



CITY COUNCIL MEETING REGULAR SESSION

Tuesday, March 19, 2024 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 **Tuesday, March 19, 2024 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

CEREMONIAL PRESENTATIONS

1. Sweeny Beautification's Yard of the Month: Marie Robinson

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.

2. Minutes: Regular Session, February 20, 2024 & Special Session, March 05, 2024
3. Proclamations: Child Abuse Prevention Month, Fair Housing Month, & National Day of Prayer
4. Update on YTD emergency purchases for water and wastewater
5. Discussion and possible action on a request from City Manager to move the regularly schedule City Council meeting in April to an alternate date.

REGULAR AGENDA

6. Discussion and possible action to pursue a grant through the General Land Office, Department of Community Development and Revitalization for the 2022 Resilient Communities Program and post a request for proposals for municipal planning services.
7. Discussion and possible action on billing complaint from resident at 1621 Milian Circle
8. Discussion and possible action to allow the City Manager to execute a contract for the acceptance of a donation in the amount of \$50,000.00 US Dollars for the sole purpose of improving the Sweeny Animal Shelter and request for approval of the proposed animal shelter improvement for inclusion into the City's adopted CIP.
9. Discussion and possible action to approve a resolution to accept a donation of \$50,000.00 in US Dollars from Leigh Ann Thornton, for the exclusive purpose of building a new animal shelter for the City of Sweeny.
10. Discussion and possible action to approve a resolution to open a separate bank account and authorize signatories for Animal Shelter donations.
11. Updates to proposed changes to Ordinance Chapter 52; Drought Contingency Plan
12. Discussion and possible action to variance requests to the Zoning Ordinance Section 110, Exhibit A; 402 & 404 Pecan Street
13. Discussion and possible action to establish a Mixed Use Zone within the Zoning Ordinance, Section 110, Exhibit A

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 **March 19, 2024** was posted on the City Hall bulletin board on _____, 2024, at approximately _____AM/PM.

 Kaydi Smith – City Secretary

I hereby certify that this Public Notice was removed from the City Hall bulletin board on _____, 2024 at approximately _____AM/PM.

 Kaydi Smith - City Secretary

CITY COUNCIL MEETING REGULAR SESSION

Item 2.

Tuesday, February 20, 2024 at 6:00 PM

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

MINUTES

BE IT KNOWN that the City Council of the City of Sweeny will meet in **Regular Session** on **Tuesday, February 20, 2024 at 6:00 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 6 PM.

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

PLEDGES & INVOCATION

Pledges were led by John Rambo and the Invocation was given by Attorney Stevenson.

CEREMONIAL PRESENTATIONS

1. Presentation of Recognition by Sweeny Beautification Committee; Yard of the Month, Rholonda Dorland Fields

City Manager stated this is an inaugural ceremony by Sweeny Beautification. This will be a monthly award given to highlight those that keep their yard in pristine conditions. Congratulations to Ms. Rholonda Fields as the first recipient. Attorney Stevenson stated that there is a yard of the month sign in her yard. Mayor Hopkins feels Beautification has started a great thing, as we are a City with Pride, and he hopes that the competitive spirit will lead others to take better care of their yards.

CITIZENS WISHING TO ADDRESS CITY COUNCIL

No citizens comments.

CONSENT AGENDA

2. Minutes of the Regular Session: January 16th, 2024 & Special Session January 30th, 2024
Reese Cook moved to approve as presented. Seconded by Tim Pettigrew. All in favor. Motion Carried.

3. Proclamation(s): Texas Independence Day, Vietnam War Veterans Day, Womens History Month

Mayor stated the proclamations will be signed and hung at City Hall.

REGULAR AGENDA

4. Discussion and possible action on agenda request received from V. Milian concerning a utility billing complaint and request for water fees adjusted to an average usage amount for the billing cycles between January 2023 to August 2023 in Fiscal Year 2023.

Ms. Milian approached Council and expressed her concern as to higher water bills over the last several months. Over the past 32 years her normal water readings have not been this high. She was told her meter indicated a possible leak as the readings were also increased. They hired a plumbing company and installed a new water service line connecting to the city main in front of her property on FM 1459, as the previous water service line spanned across several properties. After installation of the new line November 1st, the meter no longer indicated a leak, but the usage did not decrease. She feels something is still wrong. She referenced the reports within the Council packet. She stated the meter was completely changed January 19th. Before that, she didn't think her entire meter was replaced, only a portion. Milian stated there have been credits to her bill and she appreciates that. She doesn't feel the credit fixes the problem and wants a solution. Council discussed the issues and timelines with Milian and

staff. The most recent water reading is needed to move forward. Milian is asking for someone to go out and get another reading. Finance Director, Karla Wilson, stated Milian's water meter is on the re-read list now, as we are in the process of billing. Milian stated personally, as a citizen of Sweeny, she feels the City Manager should make herself more available versus emailing her.

Lack of Motion.

5. Discussion and possible action on the lease agreement with Union Pacific for Right of Way usage

City Manager stated that the City has previously held an agreement with Union Pacific for Right of Way usage. The new lease agreement requires a \$5,000.00 annual lease fee. If we chose not to continue the lease, a portion of the Gazebo Park would be returned to the railroad. The right of way does encroach onto Gazebo Park. The City owns 2 parcels of the park and improvements have been made to the overall footprint of the park. City Manager stated she does not recommend paying. Councilman Rambo stated his interpretation of restore and clear would be to remove any structures or standing objects. Since we do not have anything on it, he doesn't see any reason to keep and pay. Reese Cook moved the city not renew a lease with Union Pacific for the property as indicated in the council packet. Seconded by Tim Pettigrew. All in favor. Motion carried.

6. Discussion and possible action to award a janitorial service provider in response to submittal received from recent advertised request for proposal (RFP)

City Manager stated that upon previous Council direction, we advertised a request for proposal for janitorial services. We only received one proposal, in which is from our incumbent janitorial contractor. Rates proposed are included within the packet, along with budgets for each building. Councilman Rambo asked several questions regarding the current services provider and how the City recoups or subsidizes fees per building. City Manager recommends an increase corresponding with what is requested as an increase. Mayor Hopkins would like to see another bid showing competitive rates. Councilman Cook stated that previously, several years ago, our incumbent was substantially cheaper. Council is recommending to rerun the RFP again for at least 2 weeks to 30 days. City Manager stated she would like to advertise in the newspaper this time. Current janitorial services are on a month to month basis.

Lack of Motion

7. Discussion and possible action to approve a resolution entering into an interlocal agreement between Region 8 Education Service Center and the City of Sweeny for membership with the TIPS purchasing cooperative.

City Manager stated this is just like any other state approved procurement option similar to Buyboard and Omnia. The more you use, the more rebate you receive back. TIPS direct contracting is advantageous for staff as it helps to cut down on the RFP's. We are already members of several others similar programs, and she is seeking the approval of the resolution. The region affiliated and vendors within the cooperative were discussed.

Reese Cook moved to approve an interlocal agreement between the City of Sweeny and Region 8 Education Service Center and to approve a resolution for the City's participation in TIPS purchasing cooperative. Seconded by Tim Pettigrew. All in favor. Motion carried.

8. Discussion and possible action to a replat of 16.93 acres at the Industrial Park
Michelle Medina, Executive Director of the EDC, approached Council stating that this replat was previously submitted to Council and changes have been made as per the Councils request.

John Rambo made the motion to approve the replat as presented. Seconded by Brian Brooks. Brian Brooks, John Rambo, and Tim Pettigrew were in favor. Reese Cook opposed. Motion carried.

9. Discussion and possible action to approve a resolution to adopt the Brazoria County Hazard Mitigation Plan, a county wide multi-jurisdictional hazard mitigation plan.

City Manager stated the Brazoria County Hazard Mitigation Plan is needed when applying for grants. Brazoria County updated the final draft last year. She recommends Council adopts to participate. We only adopt when revisions are completed; it was last revised in 2017.

Reese Cook moved to approve the resolution 24-102 in support of the 2023 Brazoria County Hazard Mitigation Plan updates. Tim Pettigrew seconded. All were in favor. Motion carried.

Councilman Rambo exited the meeting at 6:49 PM.

EXECUTIVE SESSION IN ACCORDANCE WITH THE TEXAS GOVERNMENT CODE SECTION 551.071, 551.072 AND 551.074 Mayor convened into executive session at 6:49 PM.

- 10. Discussion and possible action pursuant to Section 551.071 (1) (a), Consultation with Attorney with Sweeny Economic Development Corporation

OPEN SESSION Mayor reconvened into Open Session; closing Executive Session 7:24 PM Action to items of Executive Session.

- 11. Any action pursuant to the provisions of Chapter 551 Texas Government Code, if any, on item discussed in Executive Session

Brian Brooks made the motion to allow Sweeny Economic Development Corporation to seek legal action against Flash Fitness and the attorney fees not to exceed \$5,000.00 in small claims court. Tim Pettigrew seconded. Brian Brooks and Tim Pettigrew seconded. Reese Cook opposed. Motion carried.

ITEMS OF COMMUNITY INTEREST

Brian Brooks stated the Fire Department had a very nice induction ceremony this past Saturday and would like to recognize those that received awards.

City Manager stated the Pink Ladies Luncheon is 02/23/24, the SISD education foundation event is 3/2/24. We have gone to two council meetings a month; 03/05 will include CIP and the RFQ for manganese removal device. Last weekend was Mardi Gras and the gumbo cookoff hosted by Beautification. All was outstanding.

Tex Bell thanked his team. They have been painting the water plant and getting things cleaned up and moved around.

ADJOURN REGULAR SESSION

Mayor Hopkins adjourned the meeting at 7:27 PM.

Staff present:

- City Manager, Lindsay Koskiniemi
- Police Chief, Brad Caudle
- Director of Public Works, Terrance "Tex" Bell
- Finance Director / Personnel Services, Karla Wilson
- City Secretary/ Developmental Services, Kaydi Smith

City affiliates present:

- City Attorney, RC Stevenson
- EDC Executive Director, Michelle Medina

Passed and approved this _____ day of _____, 2024.

Kaydi Smith -- City Secretary

CITY COUNCIL MEETING SPECIAL SESSION

Tuesday, March 05, 2024 at 5:00 PM

City Hall, 102 W. Ashley Wilson Rd, Sweeny, Texas / Join in ZOOM at <https://zoom.us/j/97803022318> Meeting ID: 978 0302 2318 The City does not currently have the technology to conduct virtual meetings remotely with optimal audio. It may be difficult to hear the meeting if participating remotely. It is recommended that those interested in participating in public meetings attend in person until the technology upgrades are completed.

MINUTES

BE IT KNOWN that the City Council of the City of Sweeny will met in **Special Session** on **Tuesday, March 05, 2024 at 5:00 PM.** at City Hall, 102 W. Ashley Wilson Rd, Sweeny, Texas. 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

Mayor Hopkins called the meeting to order at 5PM.

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

PLEDGES & INVOCATION

Pledges were led by Brian Brooks and the Invocation was given by Reese Cook.

CITIZENS WISHING TO ADDRESS CITY COUNCIL

Vicki Milian, resident at 1621 Milian Circle, gave an update to her water usage situation and meter reading previously brought to Council. She thanked whomever is responsible for the fixing her water meter. Her new bill is back to her normal range. She is still requesting to be put on the next regular session of the Council meeting that there be adjustments to her bills for the months of Jan-July 2023. Average usage was 56,000 gallons of water, averaging six months. From August to January 2024, her average usage was 169,000 gallons a month. That is a 113,000 gallon difference and triple her average usage on a normal basis. Nothing at home has changed. She doubts she ever had a leak in the first place, as to why she changed out the her water piping. She is requesting the city look into refunding her for overcharges and include the month stating her meter indicated a leak. From January 18th to February 20th, her reading was 38 (3800 gallons used). Nothing has changed at her home and the completely new meter was installed 01/19/24. No information was given to her for an update or as to if the meter was working properly. The last meeting she was here, she was told Tex would go out and read the meter on 02/21/24 and see if it was reasonable since the meter was replaced. She received no response until receiving the bill yesterday showing lower usage. Milian is requesting Council review and adjust from what the City owes her in overcharges. She received a copy of the paper to be placed on the agenda for the next meeting and intends to submit.

CONSENT AGENDA

1. Budget Amendment: Sidewalk

City Manager stated the sidewalk was replaced near the crosswalk of Main Street and Ashley Wilson Road. She is requesting a budget amendment to take the amount requested out of the Sidewalks Fund as this was a sidewalk repair. We are almost spent in year to date within the water. Originally applied to water as it was a result of a water leak. All emergency repairs will need a lump sum budget amendment soon, closer to fourth quarter.

Reese Cook moved to approve the budget amendment of \$6,800.00 as requested. Seconded by Tim Pettigrew. All in favor. Motion carried.

2. Discussion and possible action on a request from City Council to provide additional information on Type B-eligible economic development activities.

City Manager stated that previously Councilman Brooks asked for additional information on Type B eligible economic development funds can be spent on capital projects. Our EDC is Type B and the Type B statute can be found in 505 of the code. She has summarized what is allowed, as it must create or retain jobs or

also eligible activities not required to retain or create jobs are notated. City Manager elaborated per the code of allowable activities, voter required allowances, and expanding commercial development eligibilities. Councilman Cook asked about highlighting items that did fit into the EDC allowable criteria as previously requested. City Manager state she has not highlighted due to non specific project scopes. Brooks asked about performance agreements execution and fulfillment with the EDC pertaining to the retainment of jobs. No motion made.

REGULAR AGENDA

3. Discussion and possible action to variance requested allowing alcohol at the Pride Day festivities; Ordinance 113.04; Sweeny Beautification Committee

City Manager stated Beautification has requested a variance for alcohol during the Pride Day Festivities. Additionally this year, they are asking to prohibit the use of utility vehicles within the boundaries to ensure safety during the Pride Day Festivities. Map depicting boundaries referred too are included in the packet. Tim Pettigrew motioned to approve the variance to ordinance 113.04 allowing alcohol for Pride Day Festivities on May 3rd and 4th, 2024 within the areas in the map presented by the Beautification Committee. Seconded by John Rambo.

Discussion: Reese Cook asked if this area includes the carnival area as well. Yes stated the City Manager. John Rambo and Tim Pettigrew approved. Reese Cook and Brian Brooks opposed. Mayor Hopkins broke the tie approving the motion. Motion carried.

4. Discussion and possible action on a request from Sweeny Beautification to close a portion of County Road 332, more commonly known as Ashley Wilson Road, from the west side of the intersection of CR332 and Main Street to the second entrance at the Sweeny Community Center.

City Manager stated that the Beautification is thinking there will be another event behind the library at the same time and in the interest of safety, are asking to close the road and have closure signage from Main Street at Ashley Wilson Road to the second entrance o the Community Center. Elections will be held at the Community Center until 7 PM on Saturday, May 4th. John Rambo suggested to keep Friday's proposed date and time of closure, but to postpone the closure on Saturday to ensure it does not deter those from voting on Saturday. Sweeny Police Department will help with traffic control if needed. Last year the roadway was open.

John Rambo moved to approve the road closure Friday night from 5pm to midnight on May 3rd, and then May 4th, starting the road closure after voting has concluded at 7pm to midnight; (Saturday 05/04 7PM to 12A, midnight Sunday 05/05). Seconded by Tim Pettigrew. All in favor. Motion carried.

5. Discuss and take action to award a construction contract to Matula & Matula Construction, Inc. for the amount of \$3,994,185.06 for the base bid and \$280,052.40 for bid alternative number one for a total of \$4,274,237.46 related to the City's grant contract with the Texas General Land Office, Contract No. 22-082-007-D205.

City Manager stated that our City Engineer is about twenty minuntes out, but she will give Council the updates. We received three competitive bids. The base bid was less with Branch's submittal. However, with the bid alternate, Matula Matula was least. This grant was started in 2018 after Hurricane Harvey and spanned three different administrations. This does need to be awarded tonight, as this is federal money. Tim Pettigrew motioned to award construction to Matula & Matula Construction Inc. in the amount of \$3,994,185.06 for the base bid and for \$280,052.40 for bid alternative for a total of \$4,274,237.46 related to City's grant contract with the Texas General Land Office, Contract Number 22-082-007-D205.

By adding alternative #1 it makes Matula low bid on the contract stated Attorney Stevenson. It is still under budget per City Manager. Seconded by John Rambo.

Discussion: Brian Brooks asked where the trunk line location is? It is from the sewer plant, down to Ave A, for approximately 2 miles of replaced line. Brooks doesn't want a Texas Pride situation. Timeline is 480 days. Brooks asked if the engineer will oversee the project to meet deadlines? Texas Pride went over time frame allotted. City Manager stated our engineer needs to answer those questions, but she has

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worked with Matula. They must report on milestones. Brooks wants to ensure we are on top of it. Mayor asked if we need to table? Attorney Stevenson stated we will need to vote this and withdraw to table. Tim Pettigrew made the motion to rescind the motion on line item number five. John Rambo seconded. All in favor. Motion carried.

Tim Pettigrew made the motion to move line item number five to below item eight. John Rambo seconded. All in favor. Motion carried.

6. Discussion and possible action to approve the Profession Services Agreement with Texas Rebuild / E3 to confirm preliminary findings of AMI meter accuracy.

City Manager stated she would like to request this item be tabled until 04/01/2024 for additional data to review and doesn't feel prepared to present tonight.

Tim Pettigrew motioned to suspend line item six to a further date. Seconded by John Rambo. All in favor. Motion carried.

7. Presentation of Resilient Communities Program Grant

City Manager stated she would like this item tabled too. There is no reason to rush this item as the grant goes thru FY 2028 and allows for up to \$300,000 for city community planning. This item would pertain to the City's Capital Improvement Program, comprehensive master plan, and zoning ordinance overhaul. She is requesting to table to a future date.

Tim Pettigrew made the motion to suspend line item number seven to a future date. Seconded by John Rambo. All in favor. Motion carried.

8. Discussion and possible action on continuing Capital Improvements Project (CIP) planning.

City Manager stated that since the last time discussed, she wants to explain her strategy with a focus on water. We have seventeen miles of steel 2" mains that need to be replaced and a high content of manganese. She wants to reach out and get as many in-kind contributions as possible to make the project a smaller financial commitment. Her next steps are to apply for the TWBD and lastly go out for a General Obligation Bond on the 2025 ballot. The RFQ has been posted for engineering services related to the TWBD application and for the new technology to remove manganese and other secondary constituents from the ground water; an aerator. The City of Pearland has been dealing with the same issues and are on our same aquifer; they are installing an aerator. It removes secondary constituents thru a system of aeration and oxidation, but is not as costly as reverse osmosis nor the water loss ration. The PIF (Project Information Form) was submitted 03/01/2024 to TWBD as a preliminary application. If that doesn't work out, we will go out for bond in 2025. Areas not touched in CIP previously were facilities and drainage. We have outgrown City Hall and the Police Department. The Police Department is wanting to add a jail in the near future. She has included a site map within the packet as well as all information discussed in the previous CIP meeting 01/31/24. RFQ submittals are due 03/08/24 and will bring those back to Council 04/01/2024.

No motion made.

Revisited Agenda Item No.5:

Discuss and take action to award a construction contract to Matula & Matula Construction, Inc. for the amount of \$3,994,185.06 for the base bid and \$280,052.40 for bid alternative number one for a total of \$4,274,237.46 related to the City's grant contract with the Texas General Land Office, Contract No. 22-082-007-D205.

William Huebner, City Engineer, approached Council. We received bids to replace the GLO trunkline on Avenue A and emergency generators for the lift stations. All funded by GLO-MIT grants from 2019. Received 3 bids on 02/22/24. Unique situation, under the base bid, Branch was the low bidder, but with base and alternate, Matula turned out to be the lowest and under total funds received. We received about \$4.3M in construction funds. These were some very tight bids and within the budget. Mayor Hopkins asked

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about moving forward and the timeline. It is 480 days for contract for construction stated Huebner due to the amount of sewer replacement. Additionally, due to long lead times of generators, that is the reason of the timeframe span of the 480 days. Mechanical completion for underground dirt/sewer replacement is not broken out separately. Once contract is executed in construction meeting, they will be required to show a schedule. Will anyone be shadowing this job asked Mayor Hopkins to complete the project and is it built into this cost. Huebner stated that they do have RPR services by the engineers to watch over. Typically engineers don't provide someone everyday, all day, to watch over. City Manager stated she will be inspecting and will have reports from her. Councilman Brooks asked if we could have the engineers reporting at Council meetings each month for progress. Mayor Hopkins asked if we going to be able to complete the Main Street Water Line replacement at same time without issues. Huebner stated only portion near South Main will be the only place they would cross. Projected start date, assuming awarding tonight, would be about two months to breaking ground. Mayor asked Matula if there would be any staffing issues for the project. Councilman Cook questioned the City's percentage match required. He believed it was originally a 1 % match, now it is showing a 3% match on the line item. Per William would have to get with GrantWorks. City Manager stated she was under the assumption it was 3% and our match is \$150,000. Cook is curious if something changed or was it always 3%. Huebner stated he is not aware of any changes of the financial side.

Tim Pettigrew made the motion we award construction contract to Matula & Matula Construction, Inc. for the amount of \$3,994,185.06 for the base bid and \$280,052.40 for bid alternative number one for a total of \$4,274,237.46 related to the City's grant contract with the Texas General Land Office, Contract No. 22-082-007-D205. John Rambo seconded. All in favor. Motion carried.

ITEMS OF COMMUNITY INTEREST

Tim Pettigrew stated the Sweeny Education Foundation Fundraiser was this past Saturday and it was very nice. He hopes they continue it.

ADJOURN REGULAR SESSION

Mayor Hopkins adjourned the meeting at 5:57 PM.

Staff present:

- City Manager, Lindsay Koskiniemi
- Police Chief, Brad Caudle
- Director of Public Works, Terrance Bell
- Finance Director / Personnel Services, Karla Wilson
- City Secretary/ Developmental Services, Kaydi Smith

City affiliates present:

- City Engineer, William Huebner
- City Attorney, Charlie Stevenson

Passed and approved this _____ day of _____, 2024.

Kaydi Smith - City Secretary



**CITY OF SWEENEY
OFFICE OF THE MAYOR**

In 1968, President Lyndon B. Johnson, a Texan, signed the Fair Housing Act into law. Texas solidified its commitment to this basic right by passing the Texas Fair Housing Act in 1989, which prohibits discrimination based on race, color, religion, sex, national origin, family status or disability.

These acts were conceived with a noble goal in mind: affording all Americans the opportunity to pursue their American Dream and seek the housing of their choice. The City of Sweeny supports these goals and truly knows the meaning of diversity and understands that our differences make us stronger, not weaker. Each year, the month of April is dedicated to reaffirming our commitment to equality of opportunity in the housing industry.

At this time, I encourage our great city to support fair housing practices so we can build an even brighter future for the town we all call home.

Therefore, I, Dusty Hopkins, Mayor of Sweeny Texas, do hereby proclaim April 2024, to be

Fair Housing Month

in Sweeny, and urge the appropriate recognition whereof.

In official recognition whereof, I hereby affix my signature this the 19th day of March 2024.

Mayor Dusty Hopkins



**CITY OF SWEENY
OFFICE OF THE MAYOR**

Americans have always found power and unity through prayer. In 1988, the Congress, by Public Law 100-307, called on the President to issue each year a proclamation designating the first Thursday in May as a “National Day of Prayer.” Today, under these trying times, we once again come together to give thanks to Almighty God for the bountiful blessings He has bestowed on each of us and to ask for His counsel. We also acknowledge our dependence on God’s love to guide our families and communities away from harm and toward abundance and peace.

As we continue to fight not only the current pandemic that plagues our world, but all of the evils that so many of us work against, it is imperative that we come together as a City, State and Nation to show each other the unfailing love of our God, and utilize this time to remember His blessings and that through His provision we will find rest and solace.

Our Nation’s honored tradition of prayer has sustained us and strengthened our trust that God will continue to watch over and accompany us through the best of times and the darkest hours. May we never forget the power of prayer and the greatness of our Creator. On this National Day of Prayer, let each of us, according to our own faiths, call upon God for His guidance and express our gratitude for the love and grace He bestows on us, our city, and our country.

Therefore, I, Dusty Hopkins, Mayor of Sweeny Texas, do hereby proclaim May 2nd, 2024, to be

National Day of Prayer

in Sweeny and urge the appropriate recognition whereof.

In official recognition whereof, I hereby affix my signature this the 19th day of March 2024.

Mayor Dusty Hopkins



**CITY OF SWEENY
OFFICE OF THE MAYOR**

Children are our nation's, state's and city's next generation of leaders and the brightest rays of hope for the future. Every responsible person will agree that children deserve to grow up in a nurturing environment free from harm and fear. Sadly, child abuse – physical, sexual or emotional – is far too common in our society. In 2018 alone, the Texas Department of Family and Protective Services confirmed more than 66,000 of the 281,000 reported cases where children were victims of abuse or neglect.

Across our city, county, state and nation, children's advocacy groups, nonprofit organizations, social workers and government agencies work daily to stop this crime through education and awareness. Through their compassion and dedication, they create safe, happy and healthy environments for children to grow and thrive.

Every year since 1983, the month of April is dedicated to raising awareness of the pervasiveness of child abuse and promoting the safety and well-being of all children.

At this time, I encourage our great city to renew our commitment to preventing child abuse, to learn the signs and to honor our duty as stewards of our youth to report any suspicions of abuse. We can all work toward a brighter future and help our children grow up and flourish in "A City With Pride."

Therefore, I, Dusty Hopkins, Mayor of Sweeny Texas, do hereby proclaim April 2024, to be

Child Abuse Prevention Month

in Sweeny, and urge the appropriate recognition whereof.

In official recognition whereof, I hereby affix my signature this the 19th day of March 2024.

Mayor Dusty Hopkins



AGENDA MEMO

Business of the City Council

City of Sweeny, Texas

Meeting Date	03.19.2024	Agenda Item	
Approved by City Manager	Yes	Presenter(s)	Lindsay Koskiniemi, City Manager Tex Bell, Public Works Director
Reviewed by City Attorney	No	Department	Water, Wastewater – Enterprise Fund
Subject	Presentation and update on Fiscal Year 2024 year-to-date emergency purchases related to water and wastewater.		
Attachments	<ul style="list-style-type: none"> - Water YTD information with copies of invoices - Wastewater YTD information with copies of invoices - Notice from TCEQ - Renewal reminder for Permit No. WQ0010297001 - Strand Task Order to complete 2025 WWTP permit renewal required by Sept 2024 - 2019 WWTP permit renewal package 		
Financial Information	Expenditure Required:	N/A	
	Amount Budgeted:	N/A	
	Account Number:		
	Additional Appropriation Required:		
	Additional Account Number:		

Executive Summary

In FY24, we have had several emergency repairs that staff feels will exceed the budget before the fiscal year ends on September 30, 2024.

For the first and second quarter of FY24, \$26,463.25 has been spent on emergency repairs for emergencies that include water well failures, a tree falling on the ground water storage tank etc. The water budget is approx. 88% spent YTD.

For the first and second quarter of FY24, \$32,343.30 has been spent on emergency repairs related to wastewater for mostly for lift station failures. This amount does not include other emergency purchases already approved by City Council such as the return activated sludge pump purchases totaling approx. \$50,000.00. Of the \$90,000.00 budgeted to wastewater in FY24, the City has spent \$96,860.18, putting us approximately 7.6% over budget with 50% of the fiscal year remaining.

Additionally, the City of Sweeny is required to submit a renewal application for the wastewater treatment plant permit every five (5) years. Strand has historically completed the permit renewal application, and the cost is \$18,000, which is not in the City's FY24 budget. The permit is required to be submitted at least 6 months ahead of the permit expiration, which means the permit renewal must occur on or before September 2024, in FY24. A copy of the last permit submittal completed by Strand (2019) is provided with this item.

This update is provided that so that Council will anticipate a budget amendment in the 4th quarter of FY24 for emergency purchases. Staff is hopeful that with the work that has been done in the past few months related to unanticipated emergency repairs that water and wastewater operations will stabilize.



AGENDA MEMO

Business of the City Council

City of Sweeny, Texas

More information will be provided related to additional CIP recommendations for water and wastewater in preparation of the FY25 budget kick off at a subsequent CIP meeting with City Council.

Recommended Action

No recommended action, update only.

EMERGENCY WATER DEPT PURCHASES
 FISCAL YEAR 2023 - 2024, 1ST & 2ND QUARTERS
 FOR ACCOUNT NO. 50-11-6710

Q1					
<u>DATE</u>	<u>INVOICE NUMBER</u>	<u>VENDOR</u>	<u>EMERGENCY STATUS JUSTIFICATION</u>	<u>AMOUNT</u>	<u>NOTES</u>
10/4/2023	23-0516	ANDROID CONSTRUCTION SERVICES	COULD NOT SHUT DOWN WATER; CALLED OUT CONTRACTOR TO AVOID LOSING WATER PRESSURE	4,750.00	
				\$ 4,750.00	
Q2					
<u>DATE</u>	<u>INVOICE NUMBER</u>	<u>VENDOR</u>	<u>EMERGENCY STATUS JUSTIFICATION</u>	<u>AMOUNT</u>	<u>NOTES</u>
1/16/2024	606750	ANDY'S TREE SERVICE	GIANT PECAN TREE FELL ON GST	3,500.00	
2/5/2024	22791	PENNEY'S ELECTRIC	TROUBLESHOOT OOC WELL	250.00	
2/15/2024	117911	HAHN EQUIPMENT	REPLACE BREAKER & TEST @ WATER PLANT WELL OOC	7,458.00	
2/16/2024	2/16/2024	CAFFIN WATER WELL SERVICE	LOST WELL #2 LEAVING CITY ON ONLY 1 WELL, REPLACED WELL MOTOR AND PUMP	9,755.25	
2/29/2024	2/29/2024	ANDROID		5,500.00	*OUTSTANDING INVOICE FROM JULY 2023. WAS NOT PRESENTED TO A/P UNTIL FEB 2024.
				\$ 26,463.25	
			Q1 AND Q2 TOTAL EMERGENCY	\$ 31,213.25	
			FY24 APPROVED BUDGET FOR WATER SYS MAINT	\$ 90,600.00	
			FY24 YTD EXP	\$ 80,482.64	
			FUNDS REMAINING FOR FY24	\$ 10,117.36	

INFRAMARK

<u>DATE</u>	<u>INVOICE NUMBER</u>	<u>AMOUNT</u>
10/9/2023	1152073	5,525.92
11/14/2023	1152501	5,208.76
12/11/2023	1152878	10,316.00
1/8/2024	153273	6,820.99
	TOTAL	27,871.67

Sweeny - Enterprise Fund
General Ledger

Item 4.

For the Period From Oct 1, 2023 to Mar 31, 2024

Filter Criteria includes: 1) IDs from 50-11-6710 to 50-11-6710. Report order is by ID. Report is printed with shortened descriptions and in Detail Format.

