) square feet of area. Not more than fifty (50) percent of the required private yard may be occupied by a driveway, but parking areas shall not be included in the computation of the required private yard. A wall or solid fence, not less than five (5) feet in height, shall be required on side lot lines where the required private yard adjoins such lot lines. A private yard may be a patio cover or roof which does not cover more than twenty-five (25) percent of the private yard.

b. Within a townhouse project there shall be at least fifteen (15) feet of separation or combined side yard between each townhouse group.

c. No side yard shall be required between connected townhouses or units.

(17) *Parking spaces and driveways:*

a. *Off-street parking:* Minimum two-space garage.

1. Off-street parking spaces shall be provided for each townhouse in the number specified in the section 110-162.

2. No parking shall be provided in the front five (5) feet of a townhouse lot or common area (unless the rear of the lot abuts Loop Road) nor in the twenty-five (25) feet adjacent to a side street.

b. *Driveways:*

1. No driveway shall be located in the front yard of a townhouse, unless the rear of the lot abuts Loop Road.

2. One-way driveways shall be at least nine (9) feet in width, and two-way driveways shall be at least eighteen (18) feet in width.

(18) *Off-street loading:* None.

Sec. 110-81. PUD, planned unit development.

See article IV for regulations applicable to the PUD, planned unit development, zoning district.

Sec. 110-82. PURZ, planned unit residential zone.

See article V for regulations applicable to the PURZ, planned unit residential, zoning district.

Sec. 110-83. MH-1, mobile home park.

See chapter 58 for regulations applicable to the MH-1 mobile home park zoning district. In addition to chapter 58, the following additional regulations shall be applicable to the MH-1 mobile home park zoning district:

(1) *Description and purpose:* A medium -density zone composed primarily of individual mobile or manufactured homes.

(2) *Permitted use*: One family mobile home dwelling, to include HUD code manufactured homes.

Cross reference-- Mobile home park zone, chapter 151.

Sec. 110-84. MH-2, manufactured homes.

Manufactured homes shall have the same definition found in Vernon's Ann. Civ. Stat. arts. 5221 et seq. The following regulations shall be applicable to the MH-2 manufactured homes zoning district:

(1) *Description and purpose*: A medium-density zone composed primarily of individual manufactured homes.

(2) *Permitted use*: One-family manufactured home dwelling.

(3) *Compliance with Code*: Manufactured homes in MH-2 zone shall be subject to the terms, rules and regulations found in chapter 58 of this Code, specifically sections 58-65 et seq.

Sec. 110-85. Exceptions.

The following are exceptions to the regulations set out in this article:

(1) Ornamental features and mechanical appurtenance may exceed height limitations, but in no case exceed one hundred forty (140) feet.

(2) Unattached garages may be placed within ten (10) feet of rear lot line if an alley is used between lots.

(3) [Corner lots.]

a. Side yards for corner lots, where front and side setbacks have not been established by plat (approved by the planning commission), shall have a minimum front yard setback from the lot line required for that zone from both sides.

b. For corner lots which have established front and side setbacks by plat (approved by the planning commission), those platted setbacks will control which is the front of the home and which is the side of the home (the front setback will be the larger of the two).

(4) If, for any reason of solar orientation, an entire area or any entire block is developed cooperatively or as a unit, standard yard regulations may be waived to carry out such purpose, providing that the zoning board of adjustment after public notice and hearing is of the opinion that such a development is not injurious to adjacent property.

(5) Lots with schools and/or churches shall have twice the side setback requirements of residence when in residential zones.

(6) Libraries and museums may be permitted in residential zones and must meet restrictions for churches.

(7) This section shall not apply to the location, construction, maintenance or use of central office buildings or corporations, firms or individuals engaged in the furnishing of telephone service to the public, or to the location, construction, maintenance or any use of any equipment in connection with such buildings or a part of such telephone system, necessary in the furnishing of telephone service to the public.

Sec. 110-86 -- 110-105. Reserved.

ARTICLE IV. PLANNED UNIT DEVELOPMENT*

Sec. 110-106. Generally.

The planned unit development concept is a recognition that, under certain circumstances, greater quality of development can be achieved by permitting modification of established zoning regulations and that when property is planned and developed as a unit, modification to establish regulations is possible without endangering the health, safety and general welfare of the public.

Sec. 110-107. Purpose.

It is the intent of this article to encourage unified design of housing, commercial, industrial or institutional areas and facilities or combinations thereof to provide for related developments having harmony of design and variety of function, and to provide for a greater flexibility in the design of buildings, yards, courts, and circulation than would otherwise be possible through the strict application of standard regulations. It is further the intent of this section to provide for:

- (1) A maximum choice in the types of environment and living units available to the public.
- (2) An integration of open space and recreation areas with residential development.
- (3) A pattern of development which preserves trees, outstanding natural topography and geologic features.
- (4) A creative approach to the use of land and related physical development.
- (5) An efficient use of land, resulting in smaller networks of utilities and streets, and thereby, lower housing and maintenance costs.
- (6) An environment of stable character in harmony with surrounding development.

Sec. 110-108. Application.

The provisions of this article may be applied to any zoning district at the option of the applicant; provided, however, that the applicant has been granted a PUD classification as provided for under the terms of this article and section 110-6.

State law reference--Local appraisal of property owned by a planned unit development association, V.T.C.A., Tax Code § 25.09.

Sec. 110-109. Application for classification.

(a) To zone property as provided for in this article, the applicant must complete all of the steps in the following process:

(1) *Preapplication conference*: Prior to the formal application for a PUD zoning change, the applicant shall discuss with the city manager the elements of the proposed planned unit development, including, but not limited to:

- a. The project location.
- b. The project size.
- c. The project's intended land uses.
- d. The variation from normal zoning provisions needed to implement the plan.
- e. The relationship of the proposed project to existing adjacent development.

f. The proposed document concerning maintenance of the common areas. Such document shall provide at a minimum a trust instrument or equivalent device that shall establish an institution other than the city to assure maintenance of the common areas in case of financial or other emergency.

The purpose of the preapplication conference is to clarify, for the applicant, the city's policies regarding planned unit development and for the city to provide an informal nonbinding opinion on the acceptability of the proposal.

(2) *Preliminary plan*. To receive preliminary approval of a request for PUD zoning, the applicant shall submit the following:

- a. A preliminary plan including:

- 1. A location diagram at the convenient scale.
- 2. A land use plan at a scale of one (1) inch equals one hundred (100) feet, illustrating the boundaries of the proposed tract, any existing land uses on the proposed tract, any interesting or unusual existing features of the tract, including, but not necessarily limited to topography, vegetation or flooding, and adjacent existing land uses to a distance of two hundred (200) feet. This land use plan shall also illustrate existing zoning on and within two hundred (200) feet of the proposed development.

b. Two (2) copies of a plan of the proposed development at a scale of one (1) inch equals one hundred (100) feet, illustrating all of the elements of the proposal, including, but not limited to:

- 1. Land uses and drainage.
- 2. Circulation and parking.
- 3. Common area(s).

- c. A staging plan, if appropriate to the proposal.
- d. Sketches and / or elevation drawings illustrating visually the general features of the proposed plan.
- e. A written statement outlining the applicant's views of the relationship of the proposal to any existing adjacent development.

The planning commission and the city council shall hold a joint public hearing, as specified in section 110-6, and all the requirements of section 110-6 must be met. Applicant should return to the planning commission if the commission requires changes of the preliminary or final plan.