Account ID Account Description	Date	Reference	Jrnl	Trans Description	Debit Amt	Credit Amt	Balance
50-11-6710	10/1/23			Beginning Balance			
Maintenance of Water Syste	10/2/23	C7243	PJ	Litzler's Feed Store	24.28		
	10/4/23	23-0516	PJ	Android Construction Services - Emergency Repair Water Leak 402 Harlem	4,750.00		
	10/9/23	1152073	PJ	Inframark, LLC - Water testing	161.00		
	10/9/23	1152073	PJ	Inframark, LLC - Water Plant	5,364.92		
	10/11/23	11/1/23	PJ	Litzlers Feed Store	84.38		
	10/13/23	313323	PJ	McCoy's Building Supply - plug/adaptor/blades	51.56		
	10/18/23	313511	PJ	McCoy's Building Supply - Abrasive Sandcloth/Plumbers Kit	41.48		
	10/18/23	313513	PJ	McCoy's Building Supply - 3/4" CX 3/4' Copper Adapter	10.47		
	10/18/23	95424	PJ	Envirodyne Laboratories Inc - Water Testing	370.00		
	10/18/23	102320	PJ	Reifel's Feed & Ranch - 3" Trash Pump	120.00		
	10/20/23	225991598-001	PJ	United Rentals - Concrete Saw Rental	738.88		
	10/23/23	102417	PJ	Reifel's Feed & Ranch - 3" trash pump	240.00		
	10/26/23	1187514	PJ	Ferguson Waterworks #1105 - 2x2 SS REP CLMP	999.20		
	10/26/23	1187515	PJ	Ferguson Waterworks #1105 - Hose Bib and clamps	1,239.96		
	10/30/23	1187471	PJ	Ferguson Waterworks #1105 - Rep Coup, Redi-clmp	808.64		
	10/31/23	202006	PJ	Accurate Utility Supply - Water Plant supplies	241.79		
				Current Period Change	15,246.56		15,246.56
	11/1/23			Beginning Balance			15,246.56
	11/7/23	B219633	PJ	Litzler's Feed Store - Pipe Connections	42.98		
	11/7/23	B219646	PJ	Litzler's Feed Store - Pipe Fittings	27.99		
	11/9/23	CC11092023	CDJ	McCoy's Building Supply - Water Supplies	147.21		
	11/9/23	B219808	PJ	Litzler's Feed Store - Misc	36.76		
	11/13/23	1187512	PJ	Ferguson Waterworks #1105 - Redi Clamp	1,018.00		
	11/14/23	1152501	PJ	Inframark, LLC - Administrative	109.12		
	11/14/23	1152501	PJ	Inframark, LLC - Water Plant	5,099.67		
	11/15/23	227197228-001	PJ	United Rentals - Saw Cut-off 14' Gas	88.74		
	11/16/23	CC11162023	CDJ	Amazon Capital Services - Water Plant Wind Sock	26.96		
	11/20/23	B220386	PJ	Litzler's Feed Store - Combo Wrench	12.79		
	11/28/23	B220883	PJ	Litzler's Feed Store - Painting Supplies	46.57		
	11/28/23	B220911	PJ	Litzler's Feed Store - Painting Supplies	16.98		
	11/29/23	B221008	PJ	Litzler's Feed Store - Paint Supplies	11.99		
	11/29/23	978744	PJ	Lowe's - Needle Scaler	170.05		
	11/29/23	978921	PJ	Lowe's - Paint sprayer; painting supplies	1,264.15		
	11/30/23	707718/00121	PJ	Sherwin-Williams - Paint	600.00		
	11/30/23	1187469	PJ	Ferguson Waterworks #1105 - Clamps	2,777.04		
				Current Period Change	11,497.00		11,497.00
	12/1/23			Beginning Balance			26,743.56
	12/5/23	102741	PJ	Reifels Feed & Ranch - 3" trash pump	150.00		
	12/5/23	B221309	PJ	Litzlers Feed Store	7.96		
	12/5/23	B221317	PJ	Litzlers Feed Store	42.98		
	12/5/23	B221320	PJ	Litzlers Feed Store	21.96		
	12/5/23	B221358	PJ	Litzlers Feed Store	16.99		
	12/5/23	B221364	PJ	Litzlers Feed Store			
	12/6/23	B221383	PJ	Litzlers Feed Store	14.99		16.99
	12/11/23	1152878	PJ	Inframark, LLC - Water System	10,316.00		
	12/11/23	B221667	PJ	Litzlers Feed Store	21.47		
	12/11/23	B221679	PJ	Litzlers Feed Store	30.98		

Item 4.

Sweeny - Enterprise Fund
General Ledger

For the Period From Oct 1, 2023 to Mar 31, 2024

Filter Criteria includes: 1) IDs from 50-11-6710 to 50-11-6710. Report order is by ID. Report is printed with shortened descriptions and in Detail Format.

Account ID Account Description	Date	Reference	Jrnl	Trans Description	Debit Amt	Credit Amt	Balance
	12/12/23	B221766	PJ	Litzlers Feed Store	19.17		
	12/12/23	B221778	PJ	Litzlers Feed Store	30.98		
	12/15/23	227842607-001	PJ	United Rentals - 2" water pump	575.00		
	12/28/23	B222691	PJ	Litzlers Feed Store	11.67		
	12/28/23	B222693	PJ	Litzlers Feed Store	18.87		
	12/28/23	B222702	PJ	Litzlers Feed Store	2.99		
	12/28/23	C7657	PJ	Litzlers Feed Store	36.52		
	12/28/23	316470	PJ	McCoy's Building Supply - Barb Wire for Water Plant Fence	72.99		
	12/29/23	228678932-001	PJ	United Rentals - Concrete Saw	247.99		
				Current Period Change	11,639.51	16.99	11,622.52
	1/1/24			Beginning Balance			38,366.08
	1/1/24	S238128TX.00-1	PJ	US Underwater - ROV Inspection- Hackberry Tower	450.00		
	1/1/24	S238128TX.00-1	PJ	US Underwater - ROV Inspection- Peach St. 75k EST	450.00		
	1/1/24	S238128TX.00-1	PJ	US Underwater - Mobilization/ Demobilization	1,860.00		
	1/1/24	S238128TX.00-1	PJ	US Underwater - ROV Inspection- East 420K GST	450.00		
	1/1/24	S238128TX.00-1	PJ	US Underwater - ROV Inspection- West 420k GST	450.00		
	1/2/24	228642488-001	PJ	United Rentals - 3" trash Pump	279.00		
	1/4/24	CC01042024-A	CDJ	Amazon Capital Services - Barbed Wire	179.97		
	1/8/24	1153273	PJ	Inframark LLC - Water	6,820.09		
	1/11/24	317005	PJ	McCoy's Building Supply - Misc Mats to prepare for Freeze	305.86		
	1/12/24	CCKW11224	CDJ	Stewarts Food Store - water	84.00		
	1/12/24	317102	PJ	McCoy's Building Supply - R13 Insulation	89.98		
	1/13/24	317180	PJ	McCoy's Building Supply - 3-1/2x23 KF237.66SF K1255	102.99		
	1/16/24	606750	PJ	Andys Tree Service - Emergency Tree Removal-Water Plant	3,500.00		
	1/26/24	317667	PJ	McCoy's Building Supply - Primer for water plant	199.98		
				Current Period Change	15,221.87		15,221.87
	2/1/24			Beginning Balance			53,587.95
	2/1/24	317917	PJ	McCoy's Building Supply - Coupling	7.58		
	2/5/24	22791	PJ	Penneys Electric Co. Inc. - Emergency Call Out	250.00		
	2/9/24	6759	PJ	Mac Fabricators - Mats and Labor- Fab Pins	250.00		
	2/15/24	117911	PJ	HAHN Equipment Co Inc - Emergency breaker replacement	7,458.00		
	2/16/24	1469	PJ	Branch Construction Group LLC - Emergency Install 6" Repair clamp-Reimbursed	6,660.00		
	2/16/24	2/16/24	PJ	Chaffin Water Well Service - Emergency Repair Well #3	9,755.25		
	2/20/24	1139	PJ	UNIQUE WATERWORKS LLC - Misc Water Parts	3,673.68		
	2/29/24	23-0439 070523	PJ	Android Construction Services - Emergency valve replacement 702 Ave A	5,500.00		
				Current Period Change	33,554.51		33,554.51
	3/1/24			Beginning Balance			87,142.46
	3/1/24	03/01	GEN	Southern Gulf Solutions reimb for emergency water line repair by Branch Construction		6,660.00	
				Current Period Change		6,660.00	-6,660.00
	3/31/24			Ending Balance			80,482.46

→ Cost recovered.



Android Construction Services, LLC

16195 S Hwy 288 B

Angleton Texas 77515

Date	Invoice
10/04/23	23 - 0516

City Of SWEENEY
Attention: Rusty Lofton 102 Ashley-Wilson Rd Sweeny, Texas 77480

P.O. No.	TERMS	PROJECT
		EMERGENCY CALL OUT
		402 HARLEM STREET

DESCRIPTION	COST
Monday, October 2, 2023	
Repaired 6" Ductile Iron Pipe with Clamp, Could Not Shut Down Water	
5 Hours of Labor at \$750.00 Per Hour	\$ 3,750.00
Mobilization	\$ 1,000.00
TOTAL COST DUE:	\$4,750.00

20 PDW 10-19-23

ENTERED

606750

Invoice

Andy's Tree Service
P.O. Box 209
Brazoria, Tx 77422
979-417-4692

SHIP TO City of Sweeny
ADDRESS 102 W. Ashley Wilson Rd.
CITY, STATE ZIP Sweeny Tx 77480

ORDER NO. SOLD BY TERMS F.O.B. DATE 11/16/2024

QUANTITY	DESCRIPTION	PRICE	UNIT	AMOUNT
	remove fallen tree			\$ 3500.00
	+ move tree removal services			
				total \$ 3500.00

50-11-6710

CITY OF SWEENY

PURCHASE ORDER

PO BOX 248
 SWEENY, TEXAS 77480
 Phone: (979) 548-3321
 Fax: (979) 548-7745
 sweenytx.gov
accountspayable@sweenytx.gov

TB-02162024-03- Public Works

ENTERED

DATE 2/16/2024

VENDOR		PURCHASING INFORMATION	
Penney's Electric Co Inc		Requisition:	
PO Box 2888, Freeport, TX 77542		Funding:	50-11-6710
		Invoice #	22791

ITEM #	DESCRIPTION	QTY	UNIT PRICE	TOTAL
	Man Hours - Emergency Call Out <i>Water Plant</i>			250.00
TOTAL				\$ 250.00

Comments or Special Instructions

EMERGENCY CALL OUT FOR WATER PLANT - TROUBLESHOOT WELL

IMPORTANT:

Above Order Number must appear on all correspondence, invoices, packages and shipping papers. Notify us immediately if you are unable to ship complete order by date specified. Your acceptance of this order is your warranty to us that you are complying with the U.S. Fair Labor Standards Act of 1988, as amended, and we reserve the right to refuse merchandise not in strict accordance with this order.


 DEPARTMENT DIRECTOR

2.16.24
 Date

 FINANCE DIRECTOR / CITY MANAGER

 Date

PENNEY'S ELECTRIC CO INC

PO BOX 2888
 FREEPORT, TX 77542

(979) 233-4156 Fax: (979) 239-2725
 TECL # 33778

Invoice

Date	Invoice #
2/5/2024	22791

Bill To

City of Sweeny
P. O. Box 248
Sweeny, TX 77480

Description

Troubleshoot well at water plant per Jody.
Emergency Call Out

		Job #	Terms	PO #
		14308	1Net 30	
Qty	Description	Rate	Amount	
2	Man Hours 1/30/24	125.00	250.00	
<i>A 1/2% monthly late fee will be added to invoices over 30 days.</i>			Balance Due	\$250.00

Thank you for your business. If we can be of any further assistance please give us a call.

We accept Visa, Mastercard, American Express, Discover and Diner's for your convience.

We use Angie's List to assess whether we are doing a good job keeping valued customers like you happy. Please visit [AngiesList.com/Review/2697063](https://www.angieslist.com/Review/2697063) in order to grade our quality of work and customer service.

Regulated by The Texas Department of Licensing and Regulations, P.O. Box 12157, Austin, TX 78711.
 1-800-803-9202, 512-463-6599: Website: www.license.state.tx.us/complaints

CITY OF SWEENY

PURCHASE ORDER

PO BOX 248
 SWEENY, TEXAS 77480
 Phone: (979) 548-3321
 Fax: (979) 548-7745
 sweenytx.gov
accounts payable@sweenytx.gov

TB-02292024-02 Public Works

DATE 2/29/2024

VENDOR		PURCHASING INFORMATION	
HAHN Equipment Co., Inc		Requisition:	
5636 Kansas, Houston, TX 77007		Funding:	50-11-6710
CONTACT NAME OF VENDOR REP		Invoice #:	117912 117911

ITEM #	DESCRIPTION	QTY	UNIT PRICE	TOTAL
	Replace Breaker & Test for Water Plant <i>Emergency</i>	1		7,458.00
TOTAL				\$ 7,458.00

ENTERED

Comments or Special Instructions

EMERGENCY CALL OUT TO REPLACE BREAKER & TEST @ WATER PLANT

IMPORTANT:

Above Order Number must appear on all correspondence, invoices, packages and shipping papers. Notify us immediately if you are unable to ship complete order by date specified. Your acceptance of this order is your warranty to us that you are complying with the U.S. Fair Labor Standards Act of 1988, as amended, and we reserve the right to refuse merchandise not in strict accordance with this order.


 DEPARTMENT DIRECTOR

3-11-24
 Date

FINANCE DIRECTOR / CITY MANAGER

Date

INVOICE

INVOICE NO. PAGE
117911 1
INVOICE DATE
02/15/24



HAHN EQUIPMENT CO., INC.
5636 KANSAS
HOUSTON, TX 77007
(713) 868-3255 FAX: 713-868-9725

SOLD TO

SHIP TO

CITY OF SWEENY
accountspayable@sweenytx.gov
102 W. ASHLEY WILSON RD.
PO BOX 248
SWEENY, TX 77480
US

CITY OF SWEENY
WATER PLANT

SWEENY, TX 77480
US

ORDER NO.	ORDER DATE	CUSTOMER NO.	LOC.	SLSMN	PURCHASE ORD. NO.	JOB NUMBER	SHIP VIA	COL/PPD
49254	13 02/12/24	9115	01	4	EMERGEN CALL OUT		HAHN SERVICE	
QTY. ORDER/B.O.	QTY. SHIP/RETURN	ITEM NO./DESCRIPTION			UNIT PRICE	UOM DISC.	NET PRICE	

1.0000	1.0000	MISC-69390	7,458.0000EA	7,458.00
		SERVICE CALL TO REPLACE		
		BREAKER & TEST 02/04 & 02/07		
		1.00		

Lot No. JONL

COMMENTS

SWEATS TECH SERV 02/04 & 02/07
BH 02/14/2024

TERMS

1%10DAYS/NET 30

SALE AMOUNT	7,458.00
MISC CHARGES	.00
FREIGHT	.00
SALES TAX	.00
TOTAL	7,458.00
AMOUNT RECEIVED	.00
BALANCE DUE	7,458.00

CITY OF SWEENY

PURCHASE ORDER

PO BOX 248
 SWEENY, TEXAS 77480
 Phone: (979) 548-3321
 Fax: (979) 548-7745
 sweentyx.gov
accounts payable@sweentyx.gov

ENTERED

LK-02.06.2024-WATER - E

DATE 2/12/2024

VENDOR	PURCHASING INFORMATION	
CHAFFIN WATER WELL	Requisition:	
	Funding:	50-11-6710
HALEY KEYS		

ITEM #	DESCRIPTION	QTY	UNIT PRICE	TOTAL
2/16/24	WELL #3 EMERGENCY REPAIR PULL WELL 15HP SUBMERSIBLE PUMP & MOTOR (230GPM, 3-PHASE, 460V) 160 FT 10-3 SUBMERSIBLE WIRE GLAVANIZED NIPPLE			9,755.25
TOTAL				\$ 9,755.25

Comments or Special Instructions

THIS WAS AN EMERGENCY REPAIR. CITY WAS DOWN TO ONE WELL, AND THE REPAIR HAD TO BE MADE TO KEEP 2 WELLS ONLINE AT ALL TIMES.

IMPORTANT:

Above Order Number must appear on all correspondence, invoices, packages and shipping papers. Notify us immediately if you are unable to ship complete order by date specified. Your acceptance of this order is your warranty to us that you are complying with the U.S. Fair Labor Standards Act of 1988, as amended, and we reserve the right to refuse merchandise not in strict accordance with this order.

 DEPARTMENT DIRECTOR

 Date

 FINANCE DIRECTOR / CITY MANAGER

 Date

[Signature] - City Manager

3/4/2024

Chaffin Water Well Service
22220 F. M. 1462
Damon, Texas 77430

979-553-3714 Ph
chaffinww@yahoo.com

Fx 979-553-3715

Invoice

City of Sweeny
Peach St.
Sweeny, TX
Ph. 281-779-5868

February 16, 2024

Contact: Lindsey Koskiniemi
Em. citymanager@sweenytx.gov

For Services Provided:

Service Call
 Pull Well
 15HP Submersible Pump & Motor (230GPM, 3Phase, 460V)
 160Ft 10-3 Submersible Wire
 Galvanized Nipple

Emergency Repair

Construction of Well Guaranteed N/A
 Pump Guaranteed 1 Year
 Tank Guaranteed N/A

All Guarantees Limited to Repair or Replacement of Defective Parts
 And Not the Cost of Labor for Such Remedy or for Acts of God (lighting, freezing, electrical services).

Please Pay From This Invoice

TOTAL \$9,755.25

Thank You for the Opportunity to Work with You!

Lic # 2065
 Regulated by Texas Department of Licensing and Regulations, P. O Box 12157, Austin, Texas 78711
 512-463-7880 1-800-803-9202



Android Construction Services, LLC

16195 S Hwy 288 B
Angleton Texas 77515

Date	Invoice
07/05/23	23 - 0439

City of Sweeny
102 Ashely-Wilson Rd. Sweeny TX 77480 Attention: Rusty Lofton

P.O. No.	TERMS	PROJECT
		Emergency
		702 Avenue A

DESCRIPTION	COST
Sunday July 2, 2023	
Labor and equipment to replace a 2 inch valve with 3 feet of 2 inch PVC pipe	
4.5 hours of labor at \$1000.00 per hour	\$ 4,500.00
Moblization	\$ 1,000.00
<i>50-11-6710</i>	
<i>Invoice was not presented with a PO to AIP.</i>	
<i>Rec'd invoice 2/20/24 via email.</i>	
	\$5,500.00

EMERGENCY WASTEWATER PURCHASES
 FISCAL YEAR 2023 - 2024, 1ST & 2ND QUARTERS
 FOR ACCOUNT NO. 50-11-6711

Q1				
<u>DATE</u>	<u>INVOICE NUMBER</u>	<u>VENDOR</u>	<u>EMERGENCY STATUS JUSTIFICATION</u>	<u>AMOUNT</u>
11/9/2023	4191	B&R SERVICES	PULL & REPAIR BROKEN PUMP	1,245.52
11/16/2023	1498	B&R SERVICES	BOTH BLOWERS OOC	1,389.73
11/20/2023	1501	B&R SERVICES	1 BLOWER WAS FROZEN UP & HAD TO BE REWIRED	1,338.55
11/28/2023	117180	HAHN EQUIPMENT	STARTER & OVERLOAD TEST FOR NEW RAS INSTAL	1,814.00
				5,787.80

Q2				
<u>DATE</u>	<u>INVOICE NUMBER</u>	<u>VENDOR</u>	<u>EMERGENCY STATUS JUSTIFICATION</u>	<u>AMOUNT</u>
1/2/2024	11839	JB SERVICES	INCORRECT RAS RAGGED AND BLEW GASKET SAN BERNARN LIFT STATION PUMP HAD TO REPLACED. LS WAS DOWN.	3,000.00
1/26/2024	14941	COASTAL PUMP	NEW PHASE MONITOR TO PROTECT NEW PUMP	10,199.00
1/29/2024	117684	HAHN EQUIPMENT	REWIRING TO GET NEW PUMP TO WORK	384.00
1/29/2024	117683	HAHN EQUIPMENT	FLOAT & CABLE NEEDED FOR NEW PUMP INSTAL	1,251.00
1/29/2024	117681	HAHN EQUIPMENT	FLOAT & CABLE NEEDED FOR NEW PUMP INSTAL	833.00
1/31/2024	117759	HAHN EQUIPMENT	FLOAT & CABLE NEEDED FOR NEW PUMP INSTAL	448.00
1/31/2024	117763	HAHN EQUIPMENT	FLOAT & CABLE NEEDED FOR NEW PUMP INSTAL	4,790.00
1/31/2024	117762	HAHN EQUIPMENT	FLOAT & CABLE NEEDED FOR NEW PUMP INSTAL	960.00
2/2/2024	22785	PENNY'S ELECTRIC	LIFT STATION DOWN	312.50
2/7/2024	22792	PENNY'S ELECTRIC	LIFT STATION DOWN	1,067.00
2/9/2024	117850	HAHN EQUIPMENT	LIFT STATION DOWN	384.00
2/15/2024	117912	HAHN EQUIPMENT		2,927.00
NOT YET PAID FOR - WWTP PERMIT RENEWAL EVERY 5 YEARS DUE SEPT 2024 - NOT IN FY 24 BUDGET				18,000.00
				\$ 44,555.50

Q1 AND Q2 TOTAL EMERGENCY	\$	32,343.30	*DOES NOT INCLUDE WWTP PERMIT
FY24 APPROVED BUDGET FOR WATER SYS MAINT	\$	90,000.00	
FY24 YTD EXP	\$	96,860.18	
FUNDS REMAINING FOR FY24	\$	(6,860.18)	

INFRAMARK

<u>DATE</u>	<u>INVOICE NUMBER</u>	<u>AMOUNT</u>
10/9/2023	1152073	\$ 18,885.10
11/14/2023	1152501	\$ 9,779.72
12/11/2023	1152878	\$ 13,806.09
1/8/2024	1153273	\$ 7,228.41
		\$ 49,699.32

Sweeny - Enterprise Fund
General Ledger

Item 4.

For the Period From Oct 1, 2023 to Mar 31, 2024

Filter Criteria includes: 1) IDs from 50-11-6711 to 50-11-6711. Report order is by ID. Report is printed with shortened descriptions and in Detail Format.

Account ID Account Description	Date	Reference	Jrnl	Trans Description	Debit Amt	Credit Amt	Balance
50-11-6711	10/1/23			Beginning Balance			
Maintenance of Sewer Syst	10/2/23	rp00573	PJ	Kinloch Equipment & Supply - Trailer Jet	4,725.00		
	10/6/23	B217501	PJ	Litzler's Feed Store - 100' 4/0 Dbl Loop Chain	4.82		
	10/9/23	1152073	PJ	Inframark, LLC - Sewer Plant	18,885.10		
	10/10/23	B217804	PJ	Litzler's Feed Store - Sewer Fittings	46.86		
	10/10/23	0398731	PJ	C&M Custom Signs & Graphics - Do Not Enter/Emergency Signs (Lift Station)	365.00		
	10/11/23	11/1/23	PJ	Litzlers Feed Store	111.01		
	10/16/23	3498699V131	PJ	Waste Connections of Texas	90.00		
				Current Period Change	24,227.79		24,227.79
	11/1/23			Beginning Balance			24,227.79
	11/1/23	1073	PJ	Clear Career Professionals LLC - WWTP Operator recruitment	3,000.00		
	11/1/23	3514928V131	PJ	Waste Connections of Texas - WWTP	547.18		
	11/9/23	1491	PJ	B and R Services - Emergency Call out- WWTP	1,245.52		
	11/14/23	1152501	PJ	Inframark, LLC - Sewer Plant	9,779.72		
	11/16/23	1498	PJ	B and R Services - Emergency Blower #2 Repair	1,389.73		
	11/20/23	1501	PJ	B and R Services - Over Payment from Invoice # 1498		469.73	
	11/20/23	1501	PJ	B and R Services - Emergency Call out- WWTP	1,808.28		
	11/28/23	117180	PJ	HAHN Equipment Co Inc - Emergency Replace Starter and Overload Test	1,814.00		
	11/30/23	707718/00121	PJ	Sherwin-Williams - Paint	317.32		
				Current Period Change	19,901.75	469.73	19,432.02
	12/1/23			Beginning Balance			43,659.81
	12/11/23	1152878	PJ	Inframark, LLC - Sewer System	13,860.09		
	12/22/23	1520	PJ	B&R Services - WWTP Repairs	3,967.61		
	12/28/23	1523	PJ	B&R Services - Removed Blower and replaced with second blower 2x	954.50		
				Current Period Change	18,782.20		18,782.20
	1/1/24			Beginning Balance			62,442.01
	1/2/24	11839	PJ	JB Services - Emergency Pump repair WWTP	3,000.00		
	1/2/24	228693743-001	PJ	United Rentals - Pump 6' Vac, hose, Strainer	314.75		
	1/8/24	1153273	PJ	Inframark LLC - Sewer	7,228.41		
	1/12/24	CCKW11224	CDJ	Stewarts Food Store	84.00		
	1/12/24	317102	PJ	McCoy's Building Supply - R13 Insulation	89.98		
	1/26/24	14941	PJ	Coastal Pump Services, Inc - San Bernard Lift Station service	10,199.00		
	1/29/24	117684	PJ	HAHN Equipment Co Inc - Phase Monitor Relay Service	384.00		
	1/29/24	117683	PJ	HAHN Equipment Co Inc - Resistor, Pump Monitor Relay	1,251.00		
	1/29/24	117681	PJ	HAHN Equipment Co Inc - Solo float w/ 50' cable and plug	833.00		
	1/31/24	117759	PJ	HAHN Equipment Co Inc - Call Out - Service	448.00		
	1/31/24	117763	PJ	HAHN Equipment Co Inc - Emergency Call Out Roto FLoad with Cable	4,790.00		
	1/31/24	117762	PJ	HAHN Equipment Co Inc - Call Out - Service	960.00		
				Current Period Change	29,582.14		29,582.14
	2/1/24			Beginning Balance			92,024.15
	2/1/24	317915	PJ	McCoy's Building Supply - 4x10 Cell Pipe	145.53		
	2/2/24	22785	PJ	Penneys Electric Co. Inc - Emergency Call Out	312.50		
	2/7/24	22792	PJ	Penneys Electric Co. Inc. - Emergency Call Out-Labor+Mats	1,067.00		
	2/9/24	117850	PJ	HAHN Equipment Co Inc - Emergency Call out for lift Station	384.00		
	2/15/24	117912	PJ	HAHN Equipment Co Inc - Emergency breaker replacement	2,927.00		
				Current Period Change	4,836.03		4,836.03
	3/1/24			Beginning Balance			96,860.18
	3/31/24			Ending Balance			96,860.18

CITY OF SWEENY

PURCHASE ORDER

PO BOX 248
 SWEENY, TEXAS 77480
 Phone: (979) 548-3321
 Fax: (979) 548-7745
 sweenytx.gov

ENTERED

1491

DATE 11/21/2023

VENDOR	PURCHASING INFORMATION	
B&R SERVICES	<i>Requisition:</i>	

Funding-GL Acct #	DESCRIPTION	QTY	UNIT PRICE	TOTAL
50-11-6711 SEWER	LEAD FIELD TECHNICIAN pull and repair on site <i>plump</i>			\$1,246
TOTAL				\$ 1,245.52

Comments or Special Instructions

IMPORTANT:

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B&R Services

175 Sawyer Rd
Alvin, TX 77511
(832) 671-7132
Ben@bandrservices.co



INVOICE

BILL TO
Karla Wilson
City of Sweeny
PO Box 248
Sweeny, Texas 77480
United States

INVOICE 1491
DATE 11/09/2023
TERMS Net 30
DUE DATE 12/09/2023

LOCATION
Sweeny WWTP

DATE	ACTIVITY	DESCRIPTION	QTY	RATE	AMOUNT
11/09/2023		Repair material			95.52
11/09/2023	Lead Field Technician	pull and repair pump onsite.	5	145.00	725.00
11/09/2023	Field Technician Helper	pull and repair pump onsite.	5	85.00	425.00

We appreciate your business and look forward to helping you again soon.

BALANCE DUE

\$1,245.52

To settle your payment, you may opt to send a check or make a wire transfer.
For banking information regarding wire transfers, kindly send an email to
Ashley@bandrservices.co.

Best regards!

CITY OF SWEENY

PURCHASE ORDER

PO BOX 248
 SWEENY, TEXAS 77480
 Phone: (979) 548-3321
 Fax: (979) 548-7745
 sweenytx.gov

ENTERED

1498

DATE 11/21/2023

VENDOR		PURCHASING INFORMATION	
B&R Services		Requisition:	

Funding-GL Acct #	DESCRIPTION	QTY	UNIT PRICE	TOTAL
50 11-6711 Sewer	3x6 Galv nipple tube			\$1,390
	3 3538.350			
	lead field technician			
	field technician helper			
	disassemble repair blower #2			
TOTAL				\$ 1,389.73

Comments or Special Instructions

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B&R Services

175 Sawyer Rd
 Alvin, TX 77511
 (832) 611-7132
 Ben@bandrservices.co



INVOICE

BILL TO
 Karla Wilson
 City of Sweeny
 PO Box 248
 Sweeny, Texas 77480
 United States

INVOICE 1498
DATE 11/16/2023
TERMS Net 30
DUE DATE 12/16/2023

LOCATION
 Sweeny WWTP Blower Repair

DATE	ACTIVITY	DESCRIPTION	QTY	RATE	AMOUNT
11/14/2023		3"x6' Galv Nipple Tube			268.13
11/14/2023		3" 3538 3.50 OD Steel Coupling, 7" Mid Ring			201.60
11/15/2023	Lead Field Technician	Disassemble and repair Blower #2	4	145.00	580.00
11/15/2023	Field Technician Helper	Disassemble and repair Blower #2	4	85.00	340.00

We appreciate your business and look forward to helping you in the year.

BALANCE DUE

\$1,389.73

To settle your payment, you may opt to send a check or make a wire transfer.
 For banking information regarding wire transfers, kindly send an email to
 Ashle@bandrservices.co

Best regards!

Jo PW 11-16-23

CITY OF SWEENY

PURCHASE ORDER

PO BOX 248
 SWEENY, TEXAS 77480
 Phone: (979) 548-3321
 Fax: (979) 548-7745
 sweenytx.gov

po#1501

ENTERED

DATE 1/6/2023

VENDOR		PURCHASING INFORMATION	
B&R Services		Requisition:	01-06-23-18

Funding-GL Acct #	DESCRIPTION	QTY	UNIT PRICE	TOTAL
50-11-4710 6711	repair air filter housing, steel coupling, 3x6 galv nipple Over Payment from Inv.# 1498			1808.28 (469.73)
TOTAL				\$ 1,808.28

1,338.55

Comments or Special Instructions
 Prior Overpayment Subtracted from original total.
 12/13/23 CT

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B&R Services

175 Sawyer Rd
Alvin, TX 77511
(832) 671-7132
Ben@bandrservices.co



INVOICE

BILL TO
Karla Wilson
City of Sweeny
PO Box 248
Sweeny, Texas 77480
United States

INVOICE 1501
DATE 11/20/2023
TERMS Net 30
DUE DATE 12/20/2023

LOCATION
Sweeny WWTP

DATE	ACTIVITY	DESCRIPTION	QTY	RATE	AMOUNT
11/16/2023	Lead Field Technician	Repair Air Filter Housing	5:30	145.00	797.50
11/16/2023	Field Technician Helper	Repair Air Filter Housing	5.50	85.00	467.50
11/16/2023		3"x6' Galv Nipple Tube			287.25
11/16/2023		3" 3538 3.50 OD Steel Coupling, 7" Mid Ring			216.00
11/16/2023	Miscellaneous Hardware	Miscellaneous Truck Supplies		40.00	40.00

We appreciate your business and look forward to helping you again soon

To settle your payment, you may opt to send a check or make a wire transfer
For banking information regarding wire transfers, kindly send an email to
Ashley@bandrservices.co

Best regards!

PAYMENT *1 808.2*
Over Payment from Invoice 1498 -> 469.7

BALANCE DUE **\$1,338.50**

CITY OF SWEENY

PURCHASE ORDER

PO BOX 248
 SWEENY, TEXAS 77480
 Phone: (979) 548-3321
 Fax: (979) 548-7745
 sweenytx.gov

ENTERED

po#117180

DATE 1/6/2023

VENDOR		PURCHASING INFORMATION	
HAHN EQUIPMENT CO		Requisition:	01-06-23-19

Funding-GL Acct #	DESCRIPTION	QTY	UNIT PRICE	TOTAL
50-11-6711	replace starter & overload test			\$1,814.00
TOTAL			\$ -	\$ 1,814.00

Comments or Special Instructions

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INVOICE

Item 4.



HAHN EQUIPMENT CO., INC.
 5636 KANSAS
 HOUSTON, TX 77007
 (713) 868-3255 FAX: 713-868-9725

INVOICE	117180
INVOICE DATE	11/28/23

SOLD TO

SHIP TO

CITY OF SWEENY
 accountspayable@sweenytx.gov
 102 W. ASHLEY WILSON RD.
 PO BOX 248 citymanager@sweenytx.gov
 SWEENY, TX 77480
 US

CITY OF SWEENY
 WWTP

US

ORDER NO.	ORDER DATE	CUSTOMER NO.	LOC	SLSMN	PURCHASE ORD NO.	JOB NUMBER	SHIP VIA	COL/PPD
4924709	11/22/23	9115	01	4	VERBAL LIND		HAHN SERVICE	
QTY ORDER/B.O.	QTY SHIP/RETURN	ITEM NO./DESCRIPTION			UNIT PRICE	UOM DISC	NET PRICE	

8.0000	8.0000	SERVICE. REPLACE STARTER & OVERLOAD & TEST.				EA		
2.0000	2.0000	MISC-68965 SCHNIEDER IEC STARTER WITH OL				EA		
Lot No.	JVA				2.00			

COMMENTS: HEC SERVICE JVA 11/27/2023 BH 11/27/2023 TERMS: 1&10DAYS/NET 30	SALE AMOUNT	1,814.00
	MISC. CHARGES	.00
	FREIGHT	.00
	SALES TAX	.00
	TOTAL	1,814.00
	AMOUNT RECEIVED	.00
	BALANCE DUE	1,814.00

So PW 11-30-23



J.B. SERVICES
180 N Oakridge Dr
Cleveland, TX 77328
(713) 817-2920
jbservices.rebuilds@gmail.com
http://www.jbpumprentals.com

BILL TO

Lindsay Koskiniemi
Sweeny City Manager
P.O. Box 248
Sweeny, Tx 77480 USA

SHIP TO

Lindsay Koskiniemi
Sweeny City Manager
P.O. Box 248
Sweeny, Tx 77480 USA

INVOICE 11839

DATE 01/02/2024 **TERMS** Due on receipt

DATE	ACTIVITY	QTY	RATE	AMOUNT
	Labor Rotating Assembly Repair and Replacement Service Pump experienced a clog which resulted in high pressure on the pump. Pump was improperly serviced and resulted in a mechanical seal failure. We were informed by a city employee that the pressure problem was noted from installation of the pump. Work was Done at the Sewer Plant in Sweeny, Texas.	1	1,000.00	1,000.00
	Part Replacement Rotating Assembly	1	2,000.00	2,000.00
			TOTAL DUE	\$3,000.00

50-11-6711

J. B. Services Water Pump
Rentals, Rebuilds, Sales, & Service
180 N Oakridge Dr.
Cleveland, Tx 77328
(713) 817-2920
www.jbpumprentals.com

TO PW 1/29/24

CITY OF SWEENY

PURCHASE ORDER

PO BOX 248
 SWEENY, TEXAS 77480
 Phone: (979) 548-3321
 Fax: (979) 548-7745
 sweenytx.gov
 accountspayable@sweenytx.gov

TB-01262024-24-Public Works

DATE 1/26/2024

Paid

VENDOR	PURCHASING INFORMATION	
Coastal Pump Services, Inc	Requisition:	
PO Box 1277, Manvel, TX 77578	Funding:	50-11-6711
CONTACT NAME OF VENDOR REP	Invoice #:	14941

ITEM #	DESCRIPTION	QTY	UNIT PRICE	TOTAL
	Barmesa Pump, Motor - Emergency Call Out	1		10,199.00
TOTAL				\$ 10,199.00

Comments or Special Instructions

* Emergency Call Out due to San Bernard Lift Station full to max and pump not working

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 DEPARTMENT DIRECTOR

2-15-24
 Date

 FINANCE DIRECTOR / CITY MANAGER

 Date

Coastal Pump Services, Inc.

P.O. Box 1277
 Manvel, TX 77578
 Phone: (281) 915-5388
 Fax: (281) 915-5138

Invoice

Date	Invoice #
1/26/2024	14941

Bill To
Sweeny, City of PO Box 248 Sweeny, TX 77480

P.O. No.	Terms	Rep	Project
Tex & Jody	Net 30	RB	Emergency Service

Item	Description	Qty	Rate	Amount
Barnesa Pump	On 1/25/24 @ San Bernard Lift Station, Pump #1 - Emergency Service Call Troubleshoot - Brought in SHU-3 for inspection – Installed new SHU-3 Self Primer Sewage Lift Pump, 3HP, 1775RPM	1	7,437.00	7,437.00
Motor	On 1/25/24 @ San Bernard Lift Station, Pump #1 - One new 3HP Single Phase, 230V TEFC Motor	1	1,987.00	1,987.00
Service Call	On 1/25/24 @ San Bernard Lift Station, Pump #1 - Service Call	1	775.00	775.00

Thank your for your business!	SalesTax (0.0%)	\$0.00
	Total	\$10,199.00
	Balance Due	\$10,199.00

All invoices past 45 days will incur a finance charge of 1.5% per month on past due balances

Item 4.

Nº 5902

Page of



WATER AND WASTEWATER EQUIPMENT REPAIR

6025 COUNTY RD 48
MANVEL, TEXAS 77578

PHONE: 281-489-3300
FAX: 281-489-3500

SERVICE REPORT

This Is Not An Invoice

White Copy - TO FILE
Canary Copy - TO CUSTOMER

Date of Service 1-25-20 P.O. No. _____

Service Representative Larry / Pat

Customer Sweeney

S / O# _____

Location San Bernard 1/5

Phone # _____

Contact Ted / Terry

Requested By _____

Personnel Present Larry / Pat

SERVICE TYPE	
<input type="checkbox"/> Customer Request	<input type="checkbox"/> Controls
<input type="checkbox"/> Start-Up	<input type="checkbox"/> Warranty
<input type="checkbox"/> Maintenance	

PROBLEM 1/5 Pump motor needed replacement

EQUIPMENT DATA _____

SERVICE PERFORMED changed out Pump / motor installed & proper checked and pumped up and ok - wo 1/2 hr

HP Pump - 7484
meter - 1987

Service call - 775

10 296

Customer Signature [Signature]

WRITE FIRMLY - YOU ARE MAKING SEVERAL COPIES

CITY OF SWEENY

PURCHASE ORDER

PO BOX 248
 SWEENY, TEXAS 77480
 Phone: (979) 548-3321
 Fax: (979) 548-7745
 sweenytx.gov
accountspayable@sweenytx.gov

TB-01302024-03 Public Works

PAID

DATE 2/16/2024

VENDOR		PURCHASING INFORMATION	
HAHN Equipment Co., Inc		Requisition:	
5636 Kansas, Houston, TX 77007		Funding:	50-11-6710
		Invoice #	117684

ITEM #	DESCRIPTION	QTY	UNIT PRICE	TOTAL
	Phase Monitor Relay Service - Emergency Call Out	1		384.00
TOTAL				\$ 384.00

Comments or Special Instructions

EMERGENCY CALL OUT DUE TO LIFT STATION NOT PUMPING

IMPORTANT:

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 DEPARTMENT DIRECTOR

2-20-24
 Date

 FINANCE DIRECTOR / CITY MANAGER

 Date

INVOICE

INVOICE NO	PAGE
117684	
INVOICE DATE	
01/29/24	



HAHN EQUIPMENT CO., INC.
 5636 KANSAS
 HOUSTON, TX 77007
 (713) 868-3255 FAX: 713-868-9725

SOLD TO

SHIP TO

CITY OF SWEENY
 accountspayable@sweenytx.gov
 102 W. ASHLEY WILSON RD.
 PO BOX 248
 SWEENY, TX 77480
 US

CITY OF SWEENY
 LIFT STATION FM524

US

ORDER NO.	ORDER DATE	CUSTOMER NO.	LOC.	SLSMN	PURCHASE ORD. NO.	JOB NUMBER	SHIP VIA	COL/PPD
4925237	01/29/24	49115	01	4	EMERGENCY CALL		HEC SERVICE	
QTY. ORDER/B.O.	QTY. SHIP/RETURN	ITEM NO./DESCRIPTION			UNIT PRICE	UOM DISC.	NET PRICE	

3.0000

3.0000

SERVICE. 128.0000EA

384.00

REQUESTED BY: MATT
 SERVICE DATE: 01/26/2024
 PHASE MONITOR RELAY NO CONNECTIONS
 FIXED TO NORMAL POSITIONS. ALSO
 READJUSTED PHASE WORKING RANGE TO
 255 VOLT. PUMPS ROTATION CHECKED.
 AMP IS 6.6-7.0 AMPER. PUMP IS RUNNING.

COMMENTS

HEC SERVICE AK 01/26/2024
 BH 01/29/2024

TERMS

1810DAYS/NET 30

SALE AMOUNT

384.00

MISC. CHARGES

.00

FREIGHT

.00

SALES TAX

.00

TOTAL

384.00

AMOUNT RECEIVED

.00

BALANCE DUE

384.00

CITY OF SWEENY

PURCHASE ORDER

PO BOX 248
 SWEENY, TEXAS 77480
 Phone: (979) 548-3321
 Fax: (979) 548-7745
 sweenytx.gov
accounts payable@sweenytx.gov

TB-01302024-02 Public Works

PAID

DATE 2/16/2024

VENDOR		PURCHASING INFORMATION	
HAHN Equipment Co., Inc		Requisition:	
5636 Kansas, Houston, TX 77007		Funding:	50-11-6710
		Invoice #	117683


ITEM #	DESCRIPTION	QTY	UNIT PRICE	TOTAL
	Resistor, Pump Monitor Relay - Emergency Call Out	1		1,251.00
TOTAL				\$ 1,251.00

Comments or Special Instructions

EMERGENCY CALL OUT DUE TO LIFT STATION NOT PUMPING

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 DEPARTMENT DIRECTOR

2-20-24
 Date

 FINANCE DIRECTOR / CITY MANAGER

 Date

INVOICE

INVOICE NO.	PAGE
117683	1
INVOICE DATE	
01/29/24	



HAHN EQUIPMENT CO., INC.
 5636 KANSAS
 HOUSTON, TX 77007
 (713) 868-3255 FAX: 713-868-9725

SOLD TO

SHIP TO

CITY OF SWEENY
 accountspayable@sweenytx.gov
 102 W. ASHLEY WILSON RD.
 PO BOX 248
 SWEENY, TX 77480
 US

CITY OF SWEENY
 10269 FM 524 RD
 SWEENY, TX 77480
 US

ORDER NO.	ORDER DATE	CUSTOMER NO.	LOC.	SI SMN	PURCHASE ORD. NO.	JOB NUMBER	SHIP VIA	COL/PPD
4925238	01/29/24	49115	01	4	EMERGENCY CALL		HEC SERVICE	
QTY. ORDER/B.O.	QTY. SHIP/RETURN	ITEM NO./DESCRIPTION			UNIT PRICE	UOM DISC	NET PRICE	

7.0000	7.0000	SERVICE.			128.0000EA		896.00
		REQUESTED BY: MATT					
		SERVICE DATE: 01/26/2024					
		INSTALL 1-PMR2, AND PLACE RESISTOR IN SERIES WITH SENSING SENSOR.					
1.0000	1.0000	PMR-2			355.0000EA		355.00
		PUMP MONITOR RELAY					
Lot No.	MPE	1.00					

COMMENTS

HEC SERVICE AM 01/26/2024
 BH 01/29/2024

TERMS:

1&10DAYS/NFT 30

SALE AMOUNT

1,251.00

MISC. CHARGES

.00

FREIGHT

.00

SALES TAX

.00

TOTAL

1,251.00

AMOUNT RECEIVED

.00

BALANCE DUE

1,251.00

CITY OF SWEENY

PURCHASE ORDER

PO BOX 248
 SWEENY, TEXAS 77480
 Phone: (979) 548-3321
 Fax: (979) 548-7745
 sweenytx.gov
 accountspayable@sweenytx.gov

TB-01302024-01 Public Works

PAID

DATE 2/16/2024

VENDOR	PURCHASING INFORMATION	
HAHN Equipment Co., Inc	Requisition:	
5636 Kansas, Houston, TX 77007	Funding:	50-11-6710
	Invoice #	117681

ITEM #	DESCRIPTION	QTY	UNIT PRICE	TOTAL
	Service, Solo Float w/ 50' Cable & Plug Emergency Call Out	1		833.00
TOTAL				\$ 833.00

Comments or Special Instructions

EMERGENCY CALL OUT DUE TO LIFT STATION NOT PUMPING

IMPORTANT:

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 DEPARTMENT DIRECTOR

2-20-24

 Date

 FINANCE DIRECTOR / CITY MANAGER

 Date

INVOICE

INVOICE NO. PAGE
117681
INVOICE DATE
01/29/24



HAHN EQUIPMENT CO., INC.
5636 KANSAS
HOUSTON, TX 77007
(713) 868-3255 FAX: 713-868-9725

SOLD TO

SHIP TO

CITY OF SWEENY
accountspayable@sweenytx.gov
102 W. ASHLEY WILSON RD.
PO BOX 248
SWEENY, TX 77480
US

CITY OF SWEENY
POWELL ST L.S.
US

ORDER NO.	ORDER DATE	CUSTOMER NO.	LOC.	SI SMN	PURCHASE ORD NO.	JOB NUMBER	SHIP VIA	COL/PPD
4925239	01/29/24	49115	01	4	EMERGENCY CALL		HEC SERVICE	
QTY ORDER/B.O.	QTY SHIP/RETURN	ITEM NO / DESCRIPTION			UNIT PRICE	UOM DISC.	NET PRICE	

6.0000	6.0000	SERVICE.			128.0000EA		768.00
		REQUESTED BY: JODY					
		SERVICE DATE: 01/22/2024					
		WORKED PERFORMED:					
		PLEASE SEE ATTACHED REPORT					
1.0000	1.0000	D50NO-115			65.0000EA		65.00
		SOLO FLOAT W/50' CABLE & PLUG					
Lot No. 12		1.00					

COMMENTS

HEC SERVICE JP 01/22/2024
BH 01/29/2024

TERMS

1&10DAYS/NET 30

SALE AMOUNT	833.00
MISC. CHARGES	.00
FREIGHT	.00
SALES TAX	.00
TOTAL	833.00
AMOUNT RECEIVED	.00
BALANCE DUE	833.00

HAHN
Equipment

Hahn Equipment Co., Inc.
5636 Kansas St
Houston, TX 77007
Phone (713) 868-3255

Field Service Report

Date: 01/22/2024

Work Performed:

Arrived on site and found pump 1 was running and pump 2 off. Found differential float cable fallen, which was allowing pumps to continuously run. Rehung the float.

The differential float was also jumpered to pump 2, which causes both pumps to run off of the 1 differential float.

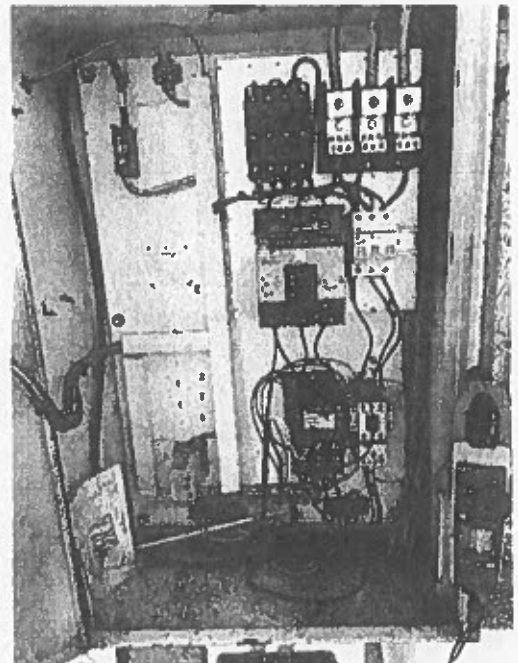
Installed a 2nd differential float for pump 2 per authorization of City of Sweeny.

****Will need to order a 60Amp breaker****

As the breaker had tripped and blew a leg due to a melted wire nut and exposed wire. Repaired the exposed wire and replaced with new wire nut and taped.

Remained on sight to ensure pump turns on and off.

Equipment Serviced Photo 1:



INVOICE



HAHN EQUIPMENT CO., INC.
 5636 KANSAS
 HOUSTON, TX 77007
 (713) 868-3255 FAX: 713-868-9725

INVOICE NO.	117	Item 4.
INVOICE DATE	01/31/24	

SOLD TO

CITY OF SWEENY
 accountspayable@sweenytx.gov
 102 W. ASHLEY WILSON RD.
 PO BOX 248
 SWEENY, TX 77480
 US

SHIP TO

CITY OF SWEENY
 SWEENY WWTP
 2607 AVENUE A
 SWEENY, TX 77480
 US

ORDER NO.	ORDER DATE	CUSTOMER NO.	LOC.	SLSMN	PURCHASE ORD. NO.	JOB NUMBER	SHIP VIA	COL/PP
4925333	01/31/24	9115	01	4	VERBAL JODY		HEC SERVICE	

QTY. ORDER/B.O.	QTY. SHIP/RETURN	ITEM NO./DESCRIPTION	UNIT PRICE	UOM DISC.	NET PRICE
-----------------	------------------	----------------------	------------	-----------	-----------

3.5000	3.5000	SERVICE. REQUESTED BY: JODY SERVICE DATE: 01/31/2024 FINE SCREEN FLOATS NORMAL WORKING. CONTROL PANEL PLC RESETTED AFTER START WORKING. UNIT NEED MACHANICAL CLEANING, BECAUSE SOMETIMES ITS STOCKING SOME TRASH PARTS. MAIN CONTROL ROOM PLC SCADA SCREEN CHECKED. SCADA IS NORMAL WORKING NOW AND WE EXTRA CHECKED WEWELL FLOATS AND TRANSDUCER. EVERYTHING IS GOOD NOW.	128.0000EA		448.0
--------	--------	--	------------	--	-------

COMMENTS: HEC SERVICE AK 01/31/2024 BH 01/31/2024 TERMS: 1%10DAYS/NET 30	SALE AMOUNT	448.00
	MISC. CHARGES	.00
	FREIGHT	.00
	SALES TAX	.00
	TOTAL	448.00
	AMOUNT RECEIVED	.00
	BALANCE DUE	448.00

TOTAL 7/1/24

INVOICE

INVOICE	GE
11	Item 4.
INVOICE DATE	
01/31/24	



HAHN EQUIPMENT CO., INC.
 5636 KANSAS
 HOUSTON, TX 77007
 (713) 868-3255 FAX: 713-868-9725

SOLD TO

SHIP TO

CITY OF SWEENY
 accountspayable@sweenytx.gov
 102 W. ASHLEY WILSON RD.
 PO BOX 248
 SWEENY, TX 77480
 US

CITY OF SWEENY
 WILL CALL
 SWEAT MECT TECH

US

ORDER NO.	ORDER DATE	CUSTOMER NO.	LOC.	SLSMN	PURCHASE ORD NO.	JOB NUMBER	SHIP VIA	COL/PR
-----------	------------	--------------	------	-------	------------------	------------	----------	--------

4925209	01/25/24	249115	01	4	VERBAL MATT		WILL CALL	
---------	----------	--------	----	---	-------------	--	-----------	--

QTY. ORDER/B.O.	QTY. SHIP/RETURN	ITEM NO./DESCRIPTION	UNIT PRICE	UOM DISC.	NET PRICE
-----------------	------------------	----------------------	------------	-----------	-----------

1.0000	1.0000	S40NO ROTO FLOAT WITH 40 FT. CABLE	60.0000EA		60.00
Lot No. 12			1.00		
1.0000	1.0000	S40NC ROTO FLOAT	60.0000EA		60.00
Lot No. 12			1.00		
1.0000	1.0000	0030691700110 MP256-1.5 2.7/230/3 30'	3,020.0000EA		3,020.00
Serial No. 170-2331337					
1.0000	1.0000	O/M. OPERATION & MAINTENANCE MANUAL	.0000EA		.00
1.0000	1.0000	MISC-69330 SERVICE CALL TO INSTALL NEW PUMP	1,650.0000EA		1,650.00
Lot No. JONL			1.00		

COMMENTS

WILL CALL RT 01/25/2024
 BH 01/31/2024

TERMS:

1&10DAYS/NET 30

SALE AMOUNT

4,790.00

MISC. CHARGES

.00

FREIGHT

.00

SALES TAX

.00

TOTAL

4,790.00

AMOUNT RECEIVED

.00

BALANCE DUE

4,790.00

To PW 2/6/24

INVOICE

INVOICE NO	117
INVOICE DATE	01/31/24



HAHN EQUIPMENT CO., INC.
 5636 KANSAS
 HOUSTON, TX 77007
 (713) 868-3255 FAX: 713-868-9725

Item 4.

SOLD TO

CITY OF SWEENY
 accountspayable@sweenytx.gov
 102 W. ASHLEY WILSON RD.
 PO BOX 248
 SWEENY, TX 77480
 US

SHIP TO

CITY OF SWEENY
 WWTP
 1725 COUNTY RD 372
 SWEENY, TX 77480
 US

ORDER NO.	ORDER DATE	CUSTOMER NO.	LOC.	SLSMN	PURCHASE ORD NO.	JOB NUMBER	SHIP VIA	COL/PP
4925260	01/30/24	249115	01	4	VERBAL JODY		HEC SERVICE	

QTY. ORDER/B.O.	QTY. SHIP/RETURN	ITEM NO /DESCRIPTION	UNIT PRICE	UOM DISC.	NET PRICE
5.0000	5.0000	SERVICE. REQUESTED BY: JODY SERVICE DATE: 01/27/2024 OVER TIME WORKED PERFORMED: PLEASE SEE ATTACHED REPORT	192.0000EA		960.0

HAHN

COMMENTS:

HEC SERVICE JP 01/27/2024
 BH 01/31/2024

TERMS:

1&10DAYS/NET 30

SALE AMOUNT

960.00

MISC. CHARGES

.00

FREIGHT

.00

SALES TAX

.00

TOTAL

960.00

AMOUNT RECEIVED

.00

BALANCE DUE

960.00

Tn PL 2/6/24



Hahn Equipment Co., Inc.
5636 Kansas St
Houston, TX 77007
Phone (713) 868-3255

Field Service Report

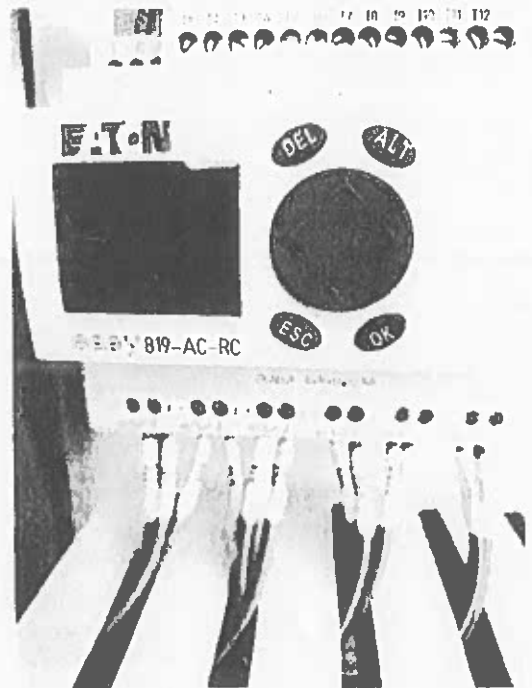
Date: 01/27/2024

Work Performed:

Arrived on site and float was caught on screen ledge. Also control panel was faulted on Eaton controller. Acknowledged fault on Eaton controller and reset the control panel via reset button on front of control panel.

Tested in auto by turning float and machine came on and turned off when released float to normal hanging position. Ziptied floats together to prevent float from being hung up on screen ledge. Controls left in auto.

Equipment Serviced Photo 1:



CITY OF SWEENY

PURCHASE ORDER

PO BOX 248
 SWEENY, TEXAS 77480
 Phone: (979) 548-3321
 Fax: (979) 548-7745
 sweenytx.gov
 accountspayable@sweenytx.gov

TB-02162024-01- Public Works

ENTERED

DATE 2/16/2024

VENDOR		PURCHASING INFORMATION	
Penney's Electric Co Inc		Requisition:	
PO Box 2888, Freeport, TX 77542		Funding:	50.11.6711
		Invoice #	22785

ITEM #	DESCRIPTION	QTY	UNIT PRICE	TOTAL
	Man Hours for Emergency Call Out		125.00	250.00
	<i>Sewer Plant</i>			<i>312.50</i>
			TOTAL	\$ 250.00

Comments or Special Instructions

EMERGENCY CALL OUT FOR WATER PLANT - ELECTRIC PUMP NOT WORKING

IMPORTANT:

Above Order Number must appear on all correspondence, invoices, packages and shipping papers. Notify us immediately if you are unable to ship complete order by date specified. Your acceptance of this order is your warranty to us that you are complying with the U.S. Fair Labor Standards Act of 1988, as amended, and we reserve the right to refuse merchandise not in strict accordance with this order.



 DEPARTMENT DIRECTOR

2.16.24

 Date

 FINANCE DIRECTOR / CITY MANAGER

 Date

PENNEY'S ELECTRIC CO INC

PO BOX 2888
 FREEPORT, TX 77542

(979) 233-4156 Fax: (979) 239-2725
 TECL # 33778

Invoice

Date	Invoice #
2/2/2024	22785

Bill To

City of Sweeny
P. O. Box 248
Sweeny, TX 77480

Description

**Look at issues in electrical panel
 per Jody.
Sewer Plant - Emergency Call Out**

		Job #	Terms	PO #
		14300	1Net 30	
Qty	Description	Rate	Amount	
2.5	Man Hours 1/30/24	125.00	312.50	
<i>A 1/2% monthly late fee will be added to invoices over 30 days.</i>			Balance Due	\$312.50

Thank you for your business. If we can be of any further assistance please give us a call.

We accept Visa, Mastercard, American Express, Discover and Diner's for your convience.

We use Angie's List to assess whether we are doing a good job keeping valued customers like you happy. Please visit [AngiesList.com/Review/2697063](https://www.AngiesList.com/Review/2697063) in order to grade our quality of work and customer service.

Regulated by The Texas Department of Licensing and Regulations, P.O. Box 12157, Austin, TX 78711.
 1-800-803-9202, 512-463-6599; Website: www.license.state.tx.us/complaints

CITY OF SWEENY

PURCHASE ORDER

PO BOX 248
 SWEENY, TEXAS 77480
 Phone: (979) 548-3321
 Fax: (979) 548-7745
 sweenytx.gov
accounts payable@sweenytx.gov

TB-02162024-02- Public Works

ENTERED DATE 2/16/2024

VENDOR		PURCHASING INFORMATION	
Penney's Electric Co Inc		Requisition:	
PO Box 2888, Freeport, TX 77542		Funding:	50-11-6711
		Invoice #	22792

ITEM #	DESCRIPTION	QTY	UNIT PRICE	TOTAL
	Man Hours and Materials Emergency Call Out <i>WWTP</i>			1,067.00
TOTAL				\$ 1,067.00

Comments or Special Instructions

EMERGENCY CALL OUT FOR WASTEWATER PLANT - PUMP NOT WORKING

IMPORTANT:

Above Order Number must appear on all correspondence, invoices, packages and shipping papers. Notify us immediately if you are unable to ship complete order by date specified. Your acceptance of this order is your warranty to us that you are complying with the U.S. Fair Labor Standards Act of 1988, as amended, and we reserve the right to refuse merchandise not in strict accordance with this order.



 DEPARTMENT DIRECTOR

2.16.24

 Date

 FINANCE DIRECTOR / CITY MANAGER

 Date

PENNEY'S ELECTRIC CO INC

PO BOX 2888
 FREEPORT, TX 77542

(979) 233-4156 Fax: (979) 239-2725
 TECL # 33778

Invoice

Date	Invoice #
2/7/2024	22792

Bill To

City of Sweeny
P. O. Box 248
Sweeny, TX 77480

Description

Repair motor issues Waste Water Plant per Jody. Called back out to come up with a plan for additional pump. Emergency Call Out

		Job #	Terms	PO #
		14309	1Net 30	
Qty	Description	Rate	Amount	
5.5	Man Hours 1/30/24	125.00	687.50	
3	Man Hours 2/5/24	125.00	375.00	
1	Materials (Detailed material list upon request).	4.50	4.50	
<i>A 1/2% monthly late fee will be added to invoices over 30 days.</i>			Balance Due	\$1,067.00

Thank you for your business. If we can be of any further assistance please give us a call.

We accept Visa, Mastercard, American Express, Discover and Diner's for your convience.

We use Angie's List to assess whether we are doing a good job keeping valued customers like you happy. Please visit [AngiesList.com/Review/2697063](https://www.AngiesList.com/Review/2697063) in order to grade our quality of work and customer service.

Regulated by The Texas Department of Licensing and Regulations, P.O. Box 12157, Austin, TX 78711.
 1-800-803-9202, 512-463-6599; Website: www.license.state.tx.us/complaints

CITY OF SWEENY

PURCHASE ORDER

PO BOX 248
SWEENY, TEXAS 77480
Phone: (979) 548-3321
Fax: (979) 548-7745
sweenytx.gov
accountspayable@sweenytx.gov

TB-02132024-01 Public Works

ENTERED

DATE 2/16/2024

VENDOR		PURCHASING INFORMATION	
HAHN Equipment Co., Inc		Requisition:	
5636 Kansas, Houston, TX 77007		Funding:	50-11-6710 ¹¹ Per Tex 3171
		Invoice #	117850

ITEM #	DESCRIPTION	QTY	UNIT PRICE	TOTAL
	Service for Control Panel Breaker Emergency Call Out	1		384.00
TOTAL				\$ 384.00

Comments or Special Instructions

EMERGENCY CALL OUT DUE TO LIFT STATION NOT PUMPING

IMPORTANT:

Above Order Number must appear on all correspondence, invoices, packages and shipping papers. Notify us immediately if you are unable to ship complete order by date specified. Your acceptance of this order is your warranty to us that you are complying with the U.S. Fair Labor Standards Act of 1988, as amended, and we reserve the right to refuse merchandise not in strict accordance with this order.


DEPARTMENT DIRECTOR

2-20-24
Date

FINANCE DIRECTOR / CITY MANAGER

Date

INVOICE

INVOICE NO.	PAGE
117850	1
INVOICE DATE	
02/09/24	



HAHN EQUIPMENT CO., INC.
 5636 KANSAS
 HOUSTON, TX 77007
 (713) 868-3255 FAX: 713-868-9725

SOLD TO

SHIP TO

CITY OF SWEENY
 accountspayable@sweenytx.gov
 102 W. ASHLEY WILSON RD.
 PO BOX 248
 SWEENY, TX 77480
 US

CITY OF SWEENY
 APACHE OIL
 FM 524
 SWEENY, TX 77480
 US

ORDER NO.	ORDER DATE	CUSTOMER NO	LOC	SI,SMN	PURCHASE ORD. NO	JOB NUMBER	SHIP VIA	COL/PPD
4925406	02/09/24	9115	01	4	EMERGENCY CALL		HEC SERVICE	
QTY. ORDER/B.O.	QTY. SHIP/RETURN	ITEM NO./DESCRIPTION			UNIT PRICE	UOM DISC.	NET PRICE	

3.0000	3.0000	SERVICE.	128.0000EA	384.00
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REQUESTED BY: JODY
 SERVICE DATE: 02/05/2024
 CONTROL PANEL MAIN POWER BREAKER IS BROKEN (IT IS NOT PAST ONE PHASE CORRECTLY. IT IS PASSING 170 VOLT) MAIN POWER BREAKER AT UNDER THE ELECTRIC METER. WE COULD NOT CHANGE THIS BROKER, BECAUSE WE CAN NOT CUT MAIN BREAKER ELECTRICITY POWER. WE DID REMOVE WIRES BETWEEN STATERS AND CONTROL PANEL BREAKERS FOR SAFETY.