(3) *Final plan.* To complete the zoning process, the applicant shall, as soon as possible following action on the preliminary plan, submit the following for review and approval:

- a. Two (2) copies of a plan of the proposed development at a scale of one (1) inch equals one hundred (100) feet illustrating all of the elements of the proposal and reflecting all elements and changes required by the planning commission during the preliminary plan review process. Such changes shall be reviewed and approved by the planning commission.
- b. Two (2) copies of a staging plan, if appropriate to the proposal, reflecting all changes required by the planning commission during the preliminary plan review process.
- c. Two (2) copies of a legal instrument or instruments setting forth a plan or method of permanent care and maintenance of open spaces, recreational areas and other commonly owned properties including the legal instrument required by subsection (1)f. of this section.

(b) The council shall notify the applicant of their approval or disapproval. This approval shall constitute the final step in the process and when received, the zoning shall be changed.

Sec. 110-110. Review of plat; recordation; changes.

(a) *Subdivision plat.* Review of the preliminary plan and the final plan may, at the option of the applicant, be undertaken simultaneously with subdivision plat review; provided, however, that all requirements of this section and those of chapter 152 shall be met.

(b) *Recording of the approved plan.* Two (2) copies of the final approved plan shall be marked approved, dated, signed by the planning commission and submitted to the city manager for use in subdivision platting and / or for issuing building permits.

(c) *Changes in the plan.* Following favorable action by the planning commission, minor alterations to the plan that do not affect platting, the general character or overall design of the plan may be approved by the city manager and city engineer. Any other alterations shall be resubmitted for review by the planning commission.

Sec. 110-111. Design standards.

(a) *Permitted uses.* A planned unit development may be developed which includes any or all of the uses permitted in any specific zoning district as provided in sections 110-66 -- 110-83. A planned unit development may also encompass several zones; provided, however, that the uses permitted in each zone are limited to the boundaries of that zone.

(b) *Height requirements:* The maximum height of structures shall be as required in sections 110-66 -- 110-84.

(c) *Yard requirements.* Front, side and rear yards for the perimeter boundaries of the proposed development may be equal to the front, side and rear yards of the zoning district within which the development is located; provided, however:

(1) Internal perimeter yard requirements (e.g., zone to zone) may be varied at the discretion of the applicant and subject to commission approval; and

(2) The commission may require perimeter yards of greater or lesser depth to modify the relationship of proposed structures to existing structures.

(d) *Minimum lot requirements.* An individual lot for each structure is not required, but individual lots may be provided at the developer's option. There is no minimum area requirement for lots. Lot boundaries may coincide with structure boundaries if desired.

(e) *Density.* The number of primary structures permitted on a tract shall be determined by dividing the net area (net area equals the total area of a tract less the area devoted to streets, easements or other rights-of-way) of the tract by the values in the following table:

Square Feet

E-1 PUD	43,560
T-1 PUD	3,500
B-1 PUD	2,000
B-1A PUD	2,000
B-2 PUD	2,000
C-1 PUD	3,000
C-2 PUD	10,000
M-1 PUD	8,400
M-2 PUD	15,000

(f) *Minimum floor area.* The minimum floor area for structures in a planned unit development shall be as defined by sections 110-66 -- 110-83.

(g) *Open space.* The required quantity of open space shall be determined by multiplying the net area of the tract by the values of the following table:

E-1 PUD	0.75
T-1 PUD	0.50
B-1 PUD	None
B-1A PUD	None
B-2 PUD	None
C-1 PUD	None
C-2 PUD	None
M-1 PUD	None
M-2 PUD	None

(h) *Open spaces uses.* The following uses are permitted on the required open space areas:

(1) Uncovered parking.

(2) Active and passive recreation uses.

(i) *Parking*. The required number of parking spaces shall be as provided in section 110-162.

(j) *Landscaping*. In keeping with the spirit of this section, landscaping shall be provided in both residential and nonresidential developments. Recognizing the need for diversity in design, there are not specific requirements for the type, amount or character of the landscaping elements, which shall be left to the discretion of the developer, provided the proposed landscaping and maintenance thereof be in keeping with the abovementioned spirit. In the location of landscaping elements such as trees, shrubbery, walls, and fences, care should be taken not to obstruct the necessary sight distance of any intersection within or adjacent to the property. Whenever practicable, the preservation of existing trees and appropriate other vegetation is encouraged. Screening, such as fencing, walls, trees, shrubbery and other landscaping elements, may be required on the perimeter, or parts of a planned unit development as buffering to adjoining properties.

Sec. 110-112 -- 110-130. Reserved.

ARTICLE V. PLANNED UNIT RESIDENTIAL ZONE

Sec. 110-131. Intent.

The planned unit residential zone is intended as a zone to encourage unified design of housing, commercial or institutional zones and facilities or combinations thereof to provide for related developments having harmony of design and variety of function.

Sec. 110-132. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Common open space means a parcel of land or an area of water, or a combination of land and water within the site designated as a planned unit residential zone, and designed and intended for the use or enjoyment of residents of the planned unit residential zone, common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents of the planned unit residential development. Parking areas shall not be considered as common open spaces.

Landowner means the legal or beneficial owner or owners of all the land proposed to be included in a planned unit residential zone. The holder of an option or contract to purchase, a lessee having a remaining term is not less than forty (40) years, or other person having an enforceable proprietary interest in such land, shall be deemed to be landowner for the purpose of this zoning section.

Plan means the proposal for development of a planned residential zone, including all covenants, grants of easement and other conditions relating to use, location and bulk of buildings, density of development, common open space and public facilities. The plan shall include such information as required by section 110-138. The phrase "provisions of plan" where used in this article shall mean those documents, verbal or graphic, referred to in this definition.

Planned unit residential zone means an area of land, controlled by the landowner, to be developed as a single entity for a number of dwelling units, the plan for which does not correspond in lot size, bulk or type of dwelling, density, lot coverage, or required open space to the regulations in any one (1) residential district established by any other article of this chapter.

Single ownership means the proprietary interest of a landowner.

Statement of objectives for planned unit residential zone means that statement of objectives contained in section 110-134 and shall include all maps and attachments incorporated in that statement of reference.

Cross reference -- Definitions generally, § 1-2.

Sec. 110-133. Purpose.

(a) The city, being confronted with increasing urbanization, and acknowledging that the technology of land development and the demand for housing are undergoing substantial and rapid changes, and recognizing the applicability of the objectives set forth by the city council, does hereby adopt this article for application to areas of land which are to be developed as planned residential developments.

(b) Of primary concern is the need to provide increased flexibility in the laws governing the development of those large areas in the city which are at present substantially open land; and to encourage such development in directions that will recognize both the changes in design and technology in the building industry and the new demands in the housing market; and to ensure that the uniform regulations appropriate to previously developed residential neighborhoods do not operate to discourage efficient and imaginative development of such substantially open areas consistent with the reasonable enjoyment of neighboring properties.

(c) Also of concern is the need for the redevelopment of those congested and blighted areas abutting the central areas of the city in order to furnish adequate housing facilities in proximity to the commercial and civic amenities of the central areas of the city, and in the belief that private investment should be encouraged to contribute to that redevelopment; and in recognition that such necessary redevelopment cannot be expected to take place in strict accordance with those uniform regulations appropriate to more viable established residential areas of the city.

Sec. 110-134. Objectives.

(a) It is the intent of this article to encourage unified design of housing, related facilities or combinations thereof to provide for related developments having harmony of design and variety of function, and to provide for a greater flexibility in the design of buildings, yards, courts, and circulation than would otherwise be possible through the strict application of standard regulations. It is further the intent of this article to provide for:

(1) A maximum choice in the types of environment and living units available to the public.