COMMENTS:

HEC SERVICE AK 02/05/2024
 BH 02/09/2024

TERMS

1%10DAYS/NET 30

SALE AMOUNT	384.00
MISC CHARGES	.00
FREIGHT	.00
SALES TAX	.00
TOTAL	384.00
AMOUNT RECEIVED	.00
BALANCE DUE	384.00

CITY OF SWEENY

PURCHASE ORDER

PO BOX 248
 SWEENY, TEXAS 77480
 Phone: (979) 548-3321
 Fax: (979) 548-7745
 sweenytx.gov
accounts payable@sweenytx.gov

TB-02292024-03 Public Works

DATE 2/29/2024

VENDOR		PURCHASING INFORMATION	
HAHN Equipment Co., Inc		Requisition:	
5636 Kansas, Houston, TX 77007		Funding:	50-11-6711
CONTACT NAME OF VENDOR REP		Invoice #:	117912

ITEM #	DESCRIPTION	QTY	UNIT PRICE	TOTAL
	Replace Breaker & Test @ Sewer Plant <i>Emergency</i>	1		2,927.00
TOTAL				\$ 2,927.00

ENTERED

Comments or Special Instructions

EMERGENCY CALL OUT TO REPLACE BREAKER FOR SEWER

IMPORTANT:

Above Order Number must appear on all correspondence, invoices, packages and shipping papers. Notify us immediately if you are unable to ship complete order by date specified. Your acceptance of this order is your warranty to us that you are complying with the U.S. Fair Labor Standards Act of 1988, as amended, and we reserve the right to refuse merchandise not in strict accordance with this order.


 DEPARTMENT DIRECTOR

3-11-24
 Date

 FINANCE DIRECTOR / CITY MANAGER

 Date

INVOICE

INVO	Item 4.	PAGE
117912		
INVOICE DATE		
02/15/24		



HAHN EQUIPMENT CO., INC.
 5636 KANSAS
 HOUSTON, TX 77007
 (713) 868-3255 FAX: 713-868-9725

SOLD TO

CITY OF SWEENY
 accountspayable@sweenytx.gov
 102 W. ASHLEY WILSON RD.
 PO BOX 248
 SWEENY, TX 77480
 US

SHIP TO

CITY OF SWEENY
 APACHE OIL LS

 SWEENY, TX 77480
 US

ORDER NO.	ORDER DATE	CUSTOMER NO.	LOC	SI SMN	PURCHASE ORD NO	JOB NUMBER	SHIP VIA	COL/
4925412	02/12/24	9115	01	4	VERBAL JODY		HAHN SERVICE	
QTY ORDER/B.O.	QTY SHIP/RETURN	ITEM NO /DESCRIPTION			UNIT PRICE	UOM DISC	NET PRICE	

1.0000	1.0000	MISC-69389	2,927.0000EA	
		SERVICE CALL TO REPLACE		2,927.00
		BREAKER & TEST. 02/06/2024		
Lot No.	JONL	1.00		

HAHN

50-11-6711
 Saver

COMMENTS:

SWEATS MECH SERV 02/06/2024
 BH 02/14/2024

TERMS:

1&10DAYS/NET 30

SALE AMOUNT	2,927.00
MISC. CHARGES	.00
FREIGHT	.00
SALES TAX	.00
TOTAL	2,927.00
AMOUNT RECEIVED	.00
BALANCE DUE	2,927.00

Jon Niermann, *Chairman*
 Bobby Janecka, *Commissioner*
 Catarina R. Gonzales, *Commissioner*
 Kelly Keel, *Executive Director*



Texas Commission on Environmental Quality
Protecting Texas by Reducing and Preventing Pollution

March 01, 2024

CITY OF SWEENY
 PO BOX 248
 SWEENY, TX 77480 - 0248

Re: Renewal Reminder Notice for Permit No. WQ0010297001
 Facility: RN102998382, CITY OF SWEENY WWTP
 Issued to: OWNER, CN600584015, CITY OF SWEENY

Dear Permittee:

Permit No. WQ0010297001 will expire at midnight, 03/03/2025. You are required to file an application for renewal of the existing permit **180 days prior to the date of expiration**. This will be the only notice you will receive for the referenced permit.

Notice of permit expiration is sent as a courtesy to the permittee. It is the responsibility of the permittee to renew the permit within the required timeframe. **Failure to submit an application on time may result in enforcement actions or expiration of the permit.** Failure to submit a complete application may cause the application to be returned.

If the permit is allowed to expire, continuation of any disposal activities beyond the date of expiration is a violation of the Texas Administrative Code and will be subject to administrative penalties.

If you wish to cancel the permit, please submit Request to Cancel Form No. 20029 to the Application Review and Processing Team of the Water Quality Division Support Section (MC-148) as soon as possible. To avoid assessment of the required water quality annual fee, you must submit the Cancellation Form prior to September 1. Please keep in mind that the Request to Cancel must be approved, along with any other documents, plans or reports required by the TCEQ.

For your convenience, the application forms are now available online at www.tceq.texas.gov. If you should have any questions or comments, please call the Applications Review and Processing Team at (512) 239-4671. If you have any technical questions, please call the Wastewater Permitting Section at (512) 239-4671.

Sincerely,

A handwritten signature in black ink that reads "Erwin Madrid".

Erwin Madrid, Team Leader
 Applications Review and Processing Team (MC 148)
 Water Quality Division



Strand Associates, Item 4.
1906 Niebuhr Street
Brenham, TX 77833
(P) 979.836.7937
www.strand.com

Task Order No. 24-02
City of Sweeny, Texas (OWNER)
and Strand Associates, Inc.® (ENGINEER)
Pursuant to Agreement for Technical Services dated October 3, 2017

Project Information

Services Name: 2024 Wastewater Treatment Plant (WWTP) Discharge Permit Renewal with the Texas Commission of Environmental Quality (TCEQ).

Scope of Services

ENGINEER will provide the following services to OWNER:

1. Conduct one site visit to the WWTP to document existing conditions.
2. Communicate with OWNER-preferred testing laboratory to obtain proposal for testing. OWNER's preferred laboratory shall perform effluent sampling required for one TCEQ WWTP discharge permit renewal. OWNER shall pay laboratory directly for testing fees.
3. Prepare and submit two TCEQ WWTP discharge permit renewal applications.
4. Correspond with TCEQ to assist OWNER in the permit review process.
5. Assist OWNER with reviewing documents sent by the TCEQ including preliminary notices, draft permit, and final permit for two WWTPs.
6. Assist with publishing up to two public notices, if requested by OWNER. OWNER shall pay newspaper directly for publishing fees.

Compensation

OWNER shall compensate ENGINEER for Services under this Task Order a lump sum of \$18,000 for a non-contested permit renewal. If the permit application is contested by any entity, an increase in fee will be documented through an amendment to this Task Order.

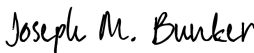
Schedule

Services will begin upon execution of this Task Order, which is anticipated the week of March 4, 2024. The TCEQ WWTP Discharge Permit renewal applications are due by September 3, 2024, with an anticipated finalization date of March 3, 2025.

TASK ORDER AUTHORIZATION AND ACCEPTANCE:

ENGINEER:


STRAND ASSOCIATES, INC.®

DocuSigned by:

 80EAD785BE9D427
 Joseph M. Bunker
 Corporate Secretary

3/4/2024
 Date

OWNER:

CITY OF SWEENY

DocuSigned by:

 CECFAF44FE074EA
 Lindsay Koskiniemi
 City Manager

3/4/2024
 Date

MAR:sem\R:\BRE\Documents\Agreements\S\Sweeny, City of (TX)\TSA.2017\TO\2024\3920.058.24-02.docx

TBPE No. F-8405
TBPLS No. 10030000



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
DOMESTIC WASTEWATER PERMIT APPLICATION
CHECKLIST



Complete and submit this checklist with the application.

APPLICANT: City of Sweeny

PERMIT NUMBER: WQ0010297-001

Indicate if each of the following items is included in your application.

	Y	N		Y	N
Administrative Report 1.0	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Original USGS Map	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Administrative Report 1.1	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Affected Landowners Map	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SPIF	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Landowner Disk or Labels	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Core Data Form	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Buffer Zone Map	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Technical Report 1.0	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Flow Diagram	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Technical Report 1.1	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Site Drawing	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Worksheet 2.0	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Original Photographs	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Worksheet 2.1	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Design Calculations	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Worksheet 3.0	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Solids Management Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Worksheet 3.1	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Water Balance	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Worksheet 3.2	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
Worksheet 3.3	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
Worksheet 4.0	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
Worksheet 5.0	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
Worksheet 6.0	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
Worksheet 7.0	<input type="checkbox"/>	<input checked="" type="checkbox"/>			

For TCEQ Use Only

Segment Number _____ County _____
Expiration Date _____ Region _____
Permit Number _____



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
**APPLICATION FOR A DOMESTIC WASTEWATER PERMIT
 ADMINISTRATIVE REPORT 1.0**

If you have questions about completing this form please contact the Applications Review and Processing Team at 512-239-4671.

Section 1. Application Fees (Instructions Page 29)

Indicate the amount submitted for the application fee (check only one).

Flow	New/Major Amendment	Renewal
<0.05 MGD	\$350.00 <input type="checkbox"/>	\$315.00 <input type="checkbox"/>
≥0.05 but <0.10 MGD	\$550.00 <input type="checkbox"/>	\$515.00 <input type="checkbox"/>
≥0.10 but <0.25 MGD	\$850.00 <input type="checkbox"/>	\$815.00 <input type="checkbox"/>
≥0.25 but <0.50 MGD	\$1,250.00 <input type="checkbox"/>	\$1,215.00 <input type="checkbox"/>
≥0.50 but <1.0 MGD	\$1,650.00 <input type="checkbox"/>	\$1,615.00 <input checked="" type="checkbox"/>
≥1.0 MGD	\$2,050.00 <input type="checkbox"/>	\$2,015.00 <input type="checkbox"/>

Minor Amendment (for any flow) \$150.00

Payment Information:

Mailed Check/Money Order Number:
 Check/Money Order Amount: \$1,615.00
 Name Printed on Check:
 EPAY Voucher Number:
 Copy of Payment Voucher enclosed? Yes

Section 2. Type of Application (Instructions Page 29)

- | | |
|---|---|
| <input type="checkbox"/> New TPDES | <input type="checkbox"/> New TLAP |
| <input type="checkbox"/> Major Amendment <u>with</u> Renewal | <input type="checkbox"/> Minor Amendment <u>with</u> Renewal |
| <input type="checkbox"/> Major Amendment <u>without</u> Renewal | <input type="checkbox"/> Minor Amendment <u>without</u> Renewal |
| <input checked="" type="checkbox"/> Renewal without changes | <input type="checkbox"/> Minor Modification of permit |

For amendments or modifications, describe the proposed changes:

For existing permits:

Permit Number: WQ0010297-001

EPA I.D. (TPDES only): TX0024511

Expiration Date: 07/01/2019

Section 3. Facility Owner (Applicant) and Co-Applciant Information (Instructions Page 29)

A. The owner of the facility must apply for the permit.

What is the Legal Name of the entity (applicant) applying for this permit?

City of Sweeny

(The legal name must be spelled exactly as filed with the Texas Secretary of State, County, or in the legal documents forming the entity.)

If the applicant is currently a customer with the TCEQ, what is the Customer Number (CN)? You may search for your CN on the TCEQ website at <http://www15.tceq.texas.gov/crpub/>

CN: 600584015

What is the name and title of the person signing the application? The person must be an executive official meeting signatory requirements in 30 TAC § 305.44.

Prefix (Mr., Ms., Miss): Mr.

First and Last Name: Jeff Farley

Credential (P.E, P.G., Ph.D., etc.):

Title: Mayor

B. Co-applicant information. Complete this section only if another person or entity is required to apply as a co-permittee.

What is the Legal Name of the co-applicant applying for this permit?

N/A

(The legal name must be spelled exactly as filed with the TX SOS, with the County, or in the legal documents forming the entity.)

If the co-applicant is currently a customer with the TCEQ, what is the Customer Number (CN)? You may search for your CN on the TCEQ website at:

<http://www15.tceq.texas.gov/crpub/>

CN: N/A

What is the name and title of the person signing the application? The person must be an executive official meeting signatory requirements in 30 TAC § 305.44.

Prefix (Mr., Ms., Miss): N/A

First and Last Name: N/A

Credential (P.E, P.G., Ph.D., etc.): N/A

Title: N/A

Provide a brief description of the need for a co-permittee: N/A

C. Core Data Form

Complete the Core Data Form for each customer and include as an attachment. If the customer type selected on the Core Data Form is **Individual**, complete **Attachment 1** of Administrative Report 1.0.

Attachment: See exhibit A

Section 4. Application Contact Information (Instructions Page 30)

This is the person(s) TCEQ will contact if additional information is needed about this application. Provide a contact for administrative questions and technical questions.

A. Prefix (Mr., Ms., Miss): Ms.

First and Last Name: Cindy King

Credential (P.E, P.G., Ph.D., etc.): [Redacted]

Title: City Manager

Organization Name: City of Sweeny

Mailing Address: P.O. Box 248

City, State, Zip Code: Sweeny, TX 77480

Phone No.: 979-548-3321 Ext.: [Redacted] Fax No.: 979-548-7745

E-mail Address: cking@sweenytx.gov

Check one or both: Administrative Contact Technical Contact

B. Prefix (Mr., Ms., Miss): Mr.

First and Last Name: William Huebner

Credential (P.E, P.G., Ph.D., etc.): P.E.

Title: Project Manager

Organization Name: Strand Associates, Inc.

Mailing Address: 1906 Niebuhr Street

City, State, Zip Code: Brenham, TX 77833

Phone No.: 979-836-7937 Ext.: [Redacted] Fax No.: [Redacted]

E-mail Address: william.huebner@strand.com

Check one or both: Administrative Contact Technical Contact

Section 5. Permit Contact Information (Instructions Page 30)

Provide two names of individuals that can be contacted throughout the permit term.

A. Prefix (Mr., Ms., Miss): Mr.

First and Last Name: Jeff Farley

Credential (P.E, P.G., Ph.D., etc.): [REDACTED]

Title: Mayor

Organization Name: City of Sweeny

Mailing Address: P.O. Box 248

City, State, Zip Code: Sweeny, TX 77480

Phone No.: 979-548-3321 Ext.: [REDACTED] Fax No.: 979-548-7745

E-mail Address: jwfarley@sweenytx.gov

B. Prefix (Mr., Ms., Miss): Ms.

First and Last Name: Cindy King

Credential (P.E, P.G., Ph.D., etc.): [REDACTED]

Title: City Manager

Organization Name: City of Sweeny

Mailing Address: P.O. Box 248

City, State, Zip Code: Sweeny, TX 77480

Phone No.: 979-548-3321 Ext.: [REDACTED] Fax No.: 979-548-7745

E-mail Address: clking@sweenytx.gov

Section 6. Billing Information (Instructions Page 30)

The permittee is responsible for paying the annual fee. The annual fee will be assessed to permits *in effect on September 1 of each year*. The TCEQ will send a bill to the address provided in this section. The permittee is responsible for terminating the permit when it is no longer needed (using form TCEQ-20029).

Prefix (Mr., Ms., Miss): Ms.

First and Last Name: Cindy King

Credential (P.E, P.G., Ph.D., etc.): [REDACTED]

Title: City Manager

Organization Name: City of Sweeny

Mailing Address: P.O. Box 248

City, State, Zip Code: Sweeny, TX 77480

Phone No.: 979-548-3321 Ext.: [REDACTED] Fax No.: 979-548-7745

E-mail Address: clking@sweenytx.gov

Section 7. DMR/MER Contact Information (Instructions Page 31)

Provide the name and complete mailing address of the person delegated to receive and submit Discharge Monitoring Reports (EPA 3320-1) or maintain Monthly Effluent Reports.

Prefix (Mr., Ms., Miss): Ms.

First and Last Name: Cindy King

Credential (P.E, P.G., Ph.D., etc.): [REDACTED]

Title: City Manager

Organization Name: City of Sweeny

Mailing Address: P.O. Box 248

City, State, Zip Code: Sweeny, TX 77480

Phone No.: 979-548-3321 Ext.: [REDACTED] Fax No.: 979-548-7745

E-mail Address: clking@sweenytx.gov

DMR data is required to be submitted electronically. Create an account at:

<https://www.tceq.texas.gov/permitting/netdmr/netdmr.html>.

Section 8. Public Notice Information (Instructions Page 31)

A. Individual Publishing the Notices

Prefix (Mr., Ms., Miss): Ms.

First and Last Name: Cindy King

Credential (P.E, P.G., Ph.D., etc.): [REDACTED]

Title: City Manager

Organization Name: City of Sweeny

Mailing Address: P.O. Box 248

City, State, Zip Code: Sweeny, TX 77480

Phone No.: 979-548-3321 Ext.: [REDACTED] Fax No.: 979-548-7745

E-mail Address: clking@sweenytx.gov

B. Method for Receiving Notice of Receipt and Intent to Obtain a Water Quality Permit Package

Indicate by a check mark the preferred method for receiving the first notice and instructions:

E-mail Address

Fax

Regular Mail

C. Contact person to be listed in the Notices

Prefix (Mr., Ms., Miss): Ms.

First and Last Name: Cindy King

Credential (P.E, P.G., Ph.D., etc.): [REDACTED]

Title: City Manager

Organization Name: City of Sweeny

Phone No.: 979-548-3321 Ext.: [REDACTED]

E-mail: clking@sweenytx.gov

D. Public Viewing Information

If the facility or outfall is located in more than one county, a public viewing place for each county must be provided.

Public building name: City Hall

Location within the building: N/A

Physical Address of Building: 102 W. Ashley Wilson

City: Sweeny

County: Brazoria

Contact Name: Cindy King

Phone No.: 979-548-3321 Ext.: [REDACTED]

E. Bilingual Notice Requirements:

This information **is required** for **new, major amendment, and renewal applications**. It is not required for minor amendment or minor modification applications.

This section of the application is only used to determine if alternative language notices will be needed. Complete instructions on publishing the alternative language notices will be in your public notice package.

Please call the bilingual/ESL coordinator at the nearest elementary and middle schools and obtain the following information to determine whether an alternative language notices are required.

- 1. Is a bilingual education program required by the Texas Education Code at the elementary or middle school nearest to the facility or proposed facility?

Yes No

If **no**, publication of an alternative language notice is not required; **skip to** Section 9 below.

- 2. Are the students who attend either the elementary school or the middle school enrolled in a bilingual education program at that school?

Yes No N/A

- 3. Do the students at these schools attend a bilingual education program at another location?

Yes No N/A

4. Would the school be required to provide a bilingual education program but the school has waived out of this requirement under 19 TAC §89.1205(g)?

Yes No N/A

5. If the answer is yes to question 1, 2, 3, or 4, public notices in an alternative language are required. Which language is required by the bilingual program? N/A

Section 9. Regulated Entity and Permitted Site Information (Instructions Page 33)

A. If the site is currently regulated by TCEQ, provide the Regulated Entity Number (RN) issued to this site. RN102998382

Search the TCEQ's Central Registry at <http://www15.tceq.texas.gov/crpub/> to determine if the site is currently regulated by TCEQ.

B. Name of project or site (the name known by the community where located):

City of Sweeny Wastewater Treatment Plant

C. Owner of treatment facility: City of Sweeny

Ownership of Facility: Public Private Both Federal

D. Owner of land where treatment facility is or will be:

Prefix (Mr., Ms., Miss): Same as applicant.

First and Last Name: [Redacted]

Mailing Address: [Redacted]

City, State, Zip Code: [Redacted]

Phone No.: [Redacted] E-mail Address: [Redacted]

If the landowner is not the same person as the facility owner or co-applicant, attach a lease agreement or deed recorded easement. See instructions.

Attachment: [Redacted]

E. Owner of effluent disposal site:

Prefix (Mr., Ms., Miss): N/A

First and Last Name: N/A

Mailing Address: N/A

City, State, Zip Code: N/A

Phone No.: N/A E-mail Address: N/A

If the landowner is not the same person as the facility owner or co-applicant, attach a lease agreement or deed recorded easement. See instructions.

Attachment: N/A

F. Owner of sewage sludge disposal site (if authorization is requested for sludge disposal on property owned or controlled by the applicant):

Prefix (Mr., Ms., Miss): N/A

First and Last Name: N/A

Mailing Address: N/A

City, State, Zip Code: N/A

Phone No.: N/A

E-mail Address: N/A

If the landowner is not the same person as the facility owner or co-applicant, attach a lease agreement or deed recorded easement. See instructions.

Attachment: N/A

Section 10. TPDES Discharge Information (Instructions Page 34)

A. Is the wastewater treatment facility location in the existing permit accurate?

- Yes No

If **no**, or a new permit application, please give an accurate description:

N/A

B. Are the point(s) of discharge and the discharge route(s) in the existing permit correct?

- Yes No

If **no**, or a new or amendment permit application, provide an accurate description of the point of discharge and the discharge route to the nearest classified segment as defined in 30 TAC Chapter 307:

N/A

City nearest the outfall(s): Sweeny, TX

County in which the outfalls(s) is/are located: Brazoria

Outfall Latitude: 29 degrees 03'26"N Longitude: 95 degrees 40'36"W

C. Is or will the treated wastewater discharge to a city, county, or state highway right-of-way, or a flood control district drainage ditch?

- Yes No

If **yes**, indicate by a check mark if:

- Authorization granted Authorization pending

For **new and amendment** applications, provide copies of letters that show proof of contact and the approval letter upon receipt.

Attachment: N/A

D. For all applications involving an average daily discharge of 5 MGD or more, provide the names of all counties located within 100 statute miles downstream of the point(s) of discharge.

N/A

Section 11. TLAP Disposal Information (Instructions Page 36)

A. For TLAPs, is the location of the effluent disposal site in the existing permit accurate?

- Yes No N/A

If no, or a new or amendment permit application, provide an accurate description of the disposal site location:

N/A

B. City nearest the disposal site: N/A

C. County in which the disposal site is located: N/A

D. Disposal Site Latitude: N/A Longitude: N/A

E. For TLAPs, describe the routing of effluent from the treatment facility to the disposal site:

N/A

F. For TLAPs, please identify the nearest watercourse to the disposal site to which rainfall runoff might flow if not contained:

N/A

Section 12. Miscellaneous Information (Instructions Page 37)

A. Is the facility located on or does the treated effluent cross American Indian Land?

- Yes No

B. If the existing permit contains an onsite sludge disposal authorization, is the location of the sewage sludge disposal site in the existing permit accurate?

- Yes No Not Applicable

If No, or if a new onsite sludge disposal authorization is being requested in this permit

application, provide an accurate location description of the sewage sludge disposal site.

N/A

C. Did any person formerly employed by the TCEQ represent your company and get paid for service regarding this application?

- Yes No

If yes, list each person formerly employed by the TCEQ who represented your company and was paid for service regarding the application:

Mark Rudolph - former TCEQ intern

D. Do you owe any fees to the TCEQ?

- Yes No

If yes, provide the following information:

Account number: N/A

Amount past due: N/A

E. Do you owe any penalties to the TCEQ?

- Yes No

If yes, please provide the following information:

Enforcement order number: N/A

Amount past due: N/A

Section 13. Attachments (Instructions Page 38)

Indicate which attachments are included with the Administrative Report. Check all that apply:

- Lease agreement or deed recorded easement, if the land where the treatment facility is located or the effluent disposal site are not owned by the applicant or co-applicant.
- Original full-size USGS Topographic Map with the following information:
 - Applicant's property boundary
 - Treatment facility boundary
 - Labeled point of discharge for each discharge point (TPDES only)
 - Highlighted discharge route for each discharge point (TPDES only)
 - Onsite sewage sludge disposal site (if applicable)
 - Effluent disposal site boundaries (TLAP only)
 - New and future construction (if applicable)
 - 1 mile radius information
 - 3 miles downstream information (TPDES only)
 - All ponds.

- Attachment 1 for Individuals as co-applicants
- Other Attachments. Please specify: Core data form - see exhibit A

Section 14. Signature Page (Instructions Page 39)

If co-applicants are necessary, each entity must submit an original, separate signature page.

Permit Number: WQ0010297-001

Applicant: City of Sweeny

Certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

I further certify that I am authorized under 30 Texas Administrative Code § 305.44 to sign and submit this document, and can provide documentation in proof of such authorization upon request.

Signatory name (typed or printed): Jeff Farley

Signatory title: Mayor

Signature: _____ Date: 6-19-19
(Use blue ink) 

Subscribed and Sworn to before me by the said _____
on this 19th day of June, 2019.
My commission expires on the 26 day of Aug, 2021.


Notary Public

[SEAL]

Brazoria
County, Texas



The following information is required for new and amendment applications.

Section 1. Affected Landowner Information (Instructions Page 41)

- A. Indicate by a check mark that the landowners map or drawing, with scale, includes the following information, as applicable:
- The applicant's property boundaries
 - The facility site boundaries within the applicant's property boundaries
 - The distance the buffer zone falls into adjacent properties and the property boundaries of the landowners located within the buffer zone
 - The property boundaries of all landowners surrounding the applicant's property (Note: if the application is a major amendment for a lignite mine, the map must include the property boundaries of all landowners adjacent to the new facility (ponds).)
 - The point(s) of discharge and highlighted discharge route(s) clearly shown for one mile downstream
 - The property boundaries of the landowners located on both sides of the discharge route for one full stream mile downstream of the point of discharge
 - The property boundaries of the landowners along the watercourse for a one-half mile radius from the point of discharge if the point of discharge is into a lake, bay, estuary, or affected by tides
 - The boundaries of the effluent disposal site (for example, irrigation area or subsurface drainfield site) and all evaporation/holding ponds within the applicant's property
 - The property boundaries of all landowners surrounding the effluent disposal site
 - The boundaries of the sludge land application site (for land application of sewage sludge for beneficial use) and the property boundaries of landowners surrounding the applicant's property boundaries where the sewage sludge land application site is located
 - The property boundaries of landowners within one-half mile in all directions from the applicant's property boundaries where the sewage sludge disposal site (for example, sludge surface disposal site or sludge monofill) is located
- B. Indicate by a check mark that a separate list with the landowners' names and mailing addresses cross-referenced to the landowner's map has been provided.
- C. Indicate by a check mark in which format the landowners list is submitted:
- Readable/Writeable CD
 - Four sets of labels
- D. Provide the source of the landowners' names and mailing addresses: _____
- E. As required by *Texas Water Code § 5.115*, is any permanent school fund land affected by this application?
- Yes
 - No

If **yes**, provide the location and foreseeable impacts and effects this application has on the

land(s):

Item 4.

Section 2. Original Photographs (Instructions Page 44)

Provide original ground level photographs. Indicate with checkmarks that the following information is provided.

- At least one original photograph of the new or expanded treatment unit location
- At least two photographs of the existing/proposed point of discharge and as much area downstream (photo 1) and upstream (photo 2) as can be captured. If the discharge is to an open water body (e.g., lake, bay), the point of discharge should be in the right or left edge of each photograph showing the open water and with as much area on each respective side of the discharge as can be captured.
- At least one photograph of the existing/proposed effluent disposal site
- A plot plan or map showing the location and direction of each photograph

Section 3. Buffer Zone Map (Instructions Page 44)

A. Buffer zone map. Provide a buffer zone map on 8.5 x 11-inch paper with all of the following information. The applicant's property line and the buffer zone line may be distinguished by using dashes or symbols and appropriate labels.

- The applicant's property boundary;
- The required buffer zone; and
- Each treatment unit; and
- The distance from each treatment unit to the property boundaries.

B. Buffer zone compliance method. Indicate how the buffer zone requirements will be met. Check all that apply.

- Ownership
- Restrictive easement
- Nuisance odor control
- Variance

C. Unsuitable site characteristics. Does the facility comply with the requirements regarding unsuitable site characteristic found in 30 TAC § 309.13(a) through (d)?

- Yes No

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY SUPPLEMENTAL PERMIT INFORMATION FORM (SPIF)

FOR AGENCIES REVIEWING DOMESTIC TPDES WASTEWATER PERMIT APPLICATIONS

TCEQ USE ONLY:
 Application type: ___Renewal ___Major Amendment ___Minor Amendment ___New
 County: _____ Segment Number: _____
 Admin Complete Date: _____
 Agency Receiving SPIF:
 ___ Texas Historical Commission ___ U.S. Fish and Wildlife
 ___ Texas Parks and Wildlife Department ___ U.S. Army Corps of Engineers

This form applies to TPDES permit applications only. (Instructions, Page 53)

The SPIF must be completed as a separate document. The TCEQ will mail a copy of the SPIF to each agency as required by the TCEQ agreement with EPA. If any of the items are not completely addressed or further information is needed, you will be contacted to provide the information before the permit is issued. Each item must be completely addressed.

Do not refer to a response of any item in the permit application form. Each attachment must be provided with this form separately from the administrative report of the application. The application will not be declared administratively complete without this form being completed in its entirety including all attachments.

The following applies to all applications:

1. Permittee: City of Sweeny

Permit No. WQ00 10297-001

EPA ID No. TX 0024511

Address of the project (or a location description that includes street/highway, city/vicinity, and county):

North end of Avenue A, Sweeny, Brazoria County, Texas

Provide the name, address, phone and fax number of an individual that can be contacted answer specific questions about the property.

Prefix (Mr., Ms., Miss): Ms.

First and Last Name: Cindy King

Credential (P.E, P.G., Ph.D., etc.): [Redacted]

Title: City Manager

Mailing Address: P.O. Box 248

City, State, Zip Code: Sweeny, TX 77480

Phone No.: 979-548-3321 Ext.: [Redacted] Fax No.: 979-548-7745

E-mail Address: cking@sweenytx.gov

- 2. List the county in which the facility is located: Brazoria
- 3. If the property is publicly owned and the owner is different than the permittee/applicant, please list the owner of the property.

Same as applicant.

- 4. Provide a description of the effluent discharge route. The discharge route must follow the flow of effluent from the point of discharge to the nearest major watercourse (from the point of discharge to a classified segment as defined in 30 TAC Chapter 307). If known, please identify the classified segment number.

To an unnamed tributary of the San Bernard River; thence to the San Bernard River in Segment No. 1301 of the Brazos-Colorado Coastal Basin

- 5. Please provide a separate 7.5-minute USGS quadrangle map with the project boundaries plotted and a general location map showing the project area. Please highlight the discharge route from the point of discharge for a distance of one mile downstream. (This map is required in addition to the map in the administrative report).

Provide original photographs of any structures 50 years or older on the property. N/A

Does your project involve any of the following? Check all that apply. N/A

- Proposed access roads, utility lines, construction easements
- Visual effects that could damage or detract from a historic property's integrity
- Vibration effects during construction or as a result of project design
- Additional phases of development that are planned for the future
- Sealing caves, fractures, sinkholes, other karst features

- Disturbance of vegetation or wetlands

6. List proposed construction impact (surface acres to be impacted, depth of excavation, sealing of caves, or other karst features):

N/A

7. Describe existing disturbances, vegetation, and land use:

The site is currently used as a wastewater treatment facility.

THE FOLLOWING ITEMS APPLY ONLY TO APPLICATIONS FOR NEW TPDES PERMITS AND MAJOR AMENDMENTS TO TPDES PERMITS

8. List construction dates of all buildings and structures on the property:

N/A

9. Provide a brief history of the property, and name of the architect/builder, if known.

N/A

WATER QUALITY PERMIT

PAYMENT SUBMITTAL FORM

Use this form to submit the Application Fee, if the mailing the payment.

- Complete items 1 through 5 below.
- Staple the check or money order in the space provided at the bottom of this document.
- **Do not mail this form with the application form.**
- Do not mail this form to the same address as the application.
- Do not submit a copy of the application with this form as it could cause duplicate permit entries.

Mail this form and the check or money order to:

BY REGULAR U.S. MAIL

Texas Commission on Environmental Quality
Financial Administration Division
Cashier's Office, MC-214
P.O. Box 13088
Austin, Texas 78711-3088

BY OVERNIGHT/EXPRESS MAIL

Texas Commission on Environmental Quality
Financial Administration Division
Cashier's Office, MC-214
12100 Park 35 Circle
Austin, Texas 78753

Fee Code: WQP **Waste Permit No: WO0010297-001**

1. Check or Money Order Number:
2. Check or Money Order Amount: \$1,615.00
3. Date of Check or Money Order:
4. Name on Check or Money Order:

5. APPLICATION INFORMATION

Name of Project or Site: City of Sweeny Wastewater Treatment Plant

Physical Address of Project or Site: North end of Avenue A, Sweeny, Brazoria County, Texas

If the check is for more than one application, attach a list which includes the name of each Project or Site (RE) and Physical Address, exactly as provided on the application.

Staple Check or Money Order in This Space

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INDIVIDUAL INFORMATION

Section 1. Individual Information (Instructions Page 50)

Complete this attachment if the facility applicant or co-applicant is an individual. Make additional copies of this attachment if both are individuals.

Prefix (Mr., Ms., Miss):

Full legal name (first, middle, last):

Driver's License or State Identification Number:

Date of Birth:

Mailing Address:

City, State, and Zip Code:

Phone Number: Fax Number:

E-mail Address:

CN:

For Commission Use Only:

Customer Number:

Regulated Entity Number:

Permit Number:



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
DOMESTIC WASTEWATER PERMIT APPLICATION

DOMESTIC TECHNICAL REPORT 1.0

The Following Is Required For All Applications
Renewal, New, And Amendment

Section 1. Permitted or Proposed Flows (Instructions Page 51)

A. Existing/Interim I Phase

Design Flow (MGD): 0.975

2-Hr Peak Flow (MGD): 4.00

Estimated construction start date: N/A

Estimated waste disposal start date: N/A

B. Interim II Phase

Design Flow (MGD): N/A

2-Hr Peak Flow (MGD): N/A

Estimated construction start date: N/A

Estimated waste disposal start date: N/A

C. Final Phase

Design Flow (MGD): N/A

2-Hr Peak Flow (MGD): N/A

Estimated construction start date: N/A

Estimated waste disposal start date: N/A

D. Current operating phase: Existing

Provide the startup date of the facility: March 1995

Section 2. Treatment Process (Instructions Page 51)

A. Treatment process description

Provide a detailed description of the treatment process. **Include the type of**

treatment plant, mode of operation, and all treatment units. Start with the plant’s head works and finish with the point of discharge. Include all sludge processing and drying units. **If more than one phase exists or is proposed in the permit, a description of each phase must be provided.** Process description:

See exhibit C

Port or pipe diameter at the discharge point, in inches: 24

B. Treatment Units

In Table 1.0(1), provide the treatment unit type, the number of units, and dimensions (length, width, depth) of each treatment unit, accounting for *all* phases of operation.

Table 1.0(1) - Treatment Units

Treatment Unit Type	Number of Units	Dimensions (L x W x D)
Mechanical Bar Screen	1	N/A
Aeration Basin	1	114,973 CF
Final Clarifier	2	60’ dia. x 12’ SWD
Chlorine Contact Chamber	2	12.5’ x 30’ x 10’ SWD
Anaerobic Digester	1	36,424 SF
Wedgewater Drying Beds	3	20’ x 30’

C. Process flow diagrams

Provide flow diagrams for the existing facilities and **each** proposed phase of construction.

Attachment: See exhibit D

Section 3. Site Drawing (Instructions Page 52)

Provide a site drawing for the facility that shows the following:

- The boundaries of the treatment facility;
- The boundaries of the area served by the treatment facility;
- If land disposal of effluent, the boundaries of the disposal site and all storage/holding ponds; and
- If sludge disposal is authorized in the permit, the boundaries of the land application or disposal site.

Attachment: See exhibit E

Provide the name and a description of the area served by the treatment facility.

<u>City of Sweeny, see exhibit E</u>

Section 4. Unbuilt Phases (Instructions Page 52)

Is the application for a renewal of a permit that contains an unbuilt phase or phases?

Yes No

If yes, does the existing permit contain a phase that has not been constructed within five years of being authorized by the TCEQ?

Yes No N/A

If yes, provide a detailed discussion regarding the continued need for the unbuilt phase. Failure to provide sufficient justification may result in the Executive Director recommending denial of the unbuilt phase or phases.

<u>N/A</u>

Section 5. Closure Plans (Instructions Page 53)

Have any treatment units been taken out of service permanently, or will any units be taken out of service in the next five years?

Yes No

If yes, was a closure plan submitted to the TCEQ?

Yes No N/A

If yes, provide a brief description of the closure and the date of plan approval.

N/A

Section 6. Permit Specific Requirements (Instructions Page 53)

For applicants with an existing permit, check the *Other Requirements* or *Special Provisions* of the permit.

A. Summary transmittal

Have plans and specifications been approved for the existing facilities and each proposed phase?

Yes No

If yes, provide the date(s) of approval for each phase: 1994

Provide information, including dates, on any actions taken to meet a requirement or provision pertaining to the submission of a summary transmittal letter. Provide a copy of an approval letter from the TCEQ, if applicable.

N/A

B. Buffer zones

Have the buffer zone requirements been met?

Yes No

Provide information below, including dates, on any actions taken to meet the conditions of the buffer zone. If available, provide any new documentation relevant to maintaining the buffer zones.

N/A

C. Other actions required by the current permit

Does the *Other Requirements* or *Special Provisions* section in the existing permit require submission of any other information or other required actions? Examples include Notification of Completion, progress reports, soil monitoring data, etc.

Yes No

If yes, provide information below on the status of any actions taken to meet the conditions of an *Other Requirement* or *Special Provision*.

N/A

D. Grit and grease treatment

1. Acceptance of grit and grease waste

Does the facility have a grit and/or grease processing facility onsite that treats and decants or accepts transported loads of grit and grease waste that are discharged directly to the wastewater treatment plant prior to any treatment?

Yes No

If No, stop here and continue with Subsection E. Stormwater Management.

2. Grit and grease processing

Describe below how the grit and grease waste is treated at the facility. In your description, include how and where the grit and grease is introduced to the treatment works and how it is separated or processed. Provide a flow diagram showing how grit and grease is processed at the facility.

[Redacted]

3. Grit disposal

Does the facility have a Municipal Solid Waste (MSW) registration or permit for grit disposal?

Yes No

If No, contact the TCEQ Municipal Solid Waste team at 512-239-0000. Note: A registration or permit is required for grit disposal. Grit shall not be combined with treatment plant sludge. See the instruction booklet for additional information on grit disposal requirements and restrictions.

Describe the method of grit disposal.

[Redacted]

4. Grease and decanted liquid disposal

Note: A registration or permit is required for grease disposal. Grease shall not be combined with treatment plant sludge. For more information, contact the TCEQ Municipal Solid Waste team at 512-239-0000.

Describe how the decant and grease are treated and disposed of after grit separation.

[Redacted]

E. Stormwater management

1. Applicability

Does the facility have a design flow of 1.0 MGD or greater in any phase?

Yes No

Does the facility have an approved pretreatment program, under 40 CFR Part 403?

Yes No

If no to both of the above, then skip to Subsection F, Other Wastes Received.

2. MSGP coverage

Is the stormwater runoff from the WWTP and dedicated lands for sewage disposal currently permitted under the TPDES Multi-Sector General Permit (MSGP), TXR050000?

Yes No

If yes, please provide MSGP Authorization Number and skip to Subsection F, Other Wastes Received:

TXR05 [redacted] or TXRNE [redacted]

If no, do you intend to seek coverage under TXR050000?

Yes No

3. Conditional exclusion

Alternatively, do you intend to apply for a conditional exclusion from permitting based TXR050000 (Multi Sector General Permit) Part II B.2 or TXR050000 (Multi Sector General Permit) Part V, Sector T 3(b)?

Yes No

If yes, please explain below then proceed to Subsection F, Other Wastes Received:

[Redacted text box]

4. Existing coverage in individual permit

Is your stormwater discharge currently permitted through this individual TPDES or TLAP permit?

Yes No

If yes, provide a description of stormwater runoff management practices at the site that are authorized in the wastewater permit then skip to Subsection F, Other Wastes Received.

5. Zero stormwater discharge

Do you intend to have no discharge of stormwater via use of evaporation or other means?

Yes No

If yes, explain below then skip to Subsection F. Other Wastes Received.

Note: If there is a potential to discharge any stormwater to surface water in the state as the result of any storm event, then permit coverage is required under the MSGP or an individual discharge permit. This requirement applies to all areas of facilities with treatment plants or systems that treat, store, recycle, or reclaim domestic sewage, wastewater or sewage sludge (including dedicated lands for sewage sludge disposal located within the onsite property boundaries) that meet the applicability criteria of above. You have the option of obtaining coverage under the MSGP for direct discharges, (recommended), or obtaining coverage under this individual permit.

6. Request for coverage in individual permit

Are you requesting coverage of stormwater discharges associated with your treatment plant under this individual permit?

Yes No

If yes, provide a description of stormwater runoff management practices at the site for which you are requesting authorization in this individual wastewater permit and describe whether you intend to comingle this discharge with your treated effluent or discharge it via a separate dedicated stormwater outfall. Please also indicate if you intend to divert stormwater to the treatment plant headworks and indirectly discharge it to water in the state.

[Redacted area]

Note: Direct stormwater discharges to waters in the state authorized through this individual permit will require the development and implementation of a stormwater pollution prevention plan (SWPPP) and will be subject to additional monitoring and reporting requirements. Indirect discharges of stormwater via headworks recycling will require compliance with all individual permit requirements including 2-hour peak flow limitations. All stormwater discharge authorization requests will require additional information during the technical review of your application.

F. Discharges to the Lake Houston Watershed

Does the facility discharge in the Lake Houston watershed?

Yes No

If yes, a Sewage Sludge Solids Management Plan is required. See Example 5 in the instructions.

G. Other wastes received including sludge from other WWTPs and septic waste

1. Acceptance of sludge from other WWTPs

Does the facility accept or will it accept sludge from other treatment plants at the facility site?

Yes No

If yes, attach sewage sludge solids management plan. See Example 5 of the instructions.

In addition, provide the date that the plant started accepting sludge or is anticipated to start accepting sludge, an estimate of monthly sludge acceptance (gallons or millions of gallons), an estimate of the BOD₅ concentration of the sludge, and the design BOD₅ concentration of the influent from the collection system. Also note if this information has or has not changed since the last permit action.

N/A

Note: Permits that accept sludge from other wastewater treatment plants may be required to have influent flow and organic loading monitoring.

2. Acceptance of septic waste

Is the facility accepting or will it accept septic waste?

Yes No

If yes, does the facility have a Type V processing unit?

Yes No

If yes, does the unit have a Municipal Solid Waste permit?

Yes No

If yes to any of the above, provide a the date that the plant started accepting septic waste, or is anticipated to start accepting septic waste, an estimate of monthly septic waste acceptance (gallons or millions of gallons), an estimate of the BOD₅ concentration of the septic waste, and the design BOD₅ concentration of the influent from the collection system. Also note if this information has or has not changed since the last permit action.

N/A

Note: Permits that accept sludge from other wastewater treatment plants may be required to have influent flow and organic loading monitoring.

3. Acceptance of other wastes (not including septic, grease, grit, or RCRA, CERCLA or as discharged by IUs listed in Worksheet 6)

Is the facility accepting or will it accept wastes that are not domestic in nature excluding the categories listed above?

Yes No

If yes, provide the date that the plant started accepting the waste, an estimate how much waste is accepted on a monthly basis (gallons or millions of gallons), a description of the entities generating the waste, and any distinguishing chemical or other physical characteristic of the waste. Also note if this information has or has not changed since the last permit action.

N/A

Section 7. Pollutant Analysis of Treated Effluent (Instructions Page 58)

Is the facility in operation?

Yes No See exhibit F

If **no**, this section is not applicable. Proceed to Section 8.

If **yes**, provide effluent analysis data for the listed pollutants. **Wastewater treatment facilities** complete Table 1.0(2). **Water treatment facilities** discharging filter backwash water, complete Table 1.0(3).

Note: The sample date must be within 1 year of application submission.

Table 1.0(2) - Pollutant Analysis for Wastewater Treatment Facilities

Pollutant	Average Conc.	Max Conc.	No. of Samples	Sample Type	Sample Date/Time
CBOD ₅ , mg/l	2.0		1	Grab	6/25/19 @ 08:30
Total Suspended Solids, mg/l	2.2		1	Grab	6/25/19 @ 08:30
Ammonia Nitrogen, mg/l	0.38		1	Grab	6/25/19 @ 08:30
Nitrate Nitrogen, mg/l	0.70		1	Grab	6/25/19 @ 08:30
Total Kjeldahl Nitrogen, mg/l	0.94		1	Grab	6/25/19 @ 08:30
Sulfate, mg/l	15.3		1	Grab	6/25/19 @ 08:30
Chloride, mg/l	68.0		1	Grab	6/25/19 @ 08:30
Total Phosphorus, mg/l	0.13		1	Grab	6/25/19 @ 08:30
pH, standard units	7.33		1	Grab	6/25/19 @ 08:30
Dissolved Oxygen*, mg/l	6.90		1	Grab	6/25/19 @ 08:30
Chlorine Residual, mg/l	1.58		1	Grab	6/25/19 @ 08:30
<i>E.coli</i> (CFU/100ml) freshwater	<1		1	Grab	6/25/19 @ 08:30
Enterococci (CFU/100ml)	N/A	N/A	N/A	N/A	N/A

Pollutant	Average Conc.	Max Conc.	No. of Samples	Sample Type	Sample Date/Time
saltwater					
Total Dissolved Solids, mg/l	330		1	Grab	6/25/19 @ 08:30
Electrical Conductivity, μ mohs/cm, †	N/A	N/A	N/A	N/A	N/A
Oil & Grease, mg/l	<5.0		1	Grab	6/25/19 @ 08:30
Alkalinity (CaCO ₃)*, mg/l	214		1	Grab	6/25/19 @ 08:30

*TPDES permits only

†TLAP permits only

Table 1.0(3) - Pollutant Analysis for Water Treatment Facilities

Pollutant	Average Conc.	Max Conc.	No. of Samples	Sample Type	Sample Date/Time
Total Suspended Solids, mg/l	N/A	N/A	N/A	N/A	N/A
Total Dissolved Solids, mg/l	N/A	N/A	N/A	N/A	N/A
pH, standard units	N/A	N/A	N/A	N/A	N/A
Fluoride, mg/l	N/A	N/A	N/A	N/A	N/A
Aluminum, mg/l	N/A	N/A	N/A	N/A	N/A
Alkalinity (CaCO ₃), mg/l	N/A	N/A	N/A	N/A	N/A

Section 8. Facility Operator (Instructions Page 60)

Facility Operator Name:

Facility Operator's License Classification and Level:

Facility Operator's License Number:

Section 9. Sewage Sludge Management and Disposal (Instructions Page 60)

A. Sludge disposal method

Identify the current or anticipated sludge disposal method or methods from the

following list. Check all that apply.

- Permitted landfill
- Permitted or Registered land application site for beneficial use
- Land application for beneficial use authorized in the wastewater permit
- Permitted sludge processing facility
- Marketing and distribution as authorized in the wastewater permit
- Composting as authorized in the wastewater permit
- Permitted surface disposal site (sludge monofill)
- Surface disposal site (sludge monofill) authorized in the wastewater permit
- Transported to another permitted wastewater treatment plant or permitted sludge processing facility. If you selected this method, a written statement or contractual agreement from the wastewater treatment plant or permitted sludge processing facility accepting the sludge must be included with this application.
- Other:

B. Sludge disposal site

Disposal site name: Seabreeze Environmental Landfill

TCEQ permit or registration number: MSW No. 1539A

County where disposal site is located: Brazoria County

C. Sludge transportation method

Method of transportation (truck, train, pipe, other): Truck

Name of the hauler: Waste Connections

Hauler registration number: 2235

Sludge is transported as a:

- Liquid semi-liquid semi-solid solid

Section 10. Permit Authorization for Sewage Sludge Disposal (Instructions Page 60)

A. Beneficial use authorization

Does the existing permit include authorization for land application of sewage sludge for beneficial use?

Yes No

If yes, are you requesting to continue this authorization to land apply sewage sludge for beneficial use?

Yes No N/A

If yes, is the completed **Application for Permit for Beneficial Land Use of Sewage Sludge (TCEQ Form No. 10451)** attached to this permit application (see the instructions for details)?

Yes No N/A

B. Sludge processing authorization

Does the existing permit include authorization for any of the following sludge processing, storage or disposal options?

Sludge Composting Yes No

Marketing and Distribution of sludge Yes No

Sludge Surface Disposal or Sludge Monofill Yes No

Temporary storage in sludge lagoons Yes No

If yes to any of the above sludge options and the applicant is requesting to continue this authorization, is the completed **Domestic Wastewater Permit Application: Sewage Sludge Technical Report (TCEQ Form No. 10056)** attached to this permit application?

Yes No N/A

Section 11. Sewage Sludge Lagoons (Instructions Page 61)

Does this facility include sewage sludge lagoons?

Yes No

If yes, complete the remainder of this section. If no, proceed to Section 12.

A. Location information

The following maps are required to be submitted as part of the application. For each map, provide the Attachment Number.

- Original General Highway (County) Map:
Attachment: [REDACTED]
- USDA Natural Resources Conservation Service Soil Map:
Attachment: [REDACTED]
- Federal Emergency Management Map:
Attachment: [REDACTED]
- Site map:
Attachment: [REDACTED]

Discuss in a description if any of the following exist within the lagoon area. Check all that apply.

- Overlap a designated 100-year frequency flood plain
- Soils with flooding classification
- Overlap an unstable area
- Wetlands
- Located less than 60 meters from a fault
- None of the above

Attachment: [REDACTED]

If a portion of the lagoon(s) is located within the 100-year frequency flood plain, provide the protective measures to be utilized including type and size of protective structures:

B. Temporary storage information

Provide the results for the pollutant screening of sludge lagoons. These results are in addition to pollutant results in Section 7 of Technical Report 1.0.

Nitrate Nitrogen, mg/kg: [REDACTED]

Total Kjeldahl Nitrogen, mg/kg: [REDACTED]

Total Nitrogen (=nitrate nitrogen + TKN), mg/kg: [REDACTED]

Phosphorus, mg/kg: [REDACTED]

Potassium, mg/kg:

pH, standard units:

Ammonia Nitrogen mg/kg:

Arsenic:

Cadmium:

Chromium:

Copper:

Lead:

Mercury:

Molybdenum:

Nickel:

Selenium:

Zinc:

Total PCBs:

Provide the following information:

Volume and frequency of sludge to the lagoon(s):

Total dry tons stored in the lagoons(s) per 365-day period:

Total dry tons stored in the lagoons(s) over the life of the unit:

C. Liner information

Does the active/proposed sludge lagoon(s) have a liner with a maximum hydraulic conductivity of 1×10^{-7} cm/sec?

Yes No

If yes, describe the liner below. Please note that a liner is required.

D. Site development plan

Provide a detailed description of the methods used to deposit sludge in the

lagoon(s):

Attach the following documents to the application.

- Plan view and cross-section of the sludge lagoon(s)
Attachment: [REDACTED]
- Copy of the closure plan
Attachment: [REDACTED]
- Copy of deed recordation for the site
Attachment: [REDACTED]
- Size of the sludge lagoon(s) in surface acres and capacity in cubic feet and gallons
Attachment: [REDACTED]
- Description of the method of controlling infiltration of groundwater and surface water from entering the site
Attachment: [REDACTED]
- Procedures to prevent the occurrence of nuisance conditions
Attachment: [REDACTED]

E. Groundwater monitoring

Is groundwater monitoring currently conducted at this site, or are any wells available for groundwater monitoring, or are groundwater monitoring data otherwise available for the sludge lagoon(s)?

Yes No

If groundwater monitoring data are available, provide a copy. Provide a profile of soil types encountered down to the groundwater table and the depth to the shallowest groundwater as a separate attachment.

Attachment: [REDACTED]

Section 12. Authorizations/Compliance/Enforcement

(Instructions Page 63)

A. Additional authorizations

Does the permittee have additional authorizations for this facility, such as reuse authorization, sludge permit, etc?

Yes No

If yes, provide the TCEQ authorization number and description of the authorization:

N/A

B. Permittee enforcement status

Is the permittee currently under enforcement for this facility?

Yes No

Is the permittee required to meet an implementation schedule for compliance or enforcement?

Yes No

If yes to either question, provide a brief summary of the enforcement, the implementation schedule, and the current status:

N/A

Section 13. RCRA/CERCLA Wastes (Instructions Page 63)

A. RCRA hazardous wastes

Has the facility received in the past three years, does it currently receive, or will it receive RCRA hazardous waste?

Yes No

B. Remediation activity wastewater

Has the facility received in the past three years, does it currently receive, or will it receive CERCLA wastewater, RCRA remediation/corrective action wastewater or other remediation activity wastewater?

Yes No

C. Details about wastes received

If yes to either Subsection A or B above, provide detailed information concerning these wastes with the application.

Attachment: N/A

Section 14. Laboratory Accreditation (Instructions Page 64)

All laboratory tests performed must meet the requirements of *30 TAC Chapter 25, Environmental Testing Laboratory Accreditation and Certification*, which includes the following general exemptions from National Environmental Laboratory Accreditation Program (NELAP) certification requirements:

- The laboratory is an in-house laboratory and is:
 - periodically inspected by the TCEQ; or
 - located in another state and is accredited or inspected by that state; or
 - performing work for another company with a unit located in the same site; or
 - performing pro bono work for a governmental agency or charitable organization.
- The laboratory is accredited under federal law.
- The data are needed for emergency-response activities, and a laboratory accredited under the Texas Laboratory Accreditation Program is not available.
- The laboratory supplies data for which the TCEQ does not offer accreditation.

The applicant should review *30 TAC Chapter 25* for specific requirements.

The following certification statement shall be signed and submitted with every application. See the *Signature Page* section in the Instructions, for a list of designated representatives who may sign the certification.

CERTIFICATION:

I certify that all laboratory tests submitted with this application meet the requirements of *30 TAC Chapter 25, Environmental Testing Laboratory Accreditation and Certification*.

Printed Name: Jeff Farley

Title: Mayor

Signature: _____
 Date: 6-19-19

DOMESTIC TECHNICAL REPORT 1.1

The following is required for new and amendment applications

Section 1. Justification for Permit (Instructions Page 66)

A. Justification of permit need

Provide a detailed discussion regarding the need for any phase(s) not currently permitted. Failure to provide sufficient justification may result in the Executive Director recommending denial of the proposed phase(s) or permit.

B. Regionalization of facilities

Provide the following information concerning the potential for regionalization of domestic wastewater treatment facilities:

1. Municipally incorporated areas

If the applicant is a city, then Item 1 is not applicable. Proceed to Item 2 Utility CCN areas.

Is any portion of the proposed service area located in an incorporated city?

Yes No Not Applicable

If yes, within the city limits of:

If yes, attach correspondence from the city.

Attachment:

If consent to provide service is available from the city, attach a justification for the proposed facility and a cost analysis of expenditures that includes the cost of connecting to the city versus the cost of the proposed facility or expansion attached.

Attachment:

2. Utility CCN areas

Is any portion of the proposed service area located inside another utility's CCN area?

Yes No

If yes, attach a justification for the proposed facility and a cost analysis of expenditures that includes the cost of connecting to the CCN facilities versus the cost of the proposed facility or expansion.

Attachment:

3. *Nearby WWTPs or collection systems*

Are there any domestic permitted wastewater treatment facilities or collection systems located within a three-mile radius of the proposed facility?

Yes No

If yes, attach a list of these facilities that includes the permittee's name and permit number, and an area map showing the location of these facilities.

Attachment:

If yes, attach copies of your certified letters to these facilities **and** their response letters concerning connection with their system.

Attachment:

Does a permitted domestic wastewater treatment facility or a collection system located within three (3) miles of the proposed facility currently have the capacity to accept or is willing to expand to accept the volume of wastewater proposed in this application?

Yes No

If yes, attach an analysis of expenditures required to connect to a permitted wastewater treatment facility or collection system located within 3 miles versus the cost of the proposed facility or expansion.

Attachment:

Section 2. Organic Loading (Instructions Page 67)

Is this facility in operation?

Yes No

If no, proceed to Item B, Proposed Organic Loading.

If yes, provide organic loading information in Item A, Current Organic Loading

A. Current organic loading

Facility Design Flow (flow being requested in application): [redacted]

Average Influent Organic Strength or BOD₅ Concentration in mg/l: [redacted]

Average Influent Loading (lbs/day = total average flow X average BOD₅ conc. X 8.34): [redacted]

Provide the source of the average organic strength or BOD₅ concentration.

B. Proposed organic loading

This table must be completed if this application is for a facility that is not in operation or if this application is to request an increased flow that will impact organic loading.

Table 1.1(1) - Design Organic Loading

Source	Total Average Flow (MGD)	Influent BOD ₅ Concentration (mg/l)
Municipality		
Subdivision		
Trailer park - transient		
Mobile home park		
School with cafeteria and showers		
School with cafeteria,		

Source	Total Average Flow (MGD)	Influent BOD ₅ Concentration (mg/l)
no showers		
Recreational park, overnight use		
Recreational park, day use		
Office building or factory		
Motel		
Restaurant		
Hospital		
Nursing home		
Other		
TOTAL FLOW from all sources		
AVERAGE BOD ₅ from all sources		

Section 3. Proposed Effluent Quality and Disinfection (Instructions Page 68)

A. Existing/Interim I Phase Design Effluent Quality

Biochemical Oxygen Demand (5-day), mg/l:

Total Suspended Solids, mg/l:

Ammonia Nitrogen, mg/l:

Total Phosphorus, mg/l:

Dissolved Oxygen, mg/l:

Other: [click here to enter text]

B. Interim II Phase Design Effluent Quality

Biochemical Oxygen Demand (5-day), mg/l: [click here to enter text]

Total Suspended Solids, mg/l: [click here to enter text]

Ammonia Nitrogen, mg/l: [click here to enter text]

Total Phosphorus, mg/l: [click here to enter text]

Dissolved Oxygen, mg/l: [click here to enter text]

Other: [click here to enter text]

C. Final Phase Design Effluent Quality

Biochemical Oxygen Demand (5-day), mg/l: [click here to enter text]

Total Suspended Solids, mg/l: [click here to enter text]

Ammonia Nitrogen, mg/l: [click here to enter text]

Total Phosphorus, mg/l: [click here to enter text]

Dissolved Oxygen, mg/l: [click here to enter text]

Other: [click here to enter text]

D. Disinfection Method

Identify the proposed method of disinfection.

Chlorine: [click here to enter text] mg/l after [click here to enter text] minutes detention time at peak flow

Dechlorination process: [click here to enter text]

Ultraviolet Light: [click here to enter text] seconds contact time at peak flow

Other: [click here to enter text]

Section 4. Design Calculations (Instructions Page 68)

Attach design calculations and plant features for each proposed phase. Example 4 of the instructions includes sample design calculations and plant features.

Attachment: [click here to enter text]

Section 5. Facility Site (Instructions Page 68)

A. 100-year floodplain

Will the proposed facilities be located above the 100-year frequency flood level?

Yes No

If **no**, describe measures used to protect the facility during a flood event. Include a site map showing the location of the treatment plant within the 100-year frequency flood level. If applicable, provide the size and types of protective structures.

[Redacted text box]

Provide the source(s) used to determine 100-year frequency flood plain.

[Redacted text box]

For a new or expansion of a facility, will a wetland or part of a wetland be filled?

Yes No

If **yes**, has the applicant applied for a US Corps of Engineers 404 Dredge and Fill Permit?

Yes No

If **yes**, provide the permit number: [Redacted text box]

If **no**, provide the approximate date you anticipate submitting your application to the Corps: [Redacted text box]

B. Wind rose

Attach a wind rose. **Attachment:** [Redacted text box]

Section 6. Permit Authorization for Sewage Sludge Disposal (Instructions Page 69)

A. Beneficial use authorization

Are you requesting to include authorization to land apply sewage sludge for beneficial use on property located adjacent to the wastewater treatment facility under the wastewater permit?

Yes No

If yes, attach the completed Application for Permit for Beneficial Land Use of Sewage Sludge (TCEQ Form No. 10451)

Attachment: [REDACTED]

B. Sludge processing authorization

Identify the sludge processing, storage or disposal options that will be conducted at the wastewater treatment facility:

- Sludge Composting
- Marketing and Distribution of sludge
- Sludge Surface Disposal or Sludge Monofill

If any of the above sludge options are selected, attach a completed DOMESTIC WASTEWATER PERMIT APPLICATION: SEWAGE SLUDGE TECHNICAL REPORT (TCEQ Form No. 10056).

Attachment: [REDACTED]

Section 7. Sewage Sludge Solids Management Plan (Instructions Page 69)

Attach a solids management plan to the application.

Attachment: [REDACTED]

The sewage sludge solids management plan must contain the following information:

- Treatment units and processes dimensions and capacities
- Solids generated at 100, 75, 50, and 25 percent of design flow
- Mixed liquor suspended solids operating range at design and projected actual flow
- Quantity of solids to be removed and a schedule for solids removal
- Identification and ownership of the ultimate sludge disposal site
- For facultative lagoons, design life calculations, monitoring well locations and depths, and the ultimate disposal method for the sludge from the facultative lagoon

An example of a sewage sludge solids management plan has been included as Example 5 of the instructions.

DOMESTIC TECHNICAL REPORT WORKSHEET 2.0

RECEIVING WATERS

The following is required for all TPDES permit applications

Section 1. Domestic Drinking Water Supply (Instructions Page 73)

Is there a surface water intake for domestic drinking water supply located within 5 miles downstream from the point or proposed point of discharge?

Yes No

If yes, provide the following:

Owner of the drinking water supply: N/A

Distance and direction to the intake: N/A

Attach a USGS map that identifies the location of the intake.

Attachment: N/A

Section 2. Discharge into Tidally Affected Waters (Instructions Page 73)

Does the facility discharge into tidally affected waters?

Yes No

If yes, complete the remainder of this section. If no, proceed to Section 3.

A. Receiving water outfall

Width of the receiving water at the outfall, in feet:

B. Oyster waters

Are there oyster waters in the vicinity of the discharge?

Yes No

If yes, provide the distance and direction from outfall(s).

C. Sea grasses

Are there any sea grasses within the vicinity of the point of discharge?

Yes No

If yes, provide the distance and direction from the outfall(s).

[Empty text box for providing distance and direction]

Section 3. Classified Segments (Instructions Page 73)

Is the discharge directly into (or within 300 feet of) a classified segment?

Yes No

If yes, this Worksheet is complete.

If no, complete Sections 4 and 5 of this Worksheet.

Section 4. Description of Immediate Receiving Waters (Instructions Page 75)

Name of the immediate receiving waters: Unnamed tributary to San Bernard River

A. Receiving water type

Identify the appropriate description of the receiving waters.