(2) An integration of open space and recreation areas with residential development.

(3) A pattern of development which preserves trees, outstanding natural topography and geologic features.

(4) A creative approach to the use of land and related physical development.

(5) An efficient use of land, resulting in small networks of utilities and streets and thereby lowering housing and maintenance costs.

(6) An environment of stable character in harmony with surrounding development.

(b) The city council is hereby designated as the municipal authority.

Sec. 110-135. Application of article.

(a) The provisions of this article shall apply only to a tract of land proposed to be developed for fifty (50) or more dwelling units, which tract is under single ownership, and for which an application for a planned unit residential zone is made as hereinafter provided.

(b) An application for a planned unit residential zone on a tract of land for more than twelve (12) but less than fifty (50) or more dwelling units may be filed but no tentative approval of such an application shall be given by the planning commission unless the commission shall find, upon a showing by the landowner, that the minimum of fifty (50) dwelling units should be waived because a planned unit residential zone is in the public interest, and that one (1) or more of the following conditions exist:

(1) Because of unusual physical features of the property itself or of the neighborhood in which it is located, a substantial deviation from the regulations otherwise necessary or appropriate in order to conserve a physical or topographic feature of importance to the city.

(2) The property or its neighborhood has a unique character of economic importance to the community that it will be protected by use of a planned unit residential development.

Sec. 110-136. Permitted uses.

Uses permitted in a planned unit residential development may include and shall be limited to:

(1) Dwelling units in detached, semidetached, attached or multistoried structures, or any combination thereof;

(2) Nonresidential uses of religious, cultural, recreational and commercial character to the extent they are designed and intended to serve the residents of the planned unit residential zone.

No commercial use, nor any building devoted primarily to a commercial use, shall be built or established prior to the residential buildings or uses it is designed or intended to serve.

Sec. 110-137. Standards and criteria.

(a) The plan for a planned unit residential zone shall be consistent with:

(1) The statement of objectives for planned unit residential zone;

(2) The general standards set out hereinafter; and

(3) The specific rules and regulations for the planned unit residential zone adopted from time to time and placed in the public record by the city council. No such rules and regulations shall be revised or added to so as to be applicable to a specific proposal for a planned unit residential zone after an application for tentative approval has been filed by the landowner.

(b) A plan shall be consistent with the following general standards for use of land, and the use, type, bulk, design and location of building, the density or intensity of use, the common open space, the public facilities and the development by geographic division of the site:

(1) The plan may provide of a variety of housing types.

(2) The total ground areas occupied by buildings, structures and parking areas, shall not exceed seventy (70) percent of the total ground area of the planned unit residential zone. For the purpose of this subsection, total ground area shall be equal to the gross area of the proposed planned unit residential zone site, less those areas required for public street improvements or excavated drainage areas.

(3) Height of particular building shall not be a basis for denial or approval of a plan, provided any structures in excess of thirty-five (35) feet shall be designed and platted to be consistent with the reasonable enjoyment of neighboring property and the efficiency of existing public services.

(4) Architectural style of buildings shall not be a basis for denying approval of a plan.

(5) Nonresidential uses of religious, educational or recreational nature shall be presumed to be designed or intended for the use of the residents of the planned unit residential zone, and the burden shall be on the planning commission or objecting parties appearing at the public hearings to show by substantial evidence that the use will primarily serve persons residing outside the planned unit residential zone. The burden shall be on the landowner to show that nonresidential uses of a commercial character are intended to serve principally the residents of the planned unit residential zone. No building designed or intended to be used, in part or in whole, for commercial purposes shall be constructed prior to the construction of not less than fifty (50) percent of the dwelling units proposed in the plan.

(6) If the density or intensity of land use exceeds twenty (20) units per acre, the landowner has the burden to show that such excess will not have an undue and adverse impact on the existing public facilities and on the reasonable enjoyment of neighboring property. The planning commission, in determining the reasonableness of the increase in the units per acre, shall recognize that increased density may be compensated for by additional private amenities and by increased efficiency in public services to be achieved by the amount, location and proposed use of common open space and achieved by the location, design and type of dwelling units. The planning commission shall, in its determination, also consider that the physical characteristics of the site may make increased densities appropriate in the particular location.

(7) The amount and location of common open space shall be consistent with the declared function of the common open space as set forth in the application for a planned unit residential zone, and there shall be such provisions for the ownership and maintenance of the common open space as reasonable to ensure its continuity and conservation. If the common open space is permitted to deteriorate or is not maintained in a condition consistent with the best interest of the entire city, then, and in such event, the city shall take those remedial steps provided for in section 82- 41.

(8) The plan shall contain such proposed covenants, easements and other provisions relating to the bulk, location and density of such residential units, nonresidential uses and public facilities as are necessary for the welfare of the planned unit residential zone and are not inconsistent with the best interest of the entire city. Such covenants, easements and other provisions, if part of the plan as finally approved, may be modified, removed or released only in accordance with those requirements specified by this Code.

(9) The planning commission may designate divisible geographic sections of the entire planned unit residential zone to be developed sequentially, and shall, in such case, specify reasonable periods within which development of each such section must be commenced, and may permit in each section deviations from the number of dwelling units per acre established for the entire planned unit residential zone, provided such deviation shall be adjusted for in other sections of the development so that the number of dwelling units per acre authorized for the entire planned unit residential zone is not affected. The period of the entire development and the commencement date for each section thereof, may be modified from time to time by the planning commission upon the showing of good cause by the landowner, provided that in no case, shall any extension exceed twelve (12) months. If the landowner does not appear in the specified time, his final plat approval may be revoked by the planning commission. The landowner shall make such easements, covenants and other arrangements as may be determined by the planning commission to be reasonably required to assure performance in accordance with the plan and to protect the public interest in the event of abandonment of such plan before completion.

Sec. 110-138. Application for approval.

(a) *Application for planned unit residential zone.* To zone property as provided for in this article, the applicant must complete all of the steps in the following process:

(1) *Preapplication conference.* Prior to the formal application for a planned unit residential zoning change, the applicant shall discuss with the city manager the elements of the proposed planned unit development, including, but not limited to:

- a. The project location.
- b. The project size.
- c. The project's intended land use.
- d. The variation from normal zoning provisions needed to implement the plan.
- e. The relationship of the proposed project to existing adjacent development.
- f. The proposed document concerning ownership and maintenance of the common areas. Such document shall provide at a minimum a trust instrument or equivalent device that shall establish an institution other than the city to assure maintenance of the common areas in case of financial or other emergency.

The purpose of the preapplication conference is to clarify for the applicant, the city's policies regarding planned unit development and for the city to provide an informal nonbinding opinion on the acceptability of the proposal.

(b) *Preliminary plan.* To receive preliminary approval of a request for planned unit residential zoning, the applicant shall submit the following:

(1) A preliminary plan including:

- a. A location diagram at a convenient scale.
- b. A land use plan at a scale of one (1) inch equals one hundred (100) feet, illustrating the boundaries of the proposed tract, any existing land uses on proposed tract, any interesting or unusual existing features of the tract, including, but not necessarily limited to, topography, vegetation or flooding, and adjacent existing land uses to a distance of two hundred (200) feet. This land use of plan shall also illustrate existing zoning on and within two hundred (200) feet of the proposed development.

(2) Two (2) copies of a plan on the proposed development at a scale of one (1) inch equals one hundred (100) feet, illustrating all of the elements of the proposal, including, but not limited to:

- a. Land uses and drainage.
- b. Circulation and parking.
- c. Common area(s).

(3) A staging plan, if appropriate to the proposal.

(4) The variation from normal zoning provisions needed to implement the plan.

(5) Sketches and/or elevation drawings illustrating visually the general features of the proposed plan.

(6) A written statement outlining the applicant's views on the relationship of the proposal to any existing adjacent development, and the landowner's reasons why, in his opinion, the planned unit residential zone would be in the public interest and would be consistent with the city's statement of objectives for planned unit residential zone and with the specific criteria, if any, theretofore published by the planning commission.

(7) The proposed document concerning ownership and maintenance of the common areas. Such document shall provide at a minimum a trust instrument or equivalent device that shall establish an institution other than the city to assure maintenance of the common areas in case of financial or other emergency.

(8) One (1) copy for every application for tentative approval received by the secretary shall be promptly delivered to the planning commission for its review. As part of its review the planning commission shall consult to the extent it deems necessary with the fire, health, building and other departments of the city concerning such application.

(9) Nothing contained in this section shall be deemed to forbid or discourage informal consultations between the landowner and the city staff prior to the filing of an application for a tentative approval, provided no statement or representation by a member of the staff shall be binding upon the planning commission.

Sec. 110-139. Public hearing.

The planning commission and the city council shall hold a joint public hearing on each proposed planned residential development, as specified in section 110-6, and all the requirements

of section 110-6 must be met. Applicant should return to the planning commission if the commission requires changes of the preliminary or final plan.

Sec. 110-140. Final plan and recordation.

(a) *Final plan.* To complete the zoning process, the applicant for a planned residential development shall, as soon as possible following action on the preliminary plan, submit the following for review and approval:

(1) Two (2) copies of a plan of the proposed development at a scale of one (1) inch equals one hundred (100) feet illustrating all of the elements of the proposal and reflecting all elements and changes required by the planning commission during the preliminary plan review process. Such changes shall be reviewed and approved by the planning commission. All the requirements of the preliminary plan shall also be requirements of the final plan.

(2) Two (2) copies of staging plan, if appropriate to the proposal, reflecting all changes required by the planning commission during the preliminary plan review process.

(3) Two (2) copies of a legal instrument or instruments setting forth a plan or method of permanent care and maintenance of open spaces, recreational areas and other commonly owned properties including the legal instrument required by section 110-138 (b)(7).

(b) *Subdivision plat.* Review of the preliminary plan and the final plan may at the option of the applicant, be undertaken simultaneously with subdivision plat review; provided, however, that all requirements of this section shall be met.

(c) *Recording of the approved plan.* Two (2) copies of the final approved plan shall be marked approved, dated, signed by the planning commission and submitted to the city manager for use in subdivision platting and / or issuing building permits.

(d) *Changes in the plan.* Following favorable action by the planning commission, minor alterations to the plan that do not affect platting, the general character or overall design of the plan may be approved by the city manager and city engineer. Any other alterations shall be resubmitted for review by the planning commission.

The city council shall notify the applicant of their approval or disapproval. This approval shall constitute the final step in the process and when received, the zoning shall be changed.

Sec. 110-141 -- 110-160. Reserved.

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ARTICLE VI. SUPPLEMENTARY REGULATIONS

Sec. 110-161. Customary Home Occupations.

(a) [Definitions.]

Community home means a personal care facility licensed under V.T.C.A., Health and Safety Code ch. 247, provided that the exterior structure retains compatibility with the surrounding residential dwellings. No more than six (6) persons with disabilities can reside in a community home and the principal resident / owner must reside in the home. The aforementioned is subject to reasonable building occupancy limits as may be required of the building official and / or fire marshal. A community home may not keep, either on the premises of the home or on a public right - of - way adjacent to the home, motor vehicles in numbers that exceed the number of bedrooms in the home.

Customary home occupation means an occupation which may be conducted in the home without changing the character of the residential use and which is incidental and secondary to the residential use.

Person with a disability means a person whose ability to care for himself, perform manual tasks, learn, work, walk, see, hear, speak, or breathe is substantially limited because the person has:

- (1) An orthopedic, visual speech, or hearing impairment;
- (2) Alzheimer's disease;
- (3) Pre-senile dementia;
- (4) Cerebral palsy;
- (5) Muscular dystrophy;
- (6) Multiple sclerosis;
- (7) Epilepsy;
- (8) Cancer;
- (9) Heart disease;
- (10) Diabetes;
- (11) Mental retardation;
- (12) Autism; or
- (13) Emotional illness.

Daycare facility means a facility that is licensed or registered with the state which regularly provides care for persons less than twenty - four (24) hours a day.

Kennel means any lot, building, structure, enclosure, or premises where animals are kept wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs, cats, or other animals.

Service representative means an occupation whereby a service is provided. Service representative includes but is not limited to electrician, plumber, interior decorator, accountant, air conditioning repair, small appliance repair, janitorial service, pool service, lawn and landscape service, real estate appraiser and similar occupation.

(b) Customary home occupations may be conducted in the home within the limits of the following:

(1) *Uses permitted* Customary home occupations include home office for a salesman, sales, or service representative, manufacturer representative, studio of an artist, musician, music teacher, photographer, writer, tailor, architect, dressmaker, launderer, registered family homes, agency homes, community home for the disabled, daycare facilities for twelve (12) or fewer persons, caterers licensed by the city or other similar occupations.

(2) *Uses not permitted.* Uses not considered customary home occupations include, but are not limited to, barbershops, beauty parlors, animal hospitals, kennels, carpenter shops, electrical shops, plumbing shops, radio shops, tin shops, auto repair, auto paint and body repair shops, furniture repairing shops, clinics, doctor offices, hospitals, real estate offices, insurance agent offices, health studios, palm readers, day care centers or day care facilities which care for more than twelve (12) persons, taxi and limousine services, garage / yard sales (except that as many as two (2) garage / yard sales may be held per year), major appliance repair shops, dance studios, or other similar occupations.

(3) *Use restrictions.* In addition to the requirements of the appropriate section of this chapter, a home occupation shall comply with the following restrictions.

a. No home occupation shall cause, by reason of its existence, a significant increase in the number of vehicles traveling to and from the home or on the public streets surrounding or abutting the home, nor shall the home occupation receive regular deliveries from delivery trucks.

b. A home occupation shall in no way destroy, restrict or interfere with the primary use of the home as a place of residence.

c. No stock in trade shall be displayed or sold on the premises except that which is custom made to order.

d. The home occupation shall be conducted entirely within the principal dwelling unit or accessory structure, and in no event shall such use be visible from any other residential structure or public way.

e. There shall be no outdoor storage of equipment or material used in the home occupation.

f. No mechanical, electrical or other equipment which produces noise, electrical or magnetic interference, vibration, heat, glare or other annoyance outside the residential or accessory structure shall be used.

g. No home occupation shall be permitted which is noxious or offensive to a person of ordinary sensitivity or hazardous by reason of vehicular traffic, generation or emission of noise, vibration, smoke, dust, or other particulate matter, odorous matter, heat, humidity, glare, refuse, radiation or other objectionable emission.

h. No person other than members of the family residing on the premises shall be engaged in the home occupation unless required by licensing requirements or where such engagement is occasional and incidental to the occupation.

(4) *Advertising*. No sign advertising the home occupation shall be allowed on or off the premises.

(5) *Preexisting day care facilities*. Day care facilities operating prior to June 1, 1992, which are permitted for more than twelve (12) persons, may continue to exist or operate, provided that such facilities do not modify the terms and conditions of their current license with regard to owner and number of clients.

(6) *Penalty*. Any person who violates this section shall be subject to a fine of not more than two thousand dollars (\$2,000.00) for each violation for each day that the violation continues.