- Stream
- Freshwater Swamp or Marsh
- Lake or Pond

Surface area, in acres: [click here to enter text]

Average depth of the entire water body, in feet: [click here to enter text]
[]

Average depth of water body within a 500-foot radius of discharge point, in feet: [click here to enter text]

- Man-made Channel or Ditch

- Open Bay
- Tidal Stream, Bayou, or Marsh
- Other, specify:

B. Flow characteristics

If a stream, man-made channel or ditch was checked above, provide the following. For existing discharges, check one of the following that best characterizes the area *upstream* of the discharge. For new discharges, characterize the area *downstream* of the discharge (check one).

- Intermittent - dry for at least one week during most years
- Intermittent with Perennial Pools - enduring pools with sufficient habitat to maintain significant aquatic life uses
- Perennial - normally flowing

Check the method used to characterize the area upstream (or downstream for new dischargers).

- USGS flow records
- Historical observation by adjacent landowners
- Personal observation
- Other, specify:

C. Downstream perennial confluences

List the names of all perennial streams that join the receiving water within three miles downstream of the discharge point.

<u>San Bernard River</u>

D. Downstream characteristics

Do the receiving water characteristics change within three miles downstream of the discharge (e.g., natural or man-made dams, ponds, reservoirs, etc.)?

- Yes No

If yes, discuss how.

The man-made drainage ditch flows into the San Bernard River approximately 1,300' from the discharge point.

E. Normal dry weather characteristics

Provide general observations of the water body during normal dry weather conditions.

Water slightly cloudy; heavy vegetation growing along the stream

Date and time of observation: [REDACTED]

Was the water body influenced by stormwater runoff during observations?

Yes No

Section 5. General Characteristics of the Waterbody (Instructions Page 74)

A. Upstream influences

Is the immediate receiving water upstream of the discharge or proposed discharge site influenced by any of the following? Check all that apply.

- Oil field activities
- Upstream discharges
- Septic tanks
- Urban runoff
- Agricultural runoff
- Other(s), specify [REDACTED]

B. Waterbody uses

Observed or evidences of the following uses. Check all that apply.

- Livestock watering
- Irrigation withdrawal
- Fishing
- Contact recreation
- Non-contact recreation
- Navigation

- Domestic water supply Industrial water supply
- Park activities Other(s), specify The water body is used as
a drainage ditch to the San Bernard River.

C. Waterbody aesthetics

Check one of the following that best describes the aesthetics of the receiving water and the surrounding area.

- Wilderness: outstanding natural beauty; usually wooded or unpastured area; water clarity exceptional
- Natural Area: trees and/or native vegetation; some development evident (from fields, pastures, dwellings); water clarity discolored
- Common Setting: not offensive; developed but uncluttered; water may be colored or turbid
- Offensive: stream does not enhance aesthetics; cluttered; highly developed; dumping areas; water discolored

DOMESTIC WORKSHEET 2.1

STREAM PHYSICAL CHARACTERISTICS

Required for new applications, major facilities, and applications adding an outfall

Worksheet 2.1 is not required for discharges to intermittent streams or discharges directly to (or within 300 feet of) a classified segment.

Section 1. General Information (Instructions Page 75)

Date of study: Time of study:

Stream name:

Location:

Type of stream upstream of existing discharge or downstream of proposed discharge (check one).

- Perennial
- Intermittent with perennial pools

Section 2. Data Collection (Instructions Page 75)

Number of stream bends that are well defined:

Number of stream bends that are moderately defined:

Number of stream bends that are poorly defined:

Number of riffles:

Evidence of flow fluctuations (check one):

- Minor
- moderate
- severe

Indicate the observed stream uses and if there is evidence of flow fluctuations or channel obstruction/modification.

Stream transects

In the table below, provide the following information for each transect downstream of the existing or proposed discharges. Use a separate row for each transect.

Table 2.1(1) - Stream Transect Records

Stream type at transect Select riffle, run, glide, or pool. See Instructions, Definitions section.	Transect location	Water surface width (ft)	Stream depths (ft) at 4 to 10 points along each transect from the channel bed to the water surface. Separate the measurements with commas.
Choose an item.			
Choose an item.			
Choose an item.			
Choose an item.			
Choose an item.			
Choose an item.			
Choose an item.			
Choose an item.			
Choose an item.			
Choose an item.			

Section 3. Summarize Measurements (Instructions Page 76)

Streambed slope of entire reach, from USGS map in feet/feet:

[Redacted]

Approximate drainage area above the most downstream transect (from USGS map or county highway map, in square miles): [Redacted]

Length of stream evaluated, in feet: [Redacted]

Number of lateral transects made: [Redacted]

Average stream width, in feet: [Redacted]

Average stream depth, in feet: [Redacted]

Average stream velocity, in feet/second: [Redacted]

Instantaneous stream flow, in cubic feet/second: [Redacted]

Indicate flow measurement method (type of meter, floating chip timed over a fixed distance, etc.): [Redacted]

Size of pools (large, small, moderate, none): [Redacted]

Maximum pool depth, in feet: [Redacted]

DOMESTIC WORKSHEET 3.0

LAND DISPOSAL OF EFFLUENT

**The following is required for all permit applications
Renewal, New, and Amendments**

Section 1. Type of Disposal System (Instructions Page 77)

Identify the method of land disposal:

- | | |
|--|--|
| <input type="checkbox"/> Surface application | <input type="checkbox"/> Subsurface application |
| <input type="checkbox"/> Irrigation | <input type="checkbox"/> Subsurface soils absorption |
| <input type="checkbox"/> Drip irrigation system | <input type="checkbox"/> Subsurface area drip dispersal system |
| <input type="checkbox"/> Evaporation | |
| <input type="checkbox"/> Evapotranspiration beds | |
| <input type="checkbox"/> Other (describe in detail): | |

NOTE: All applicants without authorization or proposing new/amended subsurface disposal MUST complete and submit Worksheet 7.0.

For existing authorizations, provide Registration Number:

Section 2. Land Application Site(s) (Instructions Page 77)

In table 3.0(1), provide the requested information for the land application sites. Include the agricultural or cover crop type (wheat, cotton, alfalfa, bermuda grass, native grasses, etc.), land use (golf course, hayland, pastureland, park, row crop, etc.), irrigation area, amount of effluent applied, and whether or not the public has access to the area. Specify the amount of land area and the amount of effluent that will be allotted to each agricultural or cover crop, if more than one crop will be used.

Table 3.0(1) - Land Application Site Crops

Crop Type & Land Use	Irrigation Area (acres)	Effluent Application (GPD)	Public Access? Y/N

Crop Type & Land Use	Irrigation Area (acres)	Effluent Application (GPD)	Public Access? Y/N

Section 3. Storage and Evaporation Lagoons/Ponds (Instructions Page 77)

Table 3.0(2) - Storage and Evaporation Ponds

Pond Number	Surface Area (acres)	Storage Volume (acre-feet)	Dimensions	Liner Type

Attach a copy of a liner certification that was prepared, signed, and sealed by a Texas licensed professional engineer for each pond.

Attachment: [Redacted]

Section 4. Flood and Runoff Protection (Instructions Page 77)

Is the land application site within the 100-year frequency flood level?

Yes No

If yes, describe how the site will be protected from inundation.

Provide the source used to determine the 100-year frequency flood level:

Provide a description of tailwater controls and rainfall run-on controls used for the land application site.

Section 5. Annual Cropping Plan (Instructions Page 77)

Attach an Annual Cropping Plan which includes a discussion of each of the following items. If not applicable, provide a detailed explanation indicating why.

Attachment:

- Soils map with crops
- Cool and warm season plant species
- Crop yield goals
- Crop growing season
- Crop nutrient requirements
- Additional fertilizer requirements
- Minimum/maximum harvest height (for grass crops)
- Supplemental watering requirements
- Crop salt tolerances
- Harvesting method/number of harvests
- Justification for not removing existing vegetation to be irrigated

Section 6. Well and Map Information (Instructions Page 78)

Attach a USGS map with the following information shown and labeled. If not applicable, provide a detailed explanation (on a separate page) indicating why.

Attachment:

- The boundaries of the land application site(s)
- Waste disposal or treatment facility site(s)

- On-site buildings
- Buffer zones
- Effluent storage and tailwater control facilities
- All water wells within 1 mile of the disposal site or property boundaries
- All springs and seeps onsite and within 500 feet of the property boundaries
- All surface waters in the state onsite and within 500 feet of the property boundaries
- All faults and sinkholes onsite and within 500 feet of the property

List and cross reference all water wells shown on the USGS map in the following table. Attach additional pages as necessary to include all of the wells.

Table 3.0(3) - Water Well Data

Well ID	Well Use	Producing? Y/N	Open, cased, capped, or plugged?	Proposed Best Management Practice
			Choose an item.	
			Choose an item.	
			Choose an item.	
			Choose an item.	
			Choose an item.	

If water quality data or well log information is available please include the information in an attachment listed by Well ID.

Attachment: [REDACTED]

Section 7. Groundwater Quality (Instructions Page 79)

Attach a Groundwater Quality Technical Report which assesses the impact of the wastewater disposal system on groundwater. This report shall include an evaluation of the water wells (including the information in the well table provided in Item 6. above), the wastewater application rate, and pond liners.

Indicate by a check mark that this report is provided.

Attachment: [Redacted]

Are groundwater monitoring wells available onsite? Yes No

Do you plan to install ground water monitoring wells or lysimeters around the land application site? Yes No

If yes, then provide the proposed location of the monitoring wells or lysimeters on a site map.

Attachment: [Redacted]

Section 8. Soil Map and Soil Analyses (Instructions Page 79)

A. Soil map

Attach a USDA Soil Survey map that shows the area to be used for effluent disposal.

Attachment: [Redacted]

B. Soil analyses

Attach the laboratory results sheets from the soil analyses. **Note:** for renewal applications, the current annual soil analyses required by the permit are acceptable as long as the test date is less than one year prior to the submission of the application.

Attachment: [Redacted]

List all USDA designated soil series on the proposed land application site. Attach additional pages as necessary.

Table 3.0(4) - Soil Data

Soil Series	Depth from Surface	Permeability	Available Water Capacity	Curve Number

Soil Series	Depth from Surface	Permeability	Available Water Capacity	Curve Number

Section 9. Effluent Monitoring Data (Instructions Page 80)

Is the facility in operation?

Yes No

If no, this section is not applicable and the worksheet is complete.

If yes, provide the effluent monitoring data for the parameters regulated in the existing permit. If a parameter is not regulated in the existing permit, enter N/A.

Table 3.0(5) - Effluent Monitoring Data

Date	30 Day Avg Flow MGD	BOD ₅ mg/l	TSS mg/l	pH	Chlorine Residual mg/l	Acres irrigated

Date	30 Day Avg Flow MGD	BOD ₅ mg/l	TSS mg/l	pH	Chlorine Residual mg/l	Acres irrigated

Provide a discussion of all persistent excursions above the permitted limits and any corrective actions taken.

DOMESTIC WORKSHEET 3.1

SURFACE LAND DISPOSAL OF EFFLUENT

The following is required for new and major amendment applications.

Renewal and minor amendments applicants may be asked for the worksheet on a case by case basis.

Section 1. Surface Disposal (Instructions Page 81)

Complete the item that applies for the method of disposal being used.

A. Irrigation

Area under irrigation, in acres:

Design application frequency:

hours/day And days/week

Land grade (slope):

average percent (%):

maximum percent (%):

Design application rate in acre-feet/acre/year:

Design total nitrogen loading rate, in lbs N/acre/year:

Soil conductivity (mmhos/cm):

Method of application:

Attach a separate engineering report with the water balance and storage volume calculations, method of application, irrigation efficiency, and nitrogen balance.

Attachment:

B. Evaporation ponds

Daily average effluent flow into ponds, in gallons per day:

Attach a separate engineering report with the water balance and storage volume calculations.

Attachment:

C. Evapotranspiration beds

Number of beds:

Area of bed(s), in acres:

Depth of bed(s), in feet:

Void ratio of soil in the beds:

Storage volume within the beds, in acre-feet:

Attach a separate engineering report with the water balance and storage volume calculations, and a description of the lining.

Attachment:

D. Overland flow

Area used for application, in acres:

Slopes for application area, percent (%):

Design application rate, in gpm/foot of slope width:

Slope length, in feet:

Design BOD₅ loading rate, in lbs BOD₅/acre/day:

Design application frequency:

hours/day: **And** days/week:

Attach a separate engineering report with the method of application and design requirements according to *30 TAC Chapter 217*.

Attachment:

Section 2. Edwards Aquifer (Instructions Page 82)

Is the facility subject to *30 TAC Chapter 213*, Edwards Aquifer Rules?

Yes No

If yes, attach a report concerning the recharge zone.

Attachment: [click here to enter text](#)

DOMESTIC WORKSHEET 3.2

SUBSURFACE LAND DISPOSAL OF EFFLUENT

The following is required for new and major amendment applications. Renewal and minor amendments may require the worksheet on a case by case basis.

NOTE: All applicants proposing new/amended subsurface disposal MUST complete and submit Worksheet 7.0. This worksheet applies to any subsurface disposal system that does not meet the definition of a subsurface area drip dispersal system as defined in 30 TAC Chapter 222, Subsurface Area Drip Dispersal System.

Section 1. Subsurface Application (Instructions Page 83)

Identify the type of system:

- Conventional Gravity Drainfield, Beds, or Trenches (new systems must be less than 5,000 GPD)
- Low Pressure Dosing
- Other, specify:

Application area, in acres:

Area of drainfield, in square feet:

Application rate, in gal/square foot/day:

Depth to groundwater, in feet:

Area of trench, in square feet:

Dosing duration per area, in hours:

Number of beds:

Dosing amount per area, in inches/day:

Infiltration rate, in inches/hour:

Storage volume, in gallons:

Area of bed(s), in square feet:

Soil Classification:

Attach a separate engineering report with the information required in 30 TAC § 309.20, excluding the requirements of § 309.20 b(3)(A) and (B) design analysis which may be asked for on a case by case basis. Include a description of the schedule of dosing basin rotation.

Attachment:

Section 2. Edwards Aquifer (Instructions Page 83)

Is the subsurface system located on the Edwards Aquifer Recharge Zone as mapped by the TCEQ?

Yes No

Is the subsurface system located on the Edwards Aquifer Transition Zone as mapped by the TCEQ?

Yes No

If yes to either question, the subsurface system may be prohibited by 30 TAC §213.8. Please call the Municipal Permits Team, at 512-239-4671, to schedule a pre-application meeting.

DOMESTIC WORKSHEET 3.3

SUBSURFACE AREA DRIP DISPERSAL SYSTEM (SADDS) LAND DISPOSAL OF EFFLUENT

The following is required for new and major amendment subsurface area drip dispersal system applications. Renewal and minor amendments may require the worksheet on a case by case basis.

NOTE: All applicants proposing new or amended subsurface disposal MUST complete and submit Worksheet 7.0. This worksheet applies to any subsurface disposal system that meets the definition of a subsurface area drip dispersal system as defined in 30 TAC Chapter 222, Subsurface Area Drip Dispersal System.

Section 1. Administrative Information (Instructions Page 84)

- A. Provide the legal name of all corporations or other business entities managed, owned, or otherwise closely related to the owner of the treatment facility.

[Redacted]

- B. Is the owner of the land where the treatment facility is located the same as the owner of the treatment facility?

Yes No

If **no**, provide the legal name of all corporations or other business entities managed, owned, or otherwise closely related to the owner of the land where the treatment facility is located.

[Redacted]

- C. Owner of the subsurface area drip dispersal system:

[Redacted]

- D. Is the owner of the subsurface area drip dispersal system the same as the owner of the wastewater treatment facility or the site where the wastewater treatment facility is located?

Yes No

If **no**, identify the names of all corporations or other business entities managed, owned, or otherwise closely related to the entity identified in Item 1.C.

[Redacted]

E. Owner of the land where the subsurface area drip dispersal system is located:

[Redacted]

F. Is the owner of the land where the subsurface area drip dispersal system is located the same as owner of the wastewater treatment facility, the site where the wastewater treatment facility is located, or the owner of the subsurface area drip dispersal system?

Yes No

If **no**, identify the name of all corporations or other business entities managed, owned, or otherwise closely related to the entity identified in item 1.E.

[Redacted]

Section 2. Subsurface Area Drip Dispersal System (Instructions Page 84)

A. Type of system

- Subsurface Drip Irrigation
- Surface Drip Irrigation
- Other, specify: [Redacted]

B. Irrigation operations

Application area, in acres: [Redacted]

Infiltration Rate, in inches/hour: [Redacted]

Average slope of the application area, percent (%): [Redacted]

Maximum slope of the application area, percent (%): [Redacted]

Storage volume, in gallons: [Redacted]

Major soil series: [Redacted]

Depth to groundwater, in feet: [Redacted]

C. Application rate

Is the facility located **west** of the boundary shown in *30 TAC § 222.83* **and** also using a vegetative cover of non-native grasses over seeded with cool

season grasses during the winter months (October-March)?

Yes No

If yes, then the facility may propose a hydraulic application rate not to exceed 0.1 gal/square foot/day.

Is the facility located east of the boundary shown in 30 TAC § 222.83 or in any part of the state when the vegetative cover is any crop other than non-native grasses?

Yes No

If yes, the facility must use the formula in 30 TAC §222.83 to calculate the maximum hydraulic application rate.

Do you plan to submit an alternative method to calculate the hydraulic application rate for approval by the executive director?

Yes No

Hydraulic application rate, in gal/square foot/day:

Nitrogen application rate, in lbs/gal/day:

D. Dosing information

Number of doses per day:

Dosing duration per area, in hours:

Rest period between doses, in hours:

Dosing amount per area, in inches/day:

Number of zones:

Does the proposed subsurface drip irrigation system use tree vegetative cover as a crop?

Yes No

If yes, provide a vegetation survey by a certified arborist. Please call the Water Quality Assessment Team at (512) 239-4671 to schedule a pre-application meeting.

Attachment:

Section 3. Required Plans (Instructions Page 84)

A. Recharge feature plan

Attach a Recharge Feature Plan with all information required in *30 TAC §222.79*.

Attachment:

B. Soil evaluation

Attach a Soil Evaluation with all information required in *30 TAC §222.73*.

Attachment:

C. Site preparation plan

Attach a Site Preparation Plan with all information required in *30 TAC §222.75*.

Attachment:

D. Soil sampling/testing

Attach soil sampling and testing that includes all information required in *30 TAC §222.157*.

Attachment:

Section 4. Floodway Designation (Instructions Page 85)

A. Site location

Is the existing/proposed land application site within a designated floodway?

Yes No

B. Flood map

Attach either the FEMA flood map or alternate information used to determine the floodway.

Attachment:

Section 5. Surface Waters in the State (Instructions Page 85)

A. Buffer Map

Attach a map showing appropriate buffers on surface waters in the state, water wells, and springs/seeps.

Attachment: [click here to enter text](#)

B. Buffer variance request

Do you plan to request a buffer variance from water wells or waters in the state?

Yes No

If yes, then attach the additional information required in *30 TAC § 222.81(c)*.

Attachment: [click here to enter text](#)

Section 6. Edwards Aquifer (Instructions Page 85)

A. Is the SADDs located on the Edwards Aquifer Recharge Zone as mapped by the TCEQ?

Yes No

B. Is the SADDs located on the Edwards Aquifer Transition Zone as mapped by the TCEQ?

Yes No

If yes to either question, then the SADDs may be prohibited by *30 TAC §213.8*. Please call the Municipal Permits Team at 512-239-4671 to schedule a pre-application meeting.

DOMESTIC WORKSHEET 4.0

POLLUTANT ANALYSES REQUIREMENTS*

The following is required for facilities with a permitted or proposed flow of 1.0 MGD or greater, facilities with an approved pretreatment program, or facilities classified as a major facility. See instructions for further details.

This worksheet is not required for minor amendments without renewal

Section 1. Toxic Pollutants (Instructions Page 87)

For pollutants identified in Table 4.0(1), indicate the type of sample.

Grab Composite

Date and time sample(s) collected:

Table 4.0(1) - Toxics Analysis

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
Acrylonitrile				50
Aldrin				0.01
Aluminum				2.5
Anthracene				10
Antimony				5
Arsenic				0.5
Barium				3
Benzene				10
Benzidine				50
Benzo(a)anthracene				5

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
Benzo(a)pyrene				5
Bis(2-chloroethyl)ether				10
Bis(2-ethylhexyl)phthalate				10
Bromodichloromethane				10
Bromoform				10
Cadmium				1
Carbon Tetrachloride				2
Carbaryl				5
Chlordane*				0.2
Chlorobenzene				10
Chlorodibromomethane				10
Chloroform				10
Chlorpyrifos				0.05
Chromium (Total)				3
Chromium (Tri) (*1)				N/A
Chromium (Hex)				3
Copper				2
Chrysene				5
p-Chloro-m-Cresol				10
4,6-Dinitro-o-Cresol				50
p-Cresol				10

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
Cyanide (*2)				10
4,4'- DDD				0.1
4,4'- DDE				0.1
4,4'- DDT				0.02
2,4-D				0.7
Demeton (O and S)				0.20
Diazinon				0.5/0.1
1,2-Dibromoethane				10
m-Dichlorobenzene				10
o-Dichlorobenzene				10
p-Dichlorobenzene				10
3,3'-Dichlorobenzidine				5
1,2-Dichloroethane				10
1,1-Dichloroethylene				10
Dichloromethane				20
1,2-Dichloropropane				10
1,3-Dichloropropene				10
Dicofol				1
Dieldrin				0.02
2,4-Dimethylphenol				10
Di-n-Butyl Phthalate				10

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
Diuron				0.09
Endosulfan I (alpha)				0.01
Endosulfan II (beta)				0.02
Endosulfan Sulfate				0.1
Endrin				0.02
Ethylbenzene				10
Fluoride				500
Guthion				0.1
Heptachlor				0.01
Heptachlor Epoxide				0.01
Hexachlorobenzene				5
Hexachlorobutadiene				10
Hexachlorocyclohexane (alpha)				0.05
Hexachlorocyclohexane (beta)				0.05
gamma-Hexachlorocyclohexane (Lindane)				0.05
Hexachlorocyclopentadiene				10
Hexachloroethane				20
Hexachlorophene				10
Lead				0.5
Malathion				0.1

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
Mercury				0.005
Methoxychlor				2
Methyl Ethyl Ketone				50
Mirex				0.02
Nickel				2
Nitrate-Nitrogen				100
Nitrobenzene				10
N-Nitrosodiethylamine				20
N-Nitroso-di-n-Butylamine				20
Nonylphenol				333
Parathion (ethyl)				0.1
Pentachlorobenzene				20
Pentachlorophenol				5
Phenanthrene				10
Polychlorinated Biphenyls (PCB's) (*3)				0.2
Pyridine				20
Selenium				5
Silver				0.5
1,2,4,5-Tetrachlorobenzene				20
1,1,2,2-Tetrachloroethane				10

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
Tetrachloroethylene				10
Thallium				0.5
Toluene				10
Toxaphene				0.3
2,4,5-TP (Silvex)				0.3
Tributyltin (see instructions for explanation)				0.01
1,1,1-Trichloroethane				10
1,1,2-Trichloroethane				10
Trichloroethylene				10
2,4,5-Trichlorophenol				50
TTHM (Total Trihalomethanes)				10
Vinyl Chloride				10
Zinc				5

(*1) Determined by subtracting hexavalent Cr from total Cr.

(*2) Cyanide, amenable to chlorination or weak-acid dissociable.

(*3) The sum of seven PCB congeners 1242, 1254, 1221, 1232, 1248, 1260, and 1016.

Section 2. Priority Pollutants

For pollutants identified in Tables 4.0(2)A-E, indicate type of sample.

Grab Composite

Date and time sample(s) collected:

Table 4.0(2)A - Metals, Cyanide, Phenols

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
Antimony				5
Arsenic				0.5
Beryllium				0.5
Cadmium				1
Chromium (Total)				3
Chromium (Hex)				3
Chromium (Tri) (*1)				N/A
Copper				2
Lead				0.5
Mercury				0.005
Nickel				2
Selenium				5
Silver				0.5
Thallium				0.5
Zinc				5
Cyanide (*2)				10
Phenols, Total				10

(*1) Determined by subtracting hexavalent Cr from total Cr.

(*2) Cyanide, amenable to chlorination or weak-acid dissociable

Table 4.0(2)B - Volatile Compounds

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
Acrolein				50
Acrylonitrile				50
Benzene				10
Bromoform				10
Carbon Tetrachloride				2
Chlorobenzene				10
Chlorodibromomethane				10
Chloroethane				50
2-Chloroethylvinyl Ether				10
Chloroform				10
Dichlorobromomethane [Bromodichloromethane]				10
1,1-Dichloroethane				10
1,2-Dichloroethane				10
1,1-Dichloroethylene				10
1,2-Dichloropropane				10
1,3-Dichloropropylene [1,3-Dichloropropene]				10
1,2-Trans-Dichloroethylene				10
Ethylbenzene				10
Methyl Bromide				50
Methyl Chloride				50
Methylene Chloride				20
1,1,2,2-Tetrachloroethane				10
Tetrachloroethylene				10

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
Toluene				10
1,1,1-Trichloroethane				10
1,1,2-Trichloroethane				10
Trichloroethylene				10
Vinyl Chloride				10

Table 4.0(2)C - Acid Compounds

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
2-Chlorophenol				10
2,4-Dichlorophenol				10
2,4-Dimethylphenol				10
4,6-Dinitro-o-Cresol				50
2,4-Dinitrophenol				50
2-Nitrophenol				20
4-Nitrophenol				50
P-Chloro-m-Cresol				10
Pentalchlorophenol				5
Phenol				10
2,4,6-Trichlorophenol				10

Table 4.0(2)D - Base/Neutral Compounds

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
Acenaphthene				10
Acenaphthylene				10
Anthracene				10
Benzidine				50
Benzo(a)Anthracene				5
Benzo(a)Pyrene				5
3,4-Benzofluoranthene				10
Benzo(ghi)Perylene				20
Benzo(k)Fluoranthene				5
Bis(2-Chloroethoxy)Methane				10
Bis(2-Chloroethyl)Ether				10
Bis(2-Chloroisopropyl)Ether				10
Bis(2-Ethylhexyl)Phthalate				10
4-Bromophenyl Phenyl Ether				10
Butyl benzyl Phthalate				10
2-Chloronaphthalene				10
4-Chlorophenyl phenyl ether				10
Chrysene				5
Dibenzo(a,h)Anthracene				5
1,2-(o)Dichlorobenzene				10
1,3-(m)Dichlorobenzene				10
1,4-(p)Dichlorobenzene				10
3,3-Dichlorobenzidine				5
Diethyl Phthalate				10
Dimethyl Phthalate				10

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
Di-n-Butyl Phthalate				10
2,4-Dinitrotoluene				10
2,6-Dinitrotoluene				10
Di-n-Octyl Phthalate				10
1,2-Diphenylhydrazine (as Azo- benzene)				20
Fluoranthene				10
Fluorene				10
Hexachlorobenzene				5
Hexachlorobutadiene				10
Hexachlorocyclo-pentadiene				10
Hexachloroethane				20
Indeno(1,2,3-cd)pyrene				5
Isophorone				10
Naphthalene				10
Nitrobenzene				10
N-Nitrosodimethylamine				50
N-Nitrosodi-n-Propylamine				20
N-Nitrosodiphenylamine				20
Phenanthrene				10
Pyrene				10
1,2,4-Trichlorobenzene				10

Table 4.0(2)E - Pesticides

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
Aldrin				0.01
alpha-BHC (Hexachlorocyclohexane)				0.05
beta-BHC (Hexachlorocyclohexane)				0.05
gamma-BHC (Hexachlorocyclohexane)				0.05
delta-BHC (Hexachlorocyclohexane)				0.05
Chlordane				0.2
4,4-DDT				0.02
4,4-DDE				0.1
4,4,-DDD				0.1
Dieldrin				0.02
Endosulfan I (alpha)				0.01
Endosulfan II (beta)				0.02
Endosulfan Sulfate				0.1
Endrin				0.02
Endrin Aldehyde				0.1
Heptachlor				0.01
Heptachlor Epoxide				0.01
PCB-1242				0.2
PCB-1254				0.2
PCB-1221				0.2
PCB-1232				0.2

Pollutant	AVG Effluent Conc. (µg/l)	MAX Effluent Conc. (µg/l)	Number of Samples	MAL (µg/l)
PCB-1248				0.2
PCB-1260				0.2
PCB-1016				0.2
Toxaphene				0.3

* For PCBs, if all are non-detects, enter the highest non-detect preceded by a "<".

Section 3. Dioxin/Furan Compounds

A. Indicate which of the following compounds from may be present in the influent from a contributing industrial user or significant industrial user. Check all that apply.

- 2,4,5-trichlorophenoxy acetic acid
Common Name 2,4,5-T, CASRN 93-76-5
- 2-(2,4,5-trichlorophenoxy) propanoic acid
Common Name Silvex or 2,4,5-TP, CASRN 93-72-1
- 2-(2,4,5-trichlorophenoxy) ethyl 2,2-dichloropropionate
Common Name Erbon, CASRN 136-25-4
- 0,0-dimethyl 0-(2,4,5-trichlorophenyl) phosphorothioate
Common Name Ronnel, CASRN 299-84-3
- 2,4,5-trichlorophenol
Common Name TCP, CASRN 95-95-4
- hexachlorophene
Common Name HCP, CASRN 70-30-4

For each compound identified, provide a brief description of the conditions of its/their presence at the facility.

B. Do you know or have any reason to believe that 2,3,7,8 Tetrachlorodibenzo-P-Dioxin (TCDD) or any congeners of TCDD may be present in your effluent?

Yes No

If **yes**, provide a brief description of the conditions for its presence.

If any of the compounds in Subsection A **or** B are present, complete Table 4.0(2)F.

For pollutants identified in Table 4.0(2)F, indicate the type of sample.

Grab Composite

Date and time sample(s) collected:

TABLE 4.0(2)F - DIOXIN/FURAN COMPOUNDS

Compound	Toxic Equivalency Factors	Wastewater Concentration (ppq)	Wastewater Equivalents (ppq)	Sludge Concentration (ppt)	Sludge Equivalents (ppt)	MAL (ppq)
2,3,7,8 TCDD	1					10
1,2,3,7,8	0.5					50
2,3,7,8 HxCDDs	0.1					50
1,2,3,4,6,7,8 HpCDD	0.01					50
2,3,7,8 TCDF	0.1					10
1,2,3,7,8 PeCDF	0.05					50
2,3,4,7,8 PeCDF	0.5					50
2,3,7,8 HxCDFs	0.1					50
2,3,4,7,8	0.01					50
OCDD	0.0003					100
OCDF	0.0003					100
PCB 77	0.0001					0.5
PCB 81	0.0003					0.5

Compound	Toxic Equivalency Factors	Wastewater Concentration (ppq)	Wastewater Equivalents (ppq)	Sludge Concentration (ppt)	Sludge Equivalents (ppt)	MAL (ppq)
PCB 126	0.1					0.5
PCB 169	0.03					0.5
Total						

DOMESTIC WORKSHEET 5.0

TOXICITY TESTING REQUIREMENTS

The following is required for facilities with a currently-operating design flow greater than or equal to 1.0 MGD, with an EPA-approved pretreatment program (or those that are required to have one under 40 CFR Part 403), or are required by the TCEQ to perform Whole Effluent Toxicity testing. This worksheet is not required for minor amendments without renewal.

Section 1. Required Tests (Instructions Page 97)

Indicate the number of 7-day chronic or 48-hour acute Whole Effluent Toxicity (WET) tests performed in the four and one-half years prior to submission of the application.