State law reference -- Industrial homework, V.T.C.A. Health and Safety Code § 143.001 et seq.

Sec. 110-162. Parking requirements.

Off-street parking facilities shall be provided in the following amounts when a building is erected, increased by unit, increased in dimension or moved:

- (1) One-family dwellings: Two-space garage/carport.
- (2) Two-family dwellings (duplexes): Four (4) space garage/carport .
- (3) Multiple-family dwelling:
 - a. Apartment house: Two and one-half (2 1/2) spaces per living unit.
 - b. Townhouses: Two (2) spaces per living unit.
- (4) Rooming houses, lodging houses, club rooms, fraternity and sorority houses and dormitories: One (1) space for every one hundred (100) square feet of floor area.
- (5) Hotels, motels, motor lodges, trailer courts, tourist courts: One (1) space for each guest room or trailer space and one (1) space for each two (2) employees (associated commercial, club, lounge or retail areas require additional spaces, see subsection (6)).
- (6) Dancehall, nightclub, tavern, restaurant, lounge, skating rink, commercial amusement: One (1) space for each three (3) persons normally accommodated in the establishment; for user not requiring a building, one (1) space for each eight hundred (800) square feet of ground area shall be provided.
- (7) Nursing homes and orphanages: One (1) space for each four (4) beds.

(8) Hospitals, sanatoriums, home for the aged and youth home: One and one-half (1 1/2) spaces per bed or dwelling unit.

(9) Office permitted in R-4 zone: One (1) space for each three hundred (300) square feet of gross floor area.

(10) Theater, indoor sport arenas, auditoriums other than those incidental to public and private schools: One (1) space for each three (3) seats.

(11) Stadiums, ballparks, gymnasium and other outdoor sports arenas: One (1) space for each three (3) seats. Such parking areas or any portion thereof may be located within eight hundred (800) feet of the nearest corner of the property on which the place of assembly is located.

(12) Churches, assembly facility with fixed seating, mortuary or funeral home, or other places of worship: One (1) space for each three (3) seats in the main auditorium.

(13) Retail stores, super markets, shopping centers:

a. For buildings of two thousand (2,000) square feet or less: One (1) space for four hundred (400) square feet of gross floor area.

b. For buildings in excess of two thousand (2,000) square feet in floor area: One (1) space for two hundred (200) square feet of gross floor area.

(14) Banks, savings and loan offices and other general business offices: One (1) space for each three hundred (300) square feet of gross floor area.

(15) Clinic, medical, dental or optical: One (1) space for each two hundred (200) square feet of gross floor area.

(16) Manufacturing, warehouses and storage not covered in subsection (13): One (1) space for each one thousand (1,000) square feet of floor area plus one (1) space for each four (4) employees.

(17) School:

a. Elementary: One (1) space for each nine (9) students.

b. Junior high: One (1) space for each nine (9) students.

c. Senior high: One (1) space for each one and three-quarters (1.75) students.

d. Trade / vocational: One (1) space per student.

e. College / university: One (1) space per day student.

f. Kindergarten: One (1) space per eight (8) pupils.

(18) Library: One (1) space for each three hundred fifty (350) square feet of public area.

(19) Community or welfare center: One (1) space for each two hundred (200) square feet of floor area.

(20) Assembly facility without fixed seating: One (1) space for each one hundred (100) square feet of floor area.

(21) Bowling alley: Six (6) spaces for each line.

(22) Other, as determined by the planning commission.

(23) Off-street parking for uses not specified in this section shall be determined by the planning commission.

(24) All parking spaces must be a minimum of nine (9) feet by eighteen (18) feet.

(25) All parking spaces required in this section shall be located on the same lot with the building or use served, except as follows:

a. Where an increase in number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required spaces may be located not to exceed three hundred (300) feet from an institutional building served and not to exceed five hundred (500) feet from any other nonresidential building served.

b. No more than fifty (50) percent of the parking spaces required for theaters, bowling lanes, dancehalls, nightclubs or cafes may be provided and used jointly by similar uses not normally open, used or operated during the same hours as those listed; provided, however, that written agreement thereto is properly executed and filed as specified below.

c. Not more than eighty (80) percent of the parking spaces required for a church or school auditorium may be provided and used jointly by similar uses not normally open, used or operated during the same hours as those listed; provided, however, that written agreement thereto is properly executed and filed as specified below.

d. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their intention for such purposes, shall be properly drawn and executed by the parties concerned, approved as to form by the city attorney and shall be filed with the application of a building permit.

(26) Any or all off-street parking requirements may be waived at the discretion of council where there is reasonable justification for so doing.

(27) Any head-in parking or parking on public right-of-way where street width is less than forty-eight (48) feet is prohibited in front of all property.

(28) Where there is on-street parking provided, those spaces in front of a property may be used by that property, plus one-half (1/2) the spaces in the center where there is center parking. If there is an esplanade, a lot may use the lots abutting and those at the esplanade.

(29) The provisions of this section shall not apply to the facilities or parking spaces approved by the city prior to March 1, 1981.

(30) Whenever a building or use is constructed or changed after the effective date of the Zoning Ordinance, by enlarging the floor plan area, number of employees, number of dwelling units, seating capacity or otherwise, to create a requirement for an increase in the number of parking spaces, such space shall be provided on the basis of the enlargement or change in use.

Sec. 110-163. Loading requirements.

(a) On the same premises with every building devoted to retail trade, retail and wholesale food markets, warehouses, supply houses, wholesale and manufacturing trade, hotels, hospitals, laundry, dry cleaning establishments or other buildings where large amounts of goods are received or shipped, erected in any zone after the effective date of the Zoning Ordinance, shall provide loading and unloading space as follows:

(1) Buildings of less than ten thousand (10,000) square feet area must provide at the rear of each establishment a loading and unloading space which is adequate for the particular type of business.

(2) Buildings of ten thousand (10,000) square feet of floor area and over must provide one (1) off-street loading and unloading space within minimum dimensions of ten (10) feet by twenty-five (25) feet by fifteen (15) feet overhead clearance, plus one (1) additional such space for each additional fifteen thousand (15,000) square feet of floor space or major fraction thereof.

(3) Loading space being maintained in connection with any existing building on the effective date of the ordinance from which this provision derives shall thereafter be maintained so long as such building remains, unless an equivalent number of such spaces are provided conforming to the requirements of this section; provided, however, that this regulation shall not require the maintenance of more loading space than is required for a new building.

(b) Supervised living facilities and other health care institutions or other buildings where large amounts of goods are received or shipped, erected in any zone after the effective date of the Zoning Ordinance, shall provide loading and unloading space as follows:

(1) Off -street facilities shall be provided and maintained for receiving and loading of merchandise, supplies and materials within a building or on the premises.

(2) Required off-street loading facilities may be adjacent to a public alley or private service drive, or may consist of a berth within a structure.

(3) No portion of a loading facility may extend into a public right-of-way.

(4) The off-street loading spaces or truck berths shall provide maneuvering areas on site to prevent any blockage of public right-of-way.

Sec. 110-164. Mining, excavation, soil removal.

No mining, excavation, or soil removal except in connection with construction covered by building permit.

Sec. 110-165. Number of main buildings -- Residential.

Only one (1) main building for single-family, two-family, or multifamily residential use, with permitted accessory buildings may be located upon any one (1) lot.

Sec. 110-166. Same -- Nonresidential.

Where a lot is used for retail, commercial, industrial or combination of same, more than one (1) main building may be located upon the lot but only when such building conforms to all the open space, parking and density requirements applicable to the uses and zones and when all such main buildings face upon a street.