7-day Chronic:

48-hour Acute:

Section 2. Toxicity Reduction Evaluations (TREs)

Has this facility completed a TRE in the past four and a half years? Or is the facility currently performing a TRE?

Yes No

If yes, describe the progress to date, if applicable, in identifying and confirming the toxicant.

Section 3. Summary of WET Tests

If the required biomonitoring test information has not been previously submitted via both the Discharge Monitoring Reports (DMRs) and the Table 1 (as found in the permit), provide a summary of the testing results for all valid and invalid tests performed over the past four and one-half years. Make additional copies of this table as needed.

Table 5.0(1) - Summary of WET Tests

Test Date	Test Species	NOEC Survival	NOEC Sub-lethal

DOMESTIC WORKSHEET 6.0

INDUSTRIAL WASTE CONTRIBUTION

The following is required for all publicly owned treatment works (POTWs)

Section 1. All POTWs (Instructions Page 99)

A. Industrial users

Provide the number of each of the following types of industrial users (IUs) that discharge to your POTW and the daily flows from each user. See the Instructions for definitions of Categorical IUs, Significant IUs - non-categorical, and Other IUs.

If there are no users, enter 0 (zero).

Categorical IUs:

Number of IUs: 0

Average Daily Flows, in MGD: 0

Significant IUs - non-categorical:

Number of IUs: 0

Average Daily Flows, in MGD: 0

Other IUs:

Number of IUs: 0

Average Daily Flows, in MGD: 0

B. Treatment plant interference

In the past three years, has your POTW experienced treatment plant interference (see instructions)?

Yes

No

If yes, identify the dates, duration, description of interference, and probable cause(s) and possible source(s) of each interference event. Include the names of the IUs that may have caused the interference.

N/A

C. Treatment plant pass through

In the past three years, has your POTW experienced pass through (see instructions)?

Yes No

If yes, identify the dates, duration, a description of the pollutants passing through the treatment plant, and probable cause(s) and possible source(s) of each pass through event. Include the names of the IUs that may have caused pass through.

N/A

D. Pretreatment program

Does your POTW have an approved pretreatment program?

Yes No

If yes, complete Section 2 only of this Worksheet.

Is your POTW required to develop an approved pretreatment program?

Yes No

If yes, complete Section 2.c. and 2.d. only, and skip Section 3.

If no to either question above, skip Section 2 and complete Section 3 for each significant industrial user and categorical industrial user.

Section 2. POTWs with Approved Programs or Those Required to Develop a Program (Instructions Page 100)

A. Substantial modifications

Have there been any **substantial modifications** to the approved pretreatment program that have not been submitted to the TCEQ for approval according to *40 CFR §403.18*?

Yes No

If yes, identify the modifications that have not been submitted to TCEQ, including the purpose of the modification.

[Redacted area]

B. Non-substantial modifications

Have there been any **non-substantial modifications** to the approved pretreatment program that have not been submitted to TCEQ for review and acceptance?

Yes No

If yes, identify all non-substantial modifications that have not been submitted to TCEQ, including the purpose of the modification.

[Redacted area]

C. Effluent parameters above the MAL

In Table 6.0(1), list all parameters measured above the MAL in the POTW's effluent monitoring during the last three years. Submit an attachment if necessary.

Table 6.0(1) - Parameters Above the MAL

Pollutant	Concentration	MAL	Units	Date

D. Industrial user interruptions

Has any SIU, CIU, or other IU caused or contributed to any problems (excluding interferences or pass throughs) at your POTW in the past three years?

Yes No

If yes, identify the industry, describe each episode, including dates, duration, description of the problems, and probable pollutants.

Section 3. Significant Industrial User (SIU) Information and Categorical Industrial User (CIU) (Instructions Page 100)

A. General information

Company Name: N/A

SIC Code: N/A

Telephone number: N/A Fax number: N/A

Contact name: N/A

Address: N/A

City, State, and Zip Code: N/A

B. Process information

Describe the industrial processes or other activities that affect or contribute to the SIU(s) or CIU(s) discharge (i.e., process and non-process wastewater).

N/A

C. Product and service information

Provide a description of the principal product(s) or services performed.

N/A

D. Flow rate information

See the Instructions for definitions of “process” and “non-process wastewater.”

Process Wastewater:

Discharge, in gallons/day: N/A

Discharge Type: Continuous Batch Intermittent

Non-Process Wastewater:

Discharge, in gallons/day: N/A

Discharge Type: Continuous Batch Intermittent

E. Pretreatment standards

Is the SIU or CIU subject to technically based local limits as defined in the instructions?

Yes No N/A

Is the SIU or CIU subject to categorical pretreatment standards found in 40 CFR Parts 405-471?

Yes No N/A

If subject to categorical pretreatment standards, indicate the applicable category and subcategory for each categorical process.

Category: N/A

Subcategories:

Category:

Subcategories:

Category:

Subcategories:

Category:

Subcategories:

Category:

Subcategories:

F. Industrial user interruptions

Has the SIU or CIU caused or contributed to any problems (e.g., interferences, pass through, odors, corrosion, blockages) at your POTW in the past three years?

Yes No N/A

If yes, identify the SIU, describe each episode, including dates, duration, description of problems, and probable pollutants.

N/A

WORKSHEET 7.0

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY CLASS V INJECTION WELL INVENTORY/AUTHORIZATION FORM

Submit to:
TCEQ
IUC Permits Team
Radioactive Materials Division
MC-233
PO Box 13087
Austin, Texas 78711-3087
512-239-6466

For TCEQ Use Only
Reg. No. _____
Date Received _____
Date Authorized _____

Section 1. General Information (Instructions Page 102)

1. TCEQ Program Area

Program Area (PST, VCP, IHW, etc.):

Program ID:

Contact Name:

Phone Number:

2. Agent/Consultant Contact Information

Contact Name:

Address:

City, State, and Zip Code:

Phone Number:

3. Owner/Operator Contact Information

Owner Operator

Owner/Operator Name:

Contact Name:

Address:

City, State, and Zip Code:

Phone Number:

4. Facility Contact Information

Facility Name:

Address:

City, State, and Zip Code:

Location description (if no address is available):

Facility Contact Person:

Phone Number:

5. Latitude and Longitude, in degrees-minutes-seconds

Latitude: Longitude:

Method of determination (GPS, TOPO, etc.):

Attach topographic quadrangle map as attachment A.

6. Well Information

Type of Well Construction, select one:

- Vertical Injection
- Subsurface Fluid Distribution System
- Infiltration Gallery
- Temporary Injection Points
- Other, Specify:

Number of Injection Wells:

7. Purpose

Detailed Description regarding purpose of Injection System:

Attach a Site Map as Attachment B (Attach the Approved Remediation Plan, if appropriate.)

8. Water Well Driller/Installer

Water Well Driller/Installer Name:

City, State, and Zip Code:

Phone Number:

License Number: [REDACTED]

Section 2. Proposed Down Hole Design

Attach a diagram signed and sealed by a licensed engineer as Attachment C.

Table 7.0(1) -Down Hole Design Table

Name of String	Size	Setting Depth	Sacks Cement/Grout - Slurry Volume - Top of Cement	Hole Size	Weight (lbs/ft) PVC/Steel
Casing					
Tubing					
Screen					

Section 3. Proposed Trench System, Subsurface Fluid Distribution System, or Infiltration Gallery

Attach a diagram signed and sealed by a licensed engineer as Attachment D.

System(s) Dimensions: [REDACTED]

System(s) Construction: [REDACTED]

Section 4. Site Hydrogeological and Injection Zone Data

- Name of Contaminated Aquifer: [REDACTED]
- Receiving Formation Name of Injection Zone: [REDACTED]
- Well/Trench Total Depth: [REDACTED]
- Surface Elevation: [REDACTED]
- Depth to Ground Water: [REDACTED]
- Injection Zone Depth: [REDACTED]
- Injection Zone vertically isolated geologically? Yes No

Impervious Strata between Injection Zone and nearest Underground

Source of Drinking Water:

Name: [REDACTED]

Thickness: [REDACTED]

8. Provide a list of contaminants and the levels (ppm) in contaminated aquifer
Attach as Attachment E.
9. Horizontal and Vertical extent of contamination and injection plume
Attach as Attachment F.
10. Formation (Injection Zone) Water Chemistry (Background levels) TDS, etc.
Attach as Attachment G.
11. Injection Fluid Chemistry in PPM at point of injection
Attach as Attachment H.
12. Lowest Known Depth of Ground Water with < 10,000 PPM TDS: [REDACTED]
[REDACTED]
13. Maximum injection Rate/Volume/Pressure: [REDACTED]
14. Water wells within 1/4 mile radius (attach map as Attachment I): [REDACTED]
[REDACTED]
15. Injection wells within 1/4 mile radius (attach map as Attachment J): [REDACTED]
[REDACTED]
16. Monitor wells within 1/4 mile radius (attach drillers logs and map as Attachment K): [REDACTED]
17. Sampling frequency: [REDACTED]
18. Known hazardous components in injection fluid: [REDACTED]

Section 5. Site History

1. Type of Facility: [REDACTED]
2. Contamination Dates: [REDACTED]
3. Original Contamination (VOCs, TPH, BTEX, etc.) and Concentrations
(attach as Attachment L): [REDACTED]
4. Previous Remediation: [REDACTED]

Attach results of any previous remediation as attachment M

NOTE: Authorization Form should be completed in detail and authorization given by the TCEQ before construction, operation, and/or conversion can

begin. Attach additional pages as necessary.

Class V Injection Well Designations

- 5A07 Heat Pump/AC return (IW used for groundwater to heat and/or cool buildings)
- 5A19 Industrial Cooling Water Return Flow (IW used to cool industrial process equipment)
- 5B22 Salt Water Intrusion Barrier (IW used to inject fluids to prevent the intrusion of salt water into an aquifer)
- 5D02 Storm Water Drainage (IW designed for the disposal of rain water)
- 5D04 Industrial Stormwater Drainage Wells (IW designed for the disposal of rain water associated with industrial facilities)
- 5F01 Agricultural Drainage (IW that receive agricultural runoff)
- 5R21 Aquifer Recharge (IW used to inject fluids to recharge an aquifer)
- 5S23 Subsidence Control Wells (IW used to control land subsidence caused by ground water withdrawal)
- 5W09 Untreated Sewage
- 5W10 Large Capacity Cesspools (Cesspools that are designed for 5,000 gpd or greater)
- 5W11 Large Capacity Septic systems (Septic systems designed for 5,000 gpd or greater)
- 5W12 WTPP disposal
- 5W20 Industrial Process Waste Disposal Wells
- 5W31 Septic System (Well Disposal method)
- 5W32 Septic System Drainfield Disposal
- 5X13 Mine Backfill (IW used to control subsidence, dispose of mining byproducts, and/or fill sections of a mine)
- 5X25 Experimental Wells (Pilot Test) (IW used to test new technologies or tracer dye studies)
- 5X26 Aquifer Remediation (IW used to clean up, treat, or prevent contamination of a USDW)
- 5X27 Other Wells
- 5X28 Motor Vehicle Waste Disposal Wells (IW used to dispose of waste from a motor vehicle site - These are currently banned)
- 5X29 Abandoned Drinking Water Wells (waste disposal)

**CITY OF SWEENY
WASTEWATER TREATMENT PLANT
TPDES PERMIT NO. WQ0010297-001**

**EXHIBIT A
Domestic Administrative Report 1.0, Section 3.C.**

Core Data Form



TCEQ Use Only

TCEQ Core Data Form

For detailed instructions regarding completion of this form, please read the Core Data Form Instructions or call 512-239-5175.

SECTION I: General Information

1. Reason for Submission (If other is checked please describe in space provided.)		
<input type="checkbox"/> New Permit, Registration or Authorization (Core Data Form should be submitted with the program application.)		
<input checked="" type="checkbox"/> Renewal (Core Data Form should be submitted with the renewal form)		<input type="checkbox"/> Other
2. Customer Reference Number (if issued)	Follow this link to search for CN or RN numbers in Central Registry**	3. Regulated Entity Reference Number (if issued)
CN 600584015		RN 102998382

SECTION II: Customer Information

4. General Customer Information		5. Effective Date for Customer Information Updates (mm/dd/yyyy)		06/01/2019	
<input type="checkbox"/> New Customer		<input checked="" type="checkbox"/> Update to Customer Information		<input type="checkbox"/> Change in Regulated Entity Ownership	
<input type="checkbox"/> Change in Legal Name (Verifiable with the Texas Secretary of State or Texas Comptroller of Public Accounts)					
The Customer Name submitted here may be updated automatically based on what is current and active with the Texas Secretary of State (SOS) or Texas Comptroller of Public Accounts (CPA).					
6. Customer Legal Name (If an individual, print last name first: eg: Doe, John)			If new Customer, enter previous Customer below:		
City of Sweeny					
7. TX SOS/CPA Filing Number		8. TX State Tax ID (11 digits)		9. Federal Tax ID (9 digits)	
				10. DUNS Number (if applicable)	
11. Type of Customer:		<input type="checkbox"/> Corporation		<input type="checkbox"/> Individual	
Government: <input checked="" type="checkbox"/> City <input type="checkbox"/> County <input type="checkbox"/> Federal <input type="checkbox"/> State <input type="checkbox"/> Other		<input type="checkbox"/> Sole Proprietorship		Partnership: <input type="checkbox"/> General <input type="checkbox"/> Limited	
12. Number of Employees			13. Independently Owned and Operated?		
<input checked="" type="checkbox"/> 0-20 <input type="checkbox"/> 21-100 <input type="checkbox"/> 101-250 <input type="checkbox"/> 251-500 <input type="checkbox"/> 501 and higher			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
14. Customer Role (Proposed or Actual) – as it relates to the Regulated Entity listed on this form. Please check one of the following:					
<input type="checkbox"/> Owner		<input type="checkbox"/> Operator		<input checked="" type="checkbox"/> Owner & Operator	
<input type="checkbox"/> Occupational Licensee		<input type="checkbox"/> Responsible Party		<input type="checkbox"/> Voluntary Cleanup Applicant	
				<input type="checkbox"/> Other:	
15. Mailing Address:		P.O. Box 248			
City		Sweeny		State TX	
ZIP		77480		ZIP + 4	
16. Country Mailing Information (if outside USA)			17. E-Mail Address (if applicable)		
18. Telephone Number		19. Extension or Code		20. Fax Number (if applicable)	
(979) 548-3321				(979) 548-7745	

SECTION III: Regulated Entity Information

21. General Regulated Entity Information (If 'New Regulated Entity' is selected below this form should be accompanied by a permit application)	
<input type="checkbox"/> New Regulated Entity <input type="checkbox"/> Update to Regulated Entity Name <input checked="" type="checkbox"/> Update to Regulated Entity Information	
The Regulated Entity Name submitted may be updated in order to meet TCEQ Agency Data Standards (removal of organizational endings such as Inc, LP, or LLC.)	
22. Regulated Entity Name (Enter name of the site where the regulated action is taking place.)	
City of Sweeny WWTP	

23. Street Address of the Regulated Entity: <i>(No PO Boxes)</i>							
	City		State		ZIP		ZIP + 4
24. County	Brazoria						

Enter Physical Location Description if no street address is provided.

25. Description to Physical Location:	LOCATED AT THE N END OF AVENUE A, ON THE W BANK OF SAN BERNARD RIVER, APPROX 2 MI NE OF THE CITY OF SWEENY AND APPROX 3 MI SE OF THE INTERSECTION OF STATE HWY 35 AND FM ROAD 1459								
26. Nearest City	Sweeny			State	TX		Nearest ZIP Code	77480	
27. Latitude (N) In Decimal:	29.057778			28. Longitude (W) In Decimal:	-95.677222				
Degrees	Minutes	Seconds	Degrees	Minutes	Seconds				
29	03	28	95	40	38				
29. Primary SIC Code (4 digits)	30. Secondary SIC Code (4 digits)		31. Primary NAICS Code (5 or 6 digits)		32. Secondary NAICS Code (5 or 6 digits)				
4952			221320						
33. What is the Primary Business of this entity? <i>(Do not repeat the SIC or NAICS description.)</i>									
Domestic									
34. Mailing Address:	P.O. Box 248								
	City	Sweeny	State	TX	ZIP	77840	ZIP + 4		
35. E-Mail Address:									
36. Telephone Number			37. Extension or Code			38. Fax Number <i>(if applicable)</i>			
(979) 548-3321						(979) 548-7745			

39. TCEQ Programs and ID Numbers Check all Programs and write in the permits/registration numbers that will be affected by the updates submitted on this form. See the Core Data Form instructions for additional guidance.

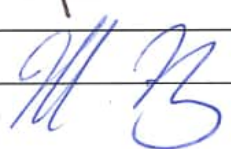
<input type="checkbox"/> Dam Safety	<input type="checkbox"/> Districts	<input type="checkbox"/> Edwards Aquifer	<input type="checkbox"/> Emissions Inventory Air	<input type="checkbox"/> Industrial Hazardous Waste
<input type="checkbox"/> Municipal Solid Waste	<input type="checkbox"/> New Source Review Air	<input type="checkbox"/> OSSF	<input type="checkbox"/> Petroleum Storage Tank	<input type="checkbox"/> PWS
<input type="checkbox"/> Sludge	<input type="checkbox"/> Storm Water	<input type="checkbox"/> Title V Air	<input type="checkbox"/> Tires	<input type="checkbox"/> Used Oil
<input type="checkbox"/> Voluntary Cleanup	<input checked="" type="checkbox"/> Waste Water	<input type="checkbox"/> Wastewater Agriculture	<input type="checkbox"/> Water Rights	<input type="checkbox"/> Other:
WQ0010297-001				

SECTION IV: Preparer Information

40. Name:	William Huebner, P.E.			41. Title:	Project Manager	
42. Telephone Number	43. Ext./Code	44. Fax Number	45. E-Mail Address			
(979) 836-7937		() -	william.huebner@strand.com			

SECTION V: Authorized Signature

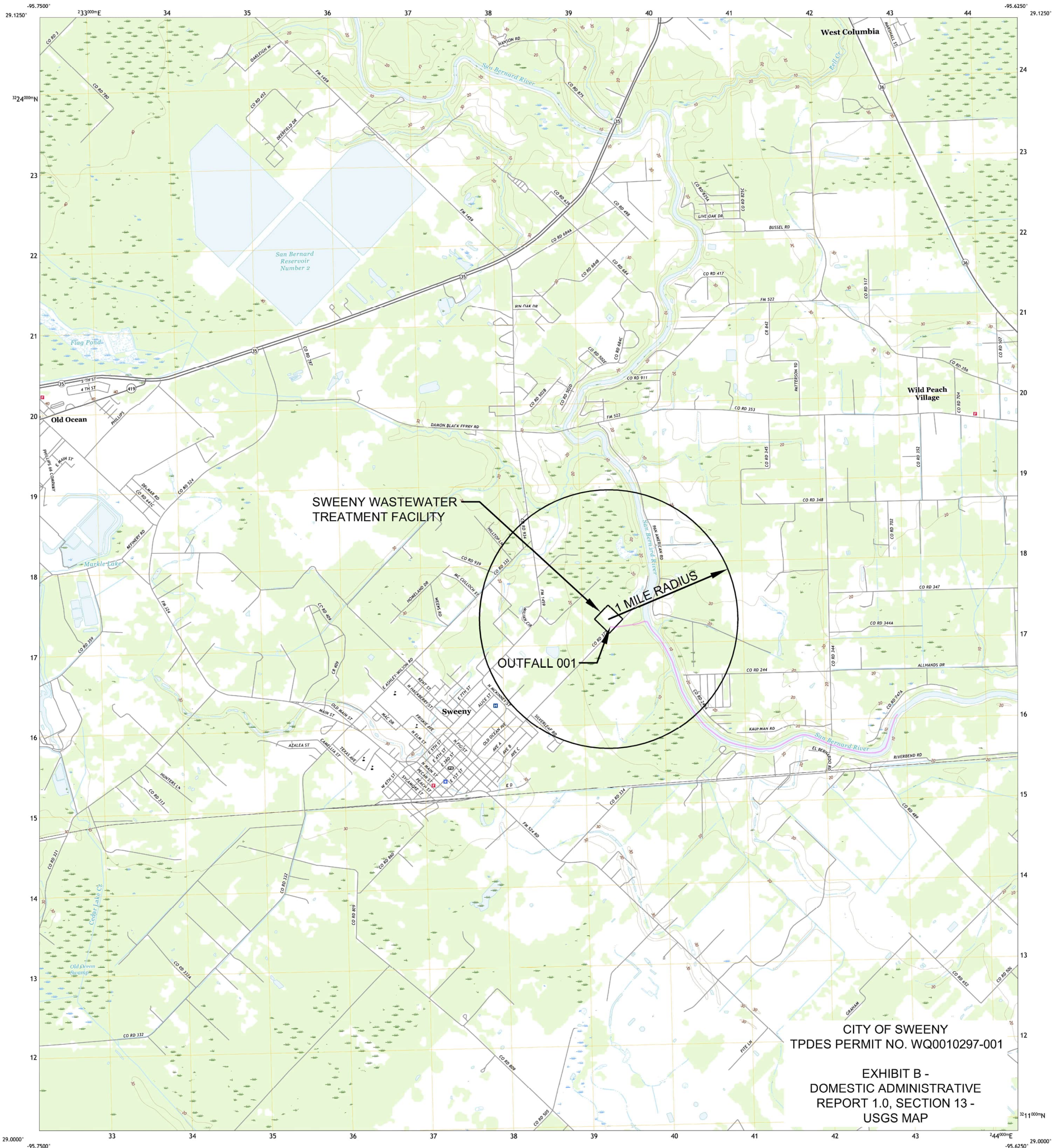
46. By my signature below, I certify, to the best of my knowledge, that the information provided in this form is true and complete, and that I have signature authority to submit this form on behalf of the entity specified in Section II, Field 6 and/or as required for the updates to the ID numbers identified in field 39.

Company:	City of Sweeny	Job Title:	Mayor
Name (In Print):	Jeff Farley	Phone:	979 548 3321
Signature:		Date:	6-19-19

**CITY OF SWEENY
WASTEWATER TREATMENT PLANT
TPDES PERMIT NO. WQ0010297-001**

**EXHIBIT B
Domestic Administrative Report 1.0, Section 13**

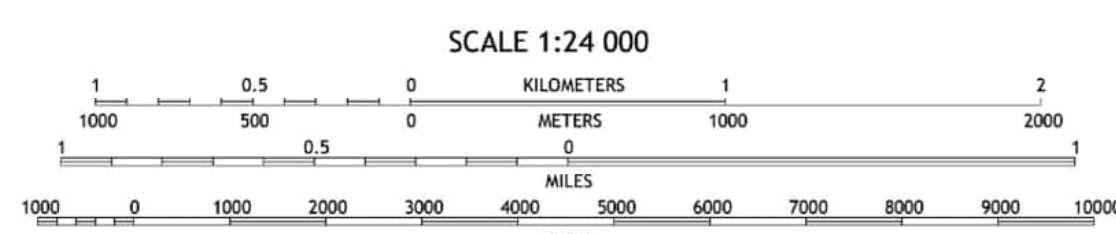
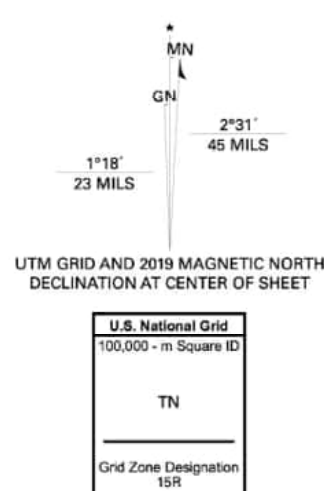
USGS Map



Produced by the United States Geological Survey

North American Datum of 1983 (NAD83)
World Geodetic System of 1984 (WGS84). Projection and
1 000-meter grid: Universal Transverse Mercator, Zone 15R
This map is not a legal document. Boundaries may be
generalized for this map scale. Private lands within government
reservations may not be shown. Obtain permission before
entering private lands.

Imagery.....NAIP, September 2016 - November 2016
Roads.....U.S. Census Bureau, 2015
Names.....GNIS, 2000 - 2018
Hydrography.....National Hydrography Dataset, 2002 - 2018
Contours.....National Elevation Dataset, 2004 - 2008
Boundaries.....Multiple sources; see metadata file 2016 - 2017
Wetlands.....FWS National Wetlands Inventory 1992



CONTOUR INTERVAL 10 FEET
NORTH AMERICAN VERTICAL DATUM OF 1988
This map was produced to conform with the
National Geospatial Program US Topo Product Standard, 2011.
A metadata file associated with this product is draft version 0.6.18



1	2	3
4	5	6
7	8	

ADJOINING QUADRANGLES

- 1 Danciger
- 2 West Columbia
- 3 East Columbia
- 4 Ashwood
- 5 Brazoria
- 6 Bay City NE
- 7 Cedar Lane
- 8 Cedar Lane NE

ROAD CLASSIFICATION

Expressway	Local Connector
Secondary Hwy	Local Road
Ramp	4WD
Interstate Route	US Route
	State Route

**CITY OF SWEENY
WASTEWATER TREATMENT PLANT
TPDES PERMIT NO. WQ0010297-001**

**EXHIBIT C
Domestic Technical Report 1.0, Section 2.A.**

Description of Treatment Process

**CITY OF SWEENY
TPDES PERMIT NO. WQ0010297-001**

**EXHIBIT C
DOMESTIC TECHNICAL REPORT 1.0, SECTION 2.A.**

DESCRIPTION OF THE TREATMENT PROCESS

The City of Sweeny Wastewater Treatment Plant is a carrousel oxidation ditch that operates in the extended aeration mode of the activated sludge process. The treatment plant is also equipped with final clarification and return sludge capabilities.

Raw sewage from the collection system enters an influent lift station and is pumped to the mechanical bar screen. The screenings from the bar screen are collected and disposed of in a safe and legal manner. After the debris is removed by the bar screen, the influent flows to the oxidation ditch for aeration. The sewage is aerated by carrousel rotors in the oxidation ditch.

From the oxidation ditch, the mixed liquor flows to the final clarifiers where the sludge settles to the bottom of the basins. The settled effluents flows over weirs at the top of the basins and is discharged to the chlorine contact chamber for disinfection. As the effluent flows from the clarifiers to the chlorine contact chamber, a chlorine solution is injected into the effluent. The effluent is retained in the chamber for a minimum of 20 minutes. Following disinfection, the effluent flow is measured with an ultrasonic level indicator as the water flows over a 90° V-notch weir. The effluent is then discharge through a 24” pipe into a drainage channel that flows to the San Bernard River.

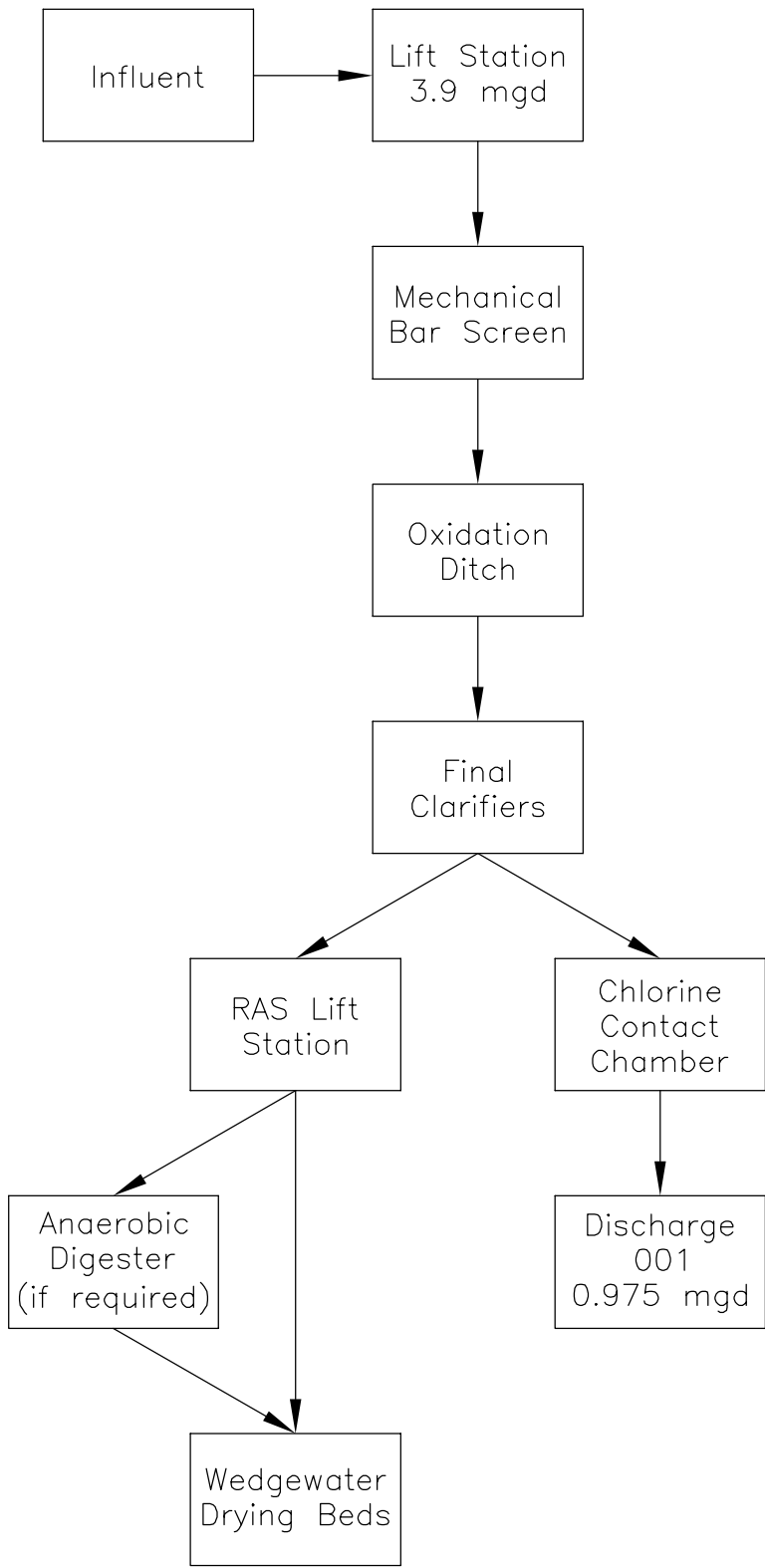
The settled sludge is collected from the bottom of the clarifiers and either returned to the oxidation ditch for mixing or wasted to the wedgewater drying beds. Before being discharged to the wedgewater drying beds, a polymer solution is added to the sludge to assist in the dewatering of the biosolids. Once the sludge reaches a semi-solid state, it is transported via permitted hauler to the Seabreeze Environmental Landfill in Brazoria County for disposal.