Sec. 110-167. Same -- Facing streets.

Whenever two (2) or more main buildings, or portions thereof, are placed upon a single lot and such buildings will not face upon a street, the same may be permitted when the site plan for such development is approved by the city planning commission so as to comply with the normal requirements for platting.

Sec. 110-168. Screening.

Screening consisting of either masonry, or berms with adequate trees or shrubs, or chain link fencing with adequate trees or shrubs shall be required when a business, commercial or industrial building backs up to either a major city street or a state highway and there are garbage receptacles, work vehicles and other common but unsightly operational or back-door materials visible. Such screening must be thick or dense enough to hide the unsightly items up to height of at least six (6) feet.

Sec. 110-169. Permits for multiple buildings.

Whenever an area or tract of land under one (1) or several ownerships is proposed for development with more than one (1) main building, permits may be issued for housing projects, shopping centers, institutions, industrial development, or a combination development of two (2) or more uses when the same is issued with the approval of the planning commission.

Sec. 110-170. Height restrictions generally.

No structure shall be built with a height of more than one hundred forty (140) feet within the thousand (10,000) feet of the center of the airport. No structure shall be built with a height of more than one hundred (100) feet within three (3) miles of either end of and in a line with any runway of an airport.

Sec. 110-171. Sight-obstruction at intersections.

On any corner lot on which front and side yards are required, no fence, structure, sign, tree, shrub, or hedge may be maintained within a twenty-five (25) foot isosceles triangle formed by the lot lines on the corner, as to cause danger to traffic by obstructing the view.

Sec. 110-172. Fences -- When required.

Where any R-4, B, C, or M zone abuts a single - family residence zone on either side or rear, the R-4, B, C, or M zone must provide a fence that is a minimum of six (6) feet and a maximum of seven (7) feet in height and that is solid enough to prevent lights shining through it. In addition, a B, C, or M zone must provide a five-foot setback except as otherwise provided in this Code, when it abuts a residential zone on either side or rear.

Cross reference -- Fence required for swimming pools, § 14-272.

Sec. 110-173. Same -- Construction permits required.

(a) It shall be unlawful for any person, business, partnership, corporation, or other entity, to commence the construction, enlargement, extension or relocation of a fence without first obtaining a permit from the building official for such work. There shall be no fee charged for a fence permit.

(1) *Application.* Application for a fence construction permit shall be made to the building official on forms provided for that person.

(2) *Requirements.* The building official shall require that every application for a fence construction permit be accompanied by one (1) copy of a plan or plot drawn to scale and showing the following in sufficient detail to enable the building official to ascertain whether the proposed fence and its placement is in accordance with this chapter:

a. *Lot dimensions and corners.* The actual shape, proportion and dimensions of the lot to be built upon and satisfactory evidence that actual corners of the lot are known and are identified by stakes or rods and established on the ground. The proposed fence should be within the property line of the lot seeking the permit.

b. *Existing yards.* The dimensions of all yards and such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of the chapter are being observed.

c. Proposed structures.

1. The shape, height, type, quality, fabric, and location of all fences to be constructed, enlarged, extended or moved and of any fences or other structures already on the lot.

2. All wood materials shall be naturally decay resistant or pressure treated exterior grade, such as redwood or cedar, or other materials acceptable to the city.

3. All nails or fasteners shall be of no rusting, noncorrosive metal such as hot dipped galvanized steel. All nails or fasteners shall be of the type (such as screw shank, ring shank, or divergent point staples) that when properly driven, will not work free, due to wind, vibration or shrinkage of members.

4. All materials shall be securely fastened, vertical boards to horizontal stringers, stringers to vertical posts, top rail, to ensure an ongoing attractive appearance and safe condition, free from rust, rot, vandalism, and other sources of decay.

(3) *Issuance.* If the proposed fence as set forth in the application is in conformity with the provisions of this chapter, the building official shall issue a fence permit.

(4) *Disapproval.* If an application for a fence permit is not approved, the building official shall state in writing on the application the reasons for such disapproval.

(b) No fence or enclosure shall exceed a height of seven and one half (7 1/2) feet measured from the ground directly below the fence, with the following exceptions:

(1) The side of the property abutting an arterial street or state highway may have fences up to eight and one-half (8 1/2) feet in height.

(2) Business properties in business, commercial and manufacturing zones (B-1 through M-2) may, for security purposes, have fences up to ten (10) feet in height.

(c) No fence or enclosure shall extend closer to any street right-of-way line than the building line in front (see section 110-2 building line definition, being the front of the building) and the point of intersection of the building line with the property line on the side, except for –picket, chainlink, and ornamental see – thru fences are to be permitted in front of the building line on those lots platted prior to the date of the ordinance. Fences on corner lots must allow clear traffic line of sight, and be no more than 4' in height. Any plants, trees, etc. planted must also allow clear traffic line of sight. Also, when the lot is at least one (1) acre or more, ornamental see – thru (spaces six (6) inches to eighteen (18) inches in width) iron or steel fences with brick pillars may be erected up to and along the minimum setback line in front and on the property line on the side to its intersection with the minimum setback line in front.

(d) All fences shall be maintained by the property owner / lessee and shall be kept clean, free from all hazards such as, but not limited to faulty and loose fastenings, nails, boards, so as not to be detrimental to the public health and safety.

(e) Standard chain link or wood fencing is approved. Prohibited fencing includes, but is not limited to plywood, corrugated metal, chicken wire, cardboard, barbed wire or similar type fences.

(f) A fence shall not be considered a "structure" as defined in Section 103.6 of the Standard Building Code (1994) and Section 103.6 of the Standard Building Code shall not be applicable to any fence constructed in the City of Sweeny.

Sec. 110-174. Surfacing of off-street parking areas.

All off-street parking areas should be graded and paved with an all weather type pavement, either concrete, asphalted concrete or other surfacing material.

Sec. 110-175. Lot widths.

For the purpose of determining the minimum required width of the lot for building purposes, the width required may be measured at either the front line or the building line, whichever is greater, as long as either the front line or the building line meet the minimum requirement for the frontage of the lot or site under this Code for the particular zone and the lot meets the total square footage requirement of the Code for that zone.

Sec. 110-176. Tents in business and commercial zones.

The time period for which a business or other entity may erect or have a tent on their premises in business and commercial zones for the purpose of housing materials, providing cover from the elements, providing for an outside sale area, providing for entertainment, conventions or any other social, business or commercial purpose shall not exceed thirty (30) days total for a calendar year.

Sec. 110-177. Screen enclosures.

(a) Definitions.

(1) Screen enclosure: A metal structure completely encapsulated by only a fabric which allows the elements to pass freely through it and has no roof.

(2) Interpretation of the definition of a screen enclosure shall be the duty of the building official.

(3) Appeals of the definition may be made to the zoning board of adjustments through the building official. The decision of the zoning board of adjustment shall be final if no challenge suit is filed in district court within fifteen (15) days after the decision.

(b) Screen enclosures shall not be counted toward total percentage of allowable structures on any lot. This subsection shall apply to all those structures existing on the effective date of the Zoning Ordinance, as well as those that are erected after that date.

(c) Additionally, screen enclosures shall:

(1) Be designed and stamped by an engineer to withstand wind load of one hundred twenty (120) miles per hour;

(2) Not encroach onto any easements or setback requirement;

(3) Be considered a structure and a permit is required;

(4) Be exempted from the percentage of lot allowed for buildings or structure; and

(5) Be subject to all other requirements for buildings or structures and those requirements shall be enforced.

Sec. 110-178. Design limitations.

(a) The following design limitations shall apply after the effective date of the Zoning Ordinance, when a B-1A, B-2, C-1, C-2, M-1, or M-2 zone lot line is within sixty (60) feet of a single-family residential area lot lines:

(1) All garbage storage shall be screened and located no closer than ten (10) feet from a single-family residential zone and may not be located between the front of the structure and any street right of way.

(2) Unsightly features (loading docks, mechanical equipment, etc.) shall be screened through the use of masonry walls, fencing, berms with adequate trees or shrubs, or chain link fencing with adequate trees or shrubs, all being thick enough to hide the unsightly features from neighboring residential areas.

(3) Hours of operation shall be limited to 5:00 a.m. to 12:00 midnight unless planning commission review determines alternative hours will not adversely impact the neighborhood residents outside normal hours of operations, all external lighting except the necessary for security purposes shall be secured.

(4) No structure shall be located nearer to any single-family residential property than a distance equal to one and one-half (1 1/2) times the height of the exterior walls of such building or structure. But those businesses built prior to March 1, 2000, are exempted from this requirement.

(5) No mechanical, electrical or other equipment which produces noise, electrical or magnetic interference, vibration, heat, glare, or other annoyance at nearby residential lot lines shall be permitted. Mechanical and electrical equipment shall be designed and installed to minimize noise impact on surrounding residential property. Additionally, no external amplified sound for other than safety or security purposes is allowed.

(6) Uses that typically and inherently produce significant noise such as tire shops, muffler shops, and car wash facilities are not allowed unless design features are present to eliminate noise that would intrude on the neighborhood.

(7) All exterior signage, both temporary and permanent, shall meet the conducive color standards of section 110-72 (17) and is subject to a design review and placement study by the planning commission. All signage detached from buildings / structures shall meet the requirements of a monument sign as defined in section 78-10 of this Code.

(8) All storage, both temporary and permanent, of materials, pending customer work (i.e., vehicles), freight/deliveries or products intended for sale/lease shall be within the building or structure.

(b) The following performance standards shall be used after the effective date of the Zoning Ordinance for the purpose of evaluating the development proposals when a B-1A, B-2, C-1, C-2, M-1, or M-2 zone lot line is within sixty (60) feet of single-family residential area lot line:

(1) New development shall be designed to be compatible with neighboring residential areas. This shall require that materials used on the outside of the buildings be of earth tone colors conducive to colors in the surrounding residential area.

a. Colors of awnings should be muted, natural or earth toned and related to major materials of the building.

b. Window frames may be of an accent color to complement the major wall material.

c. Paint shall be flat or semi-gloss.

d. Metal roofs grey, natural green, rust or brown.

e. Metal canopies dark anodized or black to match roof.

This shall involve the preservation of the character of the character and integrity of residential areas and the maintaining of an appropriate visual and functional interrelationship between residential and commercial uses. Potential intrusive design elements such as traffic circulation and light and glare shall be designed to avoid interference with the residence environment.

(2) The height, scale, mass and bulk of buildings shall not be overbearing in relation to neighboring residential structures. Height, scale, mass and bulk shall also be a function of their proximity to residential structures, with buildings in close proximity made to adhere to a similar scale of development. Potential view impediments shall also be considered.

(3) Architectural styles and features shall be compatible with and complementary to neighborhood residential structures to the extent commercial and residential structures share a visual relationship.

Sec. 110-179 -- 110-195. Reserved.

ARTICLE V11. AIRPORT ZONING

Sec. 110-196. Airport zoning.

(Reserved)

Editor's note -- The above section is reserved for future airport zoning regulations.

State law reference -- Municipal and county zoning authority around airports, V.T.C.A., Local Government Code ch. 241



AGENDA MEMO

Business of the City Council

City of Sweeny, Texas

Item 8.

Meeting Date	11.15.2023	Agenda Item	
Approved by City Manager	Yes	Presenter(s)	Lindsay Koskiniemi, City Manager
Reviewed by City Attorney	Yes	Department	Humane Services
Subject	Discussion and possible action on an amendment to City Ordinance Chapter 95: Animals		
Attachments	Proposed ordinance, 23-110		
Financial Information	Expenditure Required:	N/A	
	Amount Budgeted:	N/A	
	Account Number:		
	Additional Appropriation Required:		
	Additional Account Number:		

Executive Summary

At the Council meeting in October 2023, a member of the community addressed Council with a complaint about no action being taken to control the feral cat population within the City of Sweeny. Currently, there is no feline adoption program established or exercised by City staff.

Staff met with local veterinarians to discuss possible courses of action to control the feral cat population within the City. Working through the City's attorney, staff is working on developing a plan that is compliant with state laws. A catch and release program will require spay and neuter after trapping and return to original location. Staff has purchases feline traps and will be able to begin the program once funding is determined. Staff is researching non-profit and interest groups for assistance.

No matter how an Animal Control action plan is developed, or a feline program implemented, domesticated animals must be wear a collar and rabies vaccine tag so that staff can differentiate between someone's pet and a stray animal.

The adoption of this ordinance will require pet owners to keep collars and rabies tags on their pets. Once a trap and relocation plan is developed and adopted, this will help safeguard the City from altering and relocating a domesticated animal by accident.

Recommended Action

Staff recommend adoption of Ordinance 23-110.

ORDINANCE NO. 23-110

AN ORDINANCE OF THE CITY OF SWEENY, TEXAS, AMENDING CHAPTER 95 OF THE CODE OF ORDINANCES OF THE CITY OF SWEENY ENTITLED ANIMALS; AMENDING SECTION 95.07(A) ENTITLED KEEPING CERTAIN ANIMALS AND FOWL; PROVIDING A SAVINGS CLAUSE: PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES TO THE EXTENT OF CONFLICT ONLY; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE AT THE DATE OF ITS PASSAGE.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF SWEENY, TEXAS:**

Section 1:

Section 95.07(A) of the Code of Ordinances of the City of Sweeny, Texas, which provides rabies vaccination for certain animals is hereby amended as follows:

“Section 95.07(A)

(A) It shall be unlawful for any owner of any dog, cat or other domesticated animal capable of transmitting rabies to human beings or other animals, to keep, own, possess, harbor or allow said animal to remain on a premises under the owner’s control, unless the dog, cat or other domesticated animal, for which a USDA approved vaccine exists, meets the following requirements:

- (1) The dog, cat or other domesticated animal has a current, valid rabies vaccination certificate,
- (2) The dog, cat or other domesticated animal is wearing a collar or other harness,
- (3) A tag showing proof of vaccination is attached to the collar.

Section 2:

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict only.

Section 3:

If any part of portion of this ordinance shall be determined to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair any remaining portions or provisions of this ordinance.

Section 4: This ordinance shall be effective from and after the date of its passage.

PASSED AND ADOPTED this _____ day of _____, 2023.

DUSTY HOPKINS, Mayor

ATTEST:

KAYDI SMITH, City Secretary



AGENDA MEMO
Business of the City Council
City of Sweeny, Texas

Meeting Date	11/15/2023	Agenda Item	
Approved by City Manager		Presenter(s)	City Manager
Reviewed by City Attorney		Department	Administration
Subject	Discussion and Possible action on nominations for the Brazoria County Appraisal Districts Board of Directors and adoption of Resolution naming those nominated.		
Attachments	BCAD Board Nominations, BCAD Resolution Board Nominations 2024		
Financial Information	Expenditure Required:	-	
	Amount Budgeted:	-	
	Account Number:	-	
	Additional Appropriation Required:	-	
	Additional Account Number:	-	

Executive Summary

The City is entitled to cast 7 votes. You may cast all votes for one candidate OR distribute votes among any number of candidates. To cast nominations, we must submit a written resolution to accompany the ballot.

Recommended Action

Council's Discretion

If you choose to nominate, a Resolution must be approved naming those nominated.

BRAZORIA COUNTY APPRAISAL DISTRICT

Item 9.

MEMBERS OF THE BOARD

Bobby Brown
Kristin Bulanek
Tommy King
Gail Robinson
George Sandars
Susan Spoor

CHIEF APPRAISER

Marcel Pierel III
500 N. Chenango
Angleton, Texas 77515
979-849-7792
Fax 979-849-7984

October 20, 2023

Ms. Lindsay Koskiniemi
City Manager of Sweeny
PO Box 248
Sweeny, TX 77480

Dear Ms. Koskiniemi,

Thirty-four voting taxing units were entitled to submit by written resolution, nominations to fill the five-member board of directors of the Brazoria County Appraisal District for the year 2024. **Attached is the official ballot with the nominations we received.**

CITY OF SWEENEY IS ENTITLED TO CAST 7 VOTE(S).


Each voting unit must vote by **Written Resolution** and submit it to the chief appraiser before **December 15, 2023**. The governing body of the taxing unit may cast all its votes for one candidate or distribute the votes among any number of candidates. When you add the column of your votes, your total should not be greater than your allotted number.

A voting unit must cast its votes for a person nominated and named on the ballot. There is no provision for write-in candidates. The chief appraiser may not count votes cast for someone not listed on the official ballot.

Please complete the ballot and return to Marcel Pierel III, Chief Appraiser, by mail to 500 North Chenango, Angleton, Texas 77515, email mpierel@brazoriacad.org or fax to 979-849-7984 **along with a Written Resolution before December 15, 2023.** If you have any questions about the format of your resolution or any other matter, give me a call immediately.

It is important that you return your **Ballot and Resolution** to the chief appraiser before **December 15, 2023**, so that we may count the votes, declare the winners, and notify all taxing units and candidates of the results.

Sincerely,



Marcel Pierel III
Chief Appraiser

MP/td
Enclosure

**BRAZORIA COUNTY APPRAISAL DISTRICT
BOARD OF DIRECTORS ELECTION 2023**

OFFICIAL BALLOT

<u>NOMINATIONS/CANDIDATES</u>		<u>VOTE(S) CAST</u>
1.	<u>Douglas Chumley</u>	1. _____
2.	<u>Karla Clark</u>	2. _____
3.	<u>Gary Dickey</u>	3. _____
4.	<u>Brenda Dillon</u>	4. _____
5.	<u>David Galloway</u>	5. _____
6.	<u>Eric Hayes</u>	6. _____
7.	<u>Deric Hebert</u>	7. _____
8.	<u>Alan Higginbotham</u>	8. _____
9.	<u>Glen Jones</u>	9. _____
10.	<u>Tommy King</u>	10. _____
11.	<u>Heather Martin</u>	11. _____
12.	<u>Patrick O'Day</u>	12. _____
13.	<u>Gail Robinson</u>	13. _____
14.	<u>George Sandars</u>	14. _____
15.	<u>Susan Spoor</u>	15. _____

PLEASE ATTACH YOUR RESOLUTION TO THIS FORM

SUBMITTED BY: _____

VOTES ENTITLED TO: _____

VOTES CAST: _____

RESOLUTION NO. _____

WHEREAS, the official ballot containing the names of the duly nominated candidates for the Board of Directors of the Brazoria County Appraisal District has been received from the Chief Appraiser of the Brazoria County Appraisal District; and

WHEREAS, the _____ wishes to cast its votes thereon;

NOW, THEREFORE, BE IT RESOLVED, the _____ does hereby determine and cast its votes for the candidates for the Board of Directors of the Brazoria County Appraisal District as follows:

BE IT FURTHER RESOLVED that the official ballot be marked in accordance with this resolution and returned to the Chief Appraiser of the Brazoria County Appraisal District with a copy of this resolution attached hereto prior to December 15, 2023.

PASSED AND APPROVED this _____ Day of _____, 2023.

Presiding Officer

ATTEST:

Secretary



AGENDA MEMO

Business of the City Council
City of Sweeny, Texas

Meeting Date	11/15/2023	Agenda Item	
Approved by City Manager		Presenter(s)	Administration
Reviewed by City Attorney		Department	Administration
Subject	Discussion and Possible action on proposed holiday schedule for calendar year 2024		
Attachments	2024 Proposed Holiday Schedule		
Financial Information	Expenditure Required:		
	Amount Budgeted:		
	Account Number:	-	
	Additional Appropriation Required:	-	
	Additional Account Number:	-	

Executive Summary

Table is provided showing current City holidays, County observed holidays, Federally observed holidays, and the recommended for Calendar year 2024. Staff is proposing the *Recommended* column; keeping the currently observed holidays along with adding (1) one Federally observed holiday, Juneteenth observed 06/19/24.

Total hourly wages are approximately \$635.00. An additional 8 hour holiday would be approximately \$5,080.00 in wages.

Recommended Action

To approved the *recommended* employee holiday schedule for calendar year 2024.



2024 Holiday Schedule -- Proposed

<u>Date</u>	<u>Holiday</u>	<u>Day of Week</u>	<u>Existing</u>	<u>County Holidays</u>	<u>Federal Holidays</u>	<u>Recommended</u>
January 1	New Years Day	Monday	X	X	X	X
January 15	Martin Luther King Jr. Day	Monday	X	X	X	X
February 19	Washington's Birthday	Monday	X	X	X	X
March 1	Texas Independence Day	Friday		X		
March 29	Good Friday	Friday	X	X		X
April 22	San Jacinto Day	Monday		X		
May 27	Memorial Day	Monday	X	X	X	X
June 19	Junteenth	Wednesday			X	X
July 4	Independence Day	Thursday	X	X	X	X
September 2	Labor Day	Monday	X	X	X	X
October 14	Columbus Day	Monday			X	
November 11	Veteran's Day	Monday	X	X	X	X
November 27*, 28, & 29	Thanksgiving	Wednesday*, Thursday, & Friday	X	X (28,29)	X(28 only)	X
December 24*, 25 & 26	Christmas	Tuesday*, Wednesday, & Thursday	X	X (24,25)	X (25 only)	X

*Denotes an early leave of 12:00 PM (noon) -- November 27th, December 24th



AGENDA MEMO

Business of the City Council
City of Sweeny, Texas

Meeting Date	11/15/2023	Agenda Item	
Approved by City Manager		Presenter(s)	Kaydi Smith
Reviewed by City Attorney		Department	City Secretary
Subject	Discussion and Possible action to the General and Special Election; May 2024		
Attachments	-		
Financial Information	Expenditure Required:	-	
	Amount Budgeted:	-	
	Account Number:	-	
	Additional Appropriation Required:	-	
	Additional Account Number:	-	

Executive Summary

Deadlines for ballot positions and language are quickly approaching. If Council wishes to proceed in placing any language to voters in a Special Election, information would need to be determined quickly as deadlines are approaching. Prior to ordering a Special Election with the County, an ordinance would need to be in place specifying topic and ballot language.

****January 17, 2024 is the first day to file for a place on the General Election Ballot.**

Last Day for the City to Order a General or Special Election with the County is February 16, 2024.
This includes the ordinance--- ordinance would have to be adopted at January's Regular Council Meeting at the latest.

Saturday, May 4th, 2024 General Election will include the following positions on the ballot:

- Position 1
- Position 3
- Position 5
- Municipal Judge

Recommended Action

Council Discretion / Determination