**CITY OF SWEENY
WASTEWATER TREATMENT PLANT
TPDES PERMIT NO. WQ0010297-001**

**EXHIBIT D
Domestic Technical Report 1.0, Section 2.C.**

Process Flow Diagram

CITY OF SWEENY
TPDES PERMIT NO. WQ0010297-001



Strand Associates, Inc.
TBPE No. F-8405
1906 Niebuhr Street
Brenham, Texas 77833
(979) 836-7937
Fax (979) 836-7936

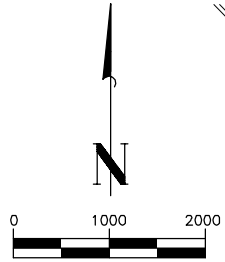
CITY OF SWEENY
EXHIBIT D - DOMESTIC TECHNICAL
REPORT 10, SECTION 2C -
PROCESS FLOW DIAGRAM

Scale: SEE BAR SCALE	
Project Number: 3920.050	
Drawn By: JKW	Date: 06-05-19
Revised:	
Sheet Number: 1	...Of... 1

**CITY OF SWEENY
WASTEWATER TREATMENT PLANT
TPDES PERMIT NO. WQ0010297-001**

**EXHIBIT E
Domestic Technical Report 1.0, Section 3**

Site Drawing



CITY OF SWEENY
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 TBPE No. F-8405
 1906 Niebuhr Street
 Brenham, Texas 77833
 (979) 836-7937
 Fax (979) 836-7936

CITY OF SWEENY
EXHIBIT E - DOMESTIC TECHNICAL REPORT 1.0,
SECTION 3 - SITE DRAWING

Scale: SEE BARSCALE	
Project Number: 3920.050	
Drawn By: JKW	Date: 06-05-19
Revised:	
Sheet Number: 1Of.... 175

**CITY OF SWEENY
WASTEWATER TREATMENT PLANT
TPDES PERMIT NO. WQ0010297-001**

**EXHIBIT F
Domestic Technical Report 1.0, Section 7.**

Laboratory Results



Envirodyne Laboratories, Inc
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Houston, TX 77099
281.568.7880 Phone
www.envirodyne.com

09 July 2019

Sweeny, City of
Gene West
102 W. Ashley Wilson
Sweeny, TX 77480

Sweeny, City of (Permit Renewal)

Enclosed are the results of analyses for samples received by the laboratory on 25-Jun-19 15:50. The analytical data provided relates only to the samples as received in this laboratory report.

ELI certifies that all results are NELAP compliant and performed in accordance with the referenced method except as noted in the Case Narrative or as noted with a qualifier. Any reproductions of this laboratory report should be in full and only with the written authorization from the client.

The total number of pages in this report is 11

Thank you for selecting ELI for your analytical needs. If you have any questions regarding this report, please contact us.

Sincerely,

A handwritten signature in cursive script that reads 'Laura Bonjonia'.



Laura Bonjonia For Daniela Mireles
Client Services Representative

Certificate No: T104704265-18-14



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Client: Sweeny, City of
Project: Sweeny, City of (Permit Renewal)
Work Order: 19F3098
Reported:
09-Jul-19 19:03

ANALYTICAL REPORT FOR SAMPLES

Sample ID	Laboratory ID	Matrix	Date Sampled	Date Received
Effluent	19F3098-01	Water	25-Jun-19 08:30	25-Jun-19 15:50
Effluent (Micro)	19F3098-02	Water	25-Jun-19 08:35	25-Jun-19 15:50

L-Sample analyzed by NELAP accredited lab T104704231-19-23

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The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.

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Section 7. Pollutant Analysis of Treated Effluent (Instructions Page 58)

Is the facility in operation?

Yes No

If **no**, this section is not applicable. Proceed to Section 8.

If **yes**, provide effluent analysis data for the listed pollutants. **Wastewater treatment facilities** complete Table 1.0(2). **Water treatment facilities** discharging filter backwash water, complete Table 1.0(3).

Note: The sample date must be within 1 year of application submission.

Table 1.0(2) - Pollutant Analysis for Wastewater Treatment Facilities

Pollutant	Average Conc.	Max Conc.	No. of Samples	Sample Type	Sample Date/Time
CBOD ₅ , mg/l	2.0	2.0	1	Grab	6-25-19/0830
Total Suspended Solids, mg/l	2.2	2.2	1	Grab	6-25-19/0830
Ammonia Nitrogen, mg/l	0.38	0.38	1	Grab	6-25-19/0830
Nitrate Nitrogen, mg/l	0.70	0.70	1	Grab	6-25-19/0830
Total Kjeldahl Nitrogen, mg/l	0.94	0.94	1	Grab	6-25-19/0830
Sulfate, mg/l	15.3	15.3	1	Grab	6-25-19/0830
Chloride, mg/l	68.0	68.0	1	Grab	6-25-19/0830
Total Phosphorus, mg/l	0.13	0.13	1	Grab	6-25-19/0830
pH, standard units	7.33	7.33	1	Grab	6-25-19/0830
Dissolved Oxygen*, mg/l	6.90	6.90	1	Grab	6-25-19/0830
Chlorine Residual, mg/l	1.58	1.58	1	Grab	6-25-19/0830
<i>E.coli</i> (CFU/100ml) freshwater	<1	<1	1	Grab	6-25-19/0830
Enterococci (CFU/100ml) saltwater	N/A	N/A	N/A	N/A	N/A
Total Dissolved Solids, mg/l	330	330	1	Grab	6-25-19/0830
Electrical Conductivity, μ mohs/cm, †	N/A	N/A	N/A	N/A	N/A

Pollutant	Average Conc.	Max Conc.	No. of Samples	Sample Type	Sample Date/Time
Oil & Grease, mg/l	<5.0	<5.0	1	Grab	6-25-19/0830
Alkalinity (CaCO ₃)*, mg/l	214	214	1	Grab	6-25-19/0830

*TPDES permits only

†TLAP permits only

Table 1.0(3) - Pollutant Analysis for Water Treatment Facilities

Pollutant	Average Conc.	Max Conc.	No. of Samples	Sample Type	Sample Date/Time
Total Suspended Solids, mg/l					
Total Dissolved Solids, mg/l					
pH, standard units					
Fluoride, mg/l					
Aluminum, mg/l					
Alkalinity (CaCO ₃), mg/l					

Section 8. Facility Operator (Instructions Page 60)

Facility Operator Name: [REDACTED]

Facility Operator's License Classification and Level: [REDACTED]

Facility Operator's License Number: [REDACTED]

Section 9. Sewage Sludge Management and Disposal (Instructions Page 60)

A. Sludge disposal method

Identify the current or anticipated sludge disposal method or methods from the following list. Check all that apply.

- Permitted landfill
- Permitted or Registered land application site for beneficial use



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Client: Sweeny, City of	Reported:
Project: Sweeny, City of (Permit Renewal)	09-Jul-19 19:03
Work Order: 19F3098	

Effluent
19F3098-01 (Water) Sampled: 25-Jun-19 08:30

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Analyst	Notes
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Envirodyne Laboratories, Inc.

Field Analysis

Chlorine Residual, Total	1.58	0.01	mg/L	1	B9G1180	25-Jun-19	25-Jun-19 08:30	SM 4500-Cl G	BJ	
Dissolved Oxygen (DO)	6.90		mg/L	1	B9G1180	25-Jun-19	25-Jun-19 08:30	SM4500-O C	BJ	
pH	7.33		SU	1	B9G1180	25-Jun-19	25-Jun-19 08:30	SM4500H+ B	BJ	

Wet Chemistry

Alkalinity (m) as CaCO3	214	20.0	mg/L	1	B9G0270	02-Jul-19	02-Jul-19 11:32	SM 2320 B	JLH	
Alkalinity (p) as CaCO3	<20.0	20.0	mg/L	1	B9G0270	02-Jul-19	02-Jul-19 11:32	SM 2320 B	JLH	
Total Alkalinity as CaCO3	214	20.0	mg/L	1	[CALC]	02-Jul-19	02-Jul-19 11:32	[CALC]	JLH	
Ammonia-N (NH3-N)	0.38	0.20	mg/L	1	B9F3195	27-Jun-19	27-Jun-19 16:00	EPA 350.1	MES	P
CBOD-5	2.0	2.0	mg/L	1	B9G0157	26-Jun-19	26-Jun-19 11:52	SM5210 B	AGT	I
Chloride	68.0	3.0	mg/L	1	B9F3355	28-Jun-19	28-Jun-19 14:33	SM4500-Cl B	AT	
Nitrate-N	0.70	0.50	mg/L	1	B9F3112	26-Jun-19	26-Jun-19 14:50	EPA 353.1	MES	
Oil & Grease	<5.0	5.0	mg/L	1	B9F3238	01-Jul-19	02-Jul-19 11:05	EPA 1664 A	TS	
Sulfate	15.3	2.00	mg/L	1	B9F3347	28-Jun-19	28-Jun-19 11:30	ASTM D516-07	AT	
TDS	330	10.0	mg/L	1	B9F3321	27-Jun-19	28-Jun-19 15:45	SM2540 C	JCR	
TKN-N	0.94	0.50	mg/L	1	B9G0051	28-Jun-19	28-Jun-19 15:30	SM 4500-NH3 D	SUB	L
Total Phosphorus	0.13	0.10	mg/L	1	B9F3348	28-Jun-19	28-Jun-19 08:37	SM4500-P E	TS	
TSS	2.2	2.0	mg/L	1	B9F3205	27-Jun-19	27-Jun-19 13:42	SM2540 D	BM	

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Project: Sweeny, City of (Permit Renewal)
Work Order: 19F3098
Reported: 09-Jul-19 19:03

Effluent (Micro)
19F3098-02 (Water) Sampled: 25-Jun-19 08:35

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Analyst	Notes
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Microbiology

E.coli	<1	1	MPN/100 mL	1	B9F3335	25-Jun-19	25-Jun-19 16:25	SM9223 B	HBB	
--------	----	---	------------	---	---------	-----------	-----------------	----------	-----	--

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Work Order: 19F3098
Reported: 09-Jul-19 19:03

Microbiology - Quality Control
Envirodyne Laboratories, Inc.

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Notes
Batch B9F3335 - Microbiology										
Blank (B9F3335-BLK1)					Prepared & Analyzed: 25-Jun-19					
E.coli	<1	1	MPN/100 mL							
Duplicate (B9F3335-DUP1)					Source: 19F2636-02 Prepared & Analyzed: 25-Jun-19					
E.coli	<2	2	MPN/100 mL	<2				0	0.4598	

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Work Order: 19F3098

Reported:
09-Jul-19 19:03

Wet Chemistry - Quality Control

Envirodyne Laboratories, Inc.

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Notes
Batch B9F3112 - Inorganics										
Blank (B9F3112-BLK1) Prepared & Analyzed: 26-Jun-19										
Nitrate-N	<0.50	0.50	mg/L							
LCS (B9F3112-BS1) Prepared & Analyzed: 26-Jun-19										
Nitrate-N	2.95		mg/L	3.00		98.3	90-110			
Matrix Spike (B9F3112-MS1) Source: 19F2887-01 Prepared & Analyzed: 26-Jun-19										
Nitrate-N	2.97	0.50	mg/L	3.00	ND	99.0	80-120			
Matrix Spike Dup (B9F3112-MSD1) Source: 19F2887-01 Prepared & Analyzed: 26-Jun-19										
Nitrate-N	2.96	0.50	mg/L	3.00	ND	98.7	80-120	0.337	20	
Batch B9F3195 - Inorganics										
Blank (B9F3195-BLK1) Prepared & Analyzed: 27-Jun-19										
Ammonia-N (NH3-N)	<0.20	0.20	mg/L							
LCS (B9F3195-BS1) Prepared & Analyzed: 27-Jun-19										
Ammonia-N (NH3-N)	1.02		mg/L	1.00		102	90-110			
Matrix Spike (B9F3195-MS1) Source: 19F2300-01 Prepared & Analyzed: 27-Jun-19										
Ammonia-N (NH3-N)	1.05	0.20	mg/L	1.00	ND	105	90-110			
Matrix Spike Dup (B9F3195-MSD1) Source: 19F2300-01 Prepared & Analyzed: 27-Jun-19										
Ammonia-N (NH3-N)	1.06	0.20	mg/L	1.00	ND	106	90-110	0.948	20	
Batch B9F3205 - Inorganics										
Blank (B9F3205-BLK1) Prepared & Analyzed: 27-Jun-19										
TSS	<2.0	2.0	mg/L							

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Laura Bonjonia

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 Project: Sweeny, City of (Permit Renewal)
 Work Order: 19F3098

Reported:
 09-Jul-19 19:03

Wet Chemistry - Quality Control

Envirodyne Laboratories, Inc.

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Notes
Batch B9F3205 - Inorganics										
Duplicate (B9F3205-DUP1)		Source: 19F2874-01			Prepared & Analyzed: 27-Jun-19					
TSS	3.0	2.0	mg/L		3.2			6.45	20	
Batch B9F3238 - Inorganics										
Blank (B9F3238-BLK1)		Prepared: 01-Jul-19 Analyzed: 02-Jul-19								
Oil & Grease	<5.0	5.0	mg/L							
LCS (B9F3238-BS1)		Prepared: 01-Jul-19 Analyzed: 02-Jul-19								
Oil & Grease	34.3		mg/L	40.0		85.8	78-114			
LCS Dup (B9F3238-BSD1)		Prepared: 01-Jul-19 Analyzed: 02-Jul-19								
Oil & Grease	36.7		mg/L	40.0		91.8	78-114	6.76	18	
Batch B9F3321 - Inorganics										
Blank (B9F3321-BLK1)		Prepared: 27-Jun-19 Analyzed: 28-Jun-19								
TDS	<10.0	10.0	mg/L							
Duplicate (B9F3321-DUP1)		Source: 19F2311-01			Prepared: 27-Jun-19 Analyzed: 28-Jun-19					
TDS	698	10.0	mg/L		672			3.80	20	
Batch B9F3347 - Inorganics										
Blank (B9F3347-BLK1)		Prepared & Analyzed: 28-Jun-19								
Sulfate	<2.00	2.00	mg/L							

Envirodyne Laboratories, Inc.

Laura Bonjonia

Laura Bonjonia For Daniela Mireles, Client Services Representative

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Project: Sweeny, City of (Permit Renewal)
Work Order: 19F3098

Reported:
09-Jul-19 19:03

Wet Chemistry - Quality Control

Envirodyne Laboratories, Inc.

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Notes
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Batch B9F3347 - Inorganics

LCS (B9F3347-BS1) Prepared & Analyzed: 28-Jun-19										
Sulfate	20.3		mg/L	20.0		101	90-110			
Matrix Spike (B9F3347-MS1) Source: 19F2887-01 Prepared & Analyzed: 28-Jun-19										
Sulfate	27.0	2.00	mg/L	20.0	3.80	116	80-120			
Matrix Spike Dup (B9F3347-MSD1) Source: 19F2887-01 Prepared & Analyzed: 28-Jun-19										
Sulfate	27.7	2.00	mg/L	20.0	3.80	119	80-120	2.30	20	

Batch B9F3348 - Inorganics

Blank (B9F3348-BLK1) Prepared & Analyzed: 28-Jun-19										
Total Phosphorus	<0.10	0.10	mg/L							
LCS (B9F3348-BS1) Prepared & Analyzed: 28-Jun-19										
Total Phosphorus	1.08		mg/L	1.00		108	80-120			
Matrix Spike (B9F3348-MS1) Source: 19F2675-01 Prepared & Analyzed: 28-Jun-19										
Total Phosphorus	1.09	0.10	mg/L	1.00	0.0600	103	80-120			
Matrix Spike Dup (B9F3348-MSD1) Source: 19F2675-01 Prepared & Analyzed: 28-Jun-19										
Total Phosphorus	1.15	0.10	mg/L	1.00	0.0600	109	80-120	5.36	20	

Batch B9F3355 - Inorganics

Blank (B9F3355-BLK1) Prepared & Analyzed: 28-Jun-19										
Chloride	<3.0	3.0	mg/L							

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Laura Bonjonia

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Client: Sweeny, City of	
Project: Sweeny, City of (Permit Renewal)	Reported:
Work Order: 19F3098	09-Jul-19 19:03

Wet Chemistry - Quality Control
Envirodyne Laboratories, Inc.

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Notes
Batch B9F3355 - Inorganics										
LCS (B9F3355-BS1)					Prepared & Analyzed: 28-Jun-19					
Chloride	104		mg/L	100		104	90-110			
Matrix Spike (B9F3355-MS1)					Source: 19F3098-01 Prepared & Analyzed: 28-Jun-19					
Chloride	90.0	3.0	mg/L	20.0	68.0	110	80-120			
Matrix Spike Dup (B9F3355-MSD1)					Source: 19F3098-01 Prepared & Analyzed: 28-Jun-19					
Chloride	86.0	3.0	mg/L	20.0	68.0	90.0	80-120	4.55	20	
Batch B9G0157 - Inorganics										
Blank (B9G0157-BLK1)					Prepared & Analyzed: 26-Jun-19					
CBOD-5	<2.0	2.0	mg/L							
Blank (B9G0157-BLK2)					Prepared & Analyzed: 26-Jun-19					
CBOD-5	<2.0	2.0	mg/L							
LCS (B9G0157-BS1)					Prepared & Analyzed: 26-Jun-19					
CBOD-5	206		mg/L	198		104	84.6-115.4			
Duplicate (B9G0157-DUP1)					Source: 19F2669-01 Prepared & Analyzed: 26-Jun-19					
CBOD-5	2.00	2.0	mg/L		2.00			0.00	20	I
Batch B9G0270 - Inorganics										
Blank (B9G0270-BLK1)					Prepared & Analyzed: 02-Jul-19					
Alkalinity (m) as CaCO3	<20.0	20.0	mg/L							
Alkalinity (p) as CaCO3	<20.0	20.0	"							

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Client: Sweeny, City of
Project: Sweeny, City of (Permit Renewal)
Work Order: 19F3098
Reported: 09-Jul-19 19:03

Wet Chemistry - Quality Control
Envirodyne Laboratories, Inc.

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Notes
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Batch B9G0270 - Inorganics

LCS (B9G0270-BS1)

Prepared & Analyzed: 02-Jul-19

Alkalinity (m) as CaCO3	47.0		mg/L	50.0		94.0	90-110			
Alkalinity (p) as CaCO3	49.0		"	50.0		98.0	90-110			

Duplicate (B9G0270-DUP1)

Source: 19F3192-05

Prepared & Analyzed: 02-Jul-19

Alkalinity (m) as CaCO3	40.0	20.0	mg/L		39.0			2.53	20	
Alkalinity (p) as CaCO3	<20.0	20.0	"		<20.0			0	20	

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Client: Sweeny, City of

Project: Sweeny, City of (Permit Renewal)

Work Order: 19F3098

Reported:

09-Jul-19 19:03

Notes and Definitions

P	Sample preserved at bench
L	Analyzed by third party laboratory
I	Greater than 30% difference between highest and lowest values
DET	Analyte DETECTED
ND	Analyte NOT DETECTED at or above the reporting limit
NR	Not Reported
dry	Sample results reported on a dry weight basis
RPD	Relative Percent Difference
CLT	Client Representative

Envirodyne Laboratories, Inc.

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19F3098

Envirodyne Laboratories, Inc.

11011 Brooklet, Ste. 230

Houston, Texas 77099-3543

Phone (281)568-7880 - Fax (281)568-8004

E A25389

Item 4.

Page 1 Of 1

TCEQ Certification # T104704265

Name: City of Sweeny Analysis Request and Chain of Custody Record
 Address: 102 W. Ashley Wilson Rd
 City: Sweeny, TX 77480
 Contact: Gene West Phone: 979-482-3152 Fax: 979-548-7745

Project No. Client/Project
City of Sweeny Permit Renewal

Lab ID No.	Field Sample No./ Identification	Date & Time	Grab	Comp	Sample Container (Size/Mat'l)	Sample Type (Liquid, Sludge, etc.)	Preservative	ANALYSIS REQUESTED	pH	D.O.	Temp.	Analysis Time
	Effluent	08/23/19 0930	X		NA	Liquid	NA	pH, DO, Cl2	7.33	6.00	24	0932
	Effluent	08/23/19 0930	X		1-gal/cubie	Liquid	Ice	CBOD, TSS, SO4, Cl, TDS, Alk, NO3N	-			
	Effluent	08/23/19 0930	X		500 ml/P	Liquid	Ice, H2SO4	NH3-N, TKN, T-PO4	-			
	Effluent	08/23/19 0934	X		1-Lt/G	Liquid	Ice, HCl	O & G	-			
	Effluent	08/23/19 0935	X		20ml/dex	Liquid	Ice, Na2S2O3	Ecoli				

Samplers: (Signature) Affiliation 	Relinquished by: (Signature)	Date: Time:	Received by: (Signature)	Date: Time:	Seal Intact?
	Relinquished by: (Signature)	Date: Time:	Received by: (Signature)	Date: Time:	Seal Intact?
	Relinquished by: (Signature)	Date: 08/23/19 Time: 1550	Received by Lab: (Signature)	Date: 08/23/19 Time: 1550	Seal Intact?

Remarks: FLOW: _____
 Meter Reading: _____
 Cl Residual: 1.55
 Mn Correction: _____
 Cl Corrected: _____

Arrival Temp: 37.13.7
 12RM

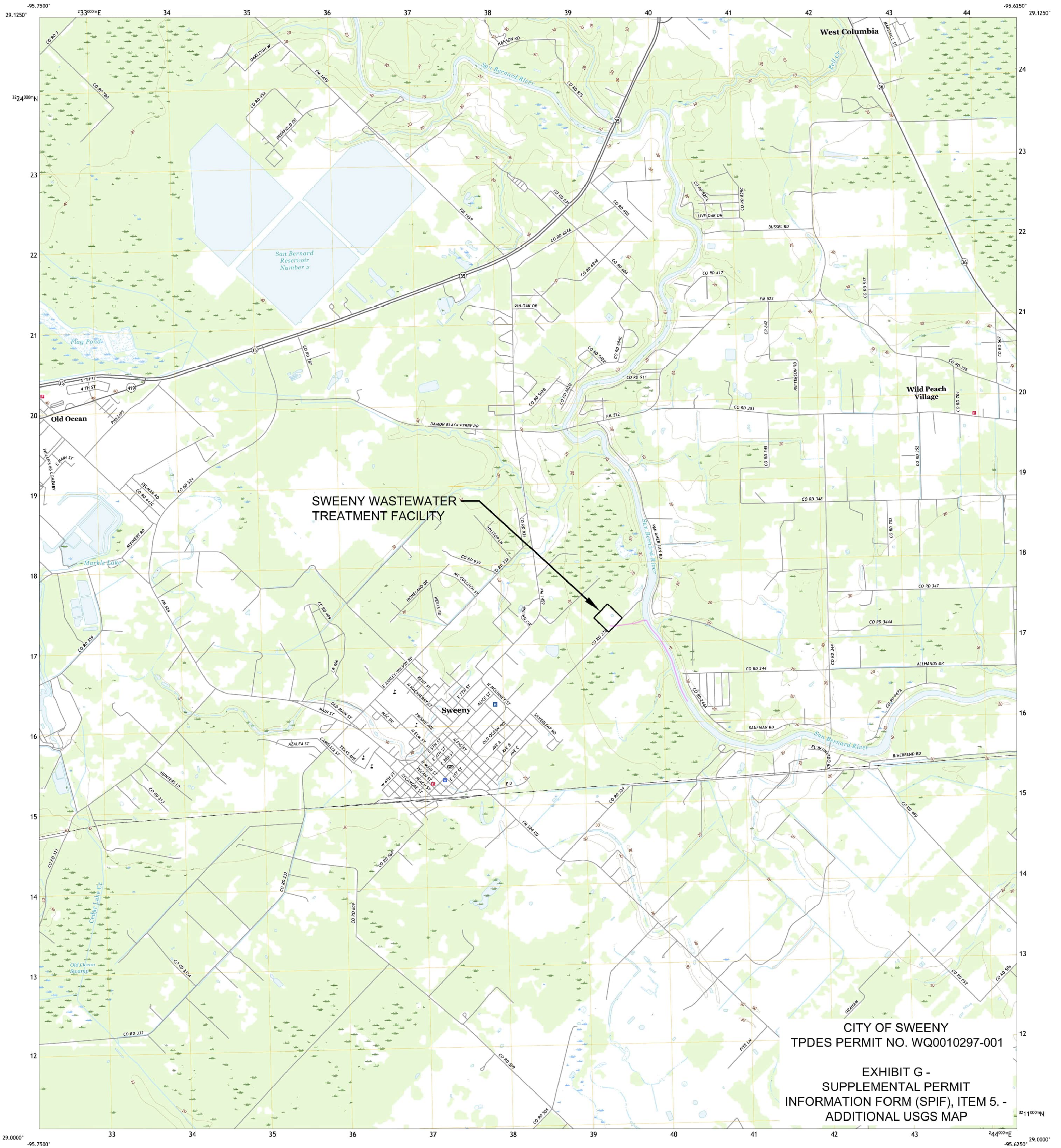
Data Results To: _____
 Site Representative: _____

Laboratory No. _____

**CITY OF SWEENY
WASTEWATER TREATMENT PLANT
TPDES PERMIT NO. WQ0010297-001**

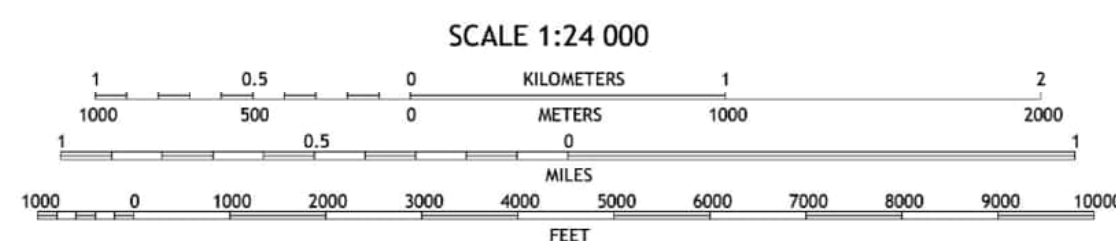
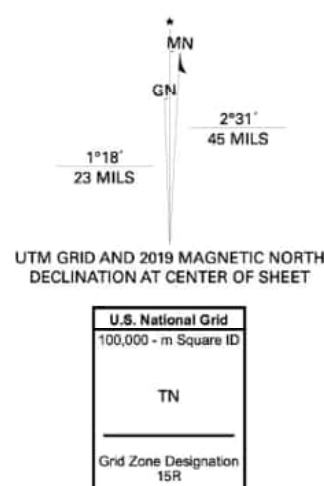
**EXHIBIT G
Supplemental Permit Information Form (SPIF), Item 5.**

Additional USGS Map



Produced by the United States Geological Survey
North American Datum of 1983 (NAD83)
World Geodetic System of 1984 (WGS84). Projection and
1 000-meter grid/Universal Transverse Mercator, Zone 15R
This map is not a legal document. Boundaries may be
generalized for this map scale. Private lands within government
reservations may not be shown. Obtain permission before
entering private lands.

Imagery.....NAIP, September 2016 - November 2016
Roads.....U.S. Census Bureau, 2015
Names.....GNSS, 2000 - 2018
Hydrography.....National Hydrography Dataset, 2002 - 2018
Contours.....National Elevation Dataset, 2004 - 2008
Boundaries.....Multiple sources; see metadata file 2016 - 2017
Wetlands.....FWS National Wetlands Inventory 1992



1	2	3
4	5	6
7	8	

ADJACING QUADRANGLES



CITY OF SWEENEY
TPDES PERMIT NO. WQ0010297-001

EXHIBIT G - SUPPLEMENTAL PERMIT INFORMATION FORM (SPIF), ITEM 5. - ADDITIONAL USGS MAP

**CITY OF SWEENY
WASTEWATER TREATMENT PLANT
TPDES PERMIT NO. WQ0010297-001**

EXHIBIT H

Copy of application payment & cover letter to TCEQ.

REFERENCE NO.	DESCRIPTION	INVOICE DATE	INVOICE AMOUNT	DISCOUNT TAKEN	AMO
	Inspection/Permit Fees <i>City of Sweeny Texas</i> <i>Permit Renewal application + Postage Fee</i> <i>TIDES Permit No. W000010297-001</i>				1,615.00
CHECK DATE	CHECK NO.	PAYEE		DISCOUNTS TAKEN	CHECK AMOUNT
6/20/19	37937	Texas			\$1,615.00

SECURITY FEATURES INCLUDE TRUE WATERMARK PAPER, HEAT SENSITIVE ICON AND FOIL HOLOGRAM.

CITY OF SWEENEY
 P.O. BOX 248
 SWEENEY, TX 77480

THE FIRST STATE BANK
 88-2306/1131

37937
FRAUDARMDR

CHECK NO.
37937

DATE
Jun 20, 2019

AMOUNT
1,615.00

One Thousand Six Hundred Fifteen and 00/100 Dollars

PAY TO THE ORDER OF
 Texas CommOn Environmental Quality
 Financial Adm Division
 PO Box 13088
 Austin, TX 78711-3089

Memo: 0101509

VALID VALID
 VALID VALID
 VALID VALID
 VALID VALID

Cindy King
Debra Amshew
 AUTHORIZED SIGNATURE

⑈037937⑈ ⑆113123065⑆ 10 4726 4⑈



AGENDA MEMO

Business of the City Council
City of Sweeny, Texas

Meeting Date	03.19.2024	Agenda Item	
Approved by City Manager	Yes	Presenter(s)	Lindsay Koskiniemi, City Manager
Reviewed by City Attorney	Yes	Department	General
Subject	Discussion and possible action on a request from City Manager to move the regularly schedule City Council meeting in April to an alternate date.		
Attachments	None		
Financial Information	Expenditure Required:	N/A	
	Amount Budgeted:	N/A	
	Account Number:		
	Additional Appropriation Required:		
	Additional Account Number:		

Executive Summary

I have requested to take vacation on April 12, April 15, and April 16 and will be travelling on April 16th and therefore request to have the meeting date for the regularly scheduled City Council meeting in April changed from Tuesday, April 16th to Wednesday, April 17th at the normal time of 6:00 p.m.

Mr. Charlie has confirmed that he will be able to attend on April 17th, if approved by Council.

Recommended Action

Council discretion.



AGENDA MEMO

Business of the City Council City of Sweeny, Texas

Meeting Date	03.19.2024	Agenda Item	
Approved by City Manager	Yes	Presenter(s)	Patrick Wiltshire, Public Management, Inc. Lindsay Koskiniemi, City Manager
Reviewed by City Attorney	No	Department	Administration, Development Services
Subject	Discussion and possible action to pursue a grant through the General Land Office, Department of Community Development and Revitalization for the 2022 Resilient Communities Program and post a request for proposals for municipal planning services.		
Attachments			
Financial Information	Expenditure Required:	\$0	
	Amount Budgeted:	\$0 – may change with award	
	Account Number:		
	Additional Appropriation Required:		
	Additional Account Number:		

Executive Summary

In June 2022, the Texas General Land Office opened on a first come, first serve basis, an application for Resilient Communities Program (RCP) for up to \$300,000 per applicant.

RCP “will fund the development, adoption and implementation of modern and resilient building codes for flood damage prevention ordinances to ensure that structures built within the community can withstand future hazards.” (Tx GLO, Community Development & Revitalization, 2022).

Staff believes that Sweeny is an excellent candidate for this no-match funding opportunity and requests Council’s support. Attached to this agenda item is a proposed request for proposals for municipal planning services. Professional services would be funded with the award.

With Council’s support, this RFP will be posted on the City website by Friday, March 22nd and advertised in “The Facts” the week of March 25th, with a submittal deadline of April 25th, 2024 at 2:00 p.m.

A link to a short Resilient Communities Program fast facts video:
<https://recovery.texas.gov/mitigation/programs/resilient-communities-program/index.html>

Recommended Action

Staff recommends approval.

Recommended motion:

“I move we approve staff’s pursuit of a grant through the Texas General Land Office, Department of Community Development and Revitalization for the Resilient Communities Program and advertise a solicitation for municipal planning services related thereto.”



RESILIENT COMMUNITIES PROGRAM

Texas General Land Office
Community Development & Revitalization

The Texas General Land Office (GLO) allocated up to \$100 million in Community Development Block Grant Mitigation (CDBG-MIT) funds for the Resilient Communities Program (RCP). The RCP will fund the development, adoption, and implementation of modern and resilient building codes and flood damage prevention ordinances to ensure that structures built within the community can withstand future hazards.

More information and the application are available
at recovery.texas.gov/rcp.

Communities are encouraged to also learn about RCP's companion program, the Local Hazard Mitigation Plans Program (LHMPP), which is actively accepting applications. Visit LHMPP's web page at recovery.texas.gov/mitigation/lhmpp.

▶ Eligibility Criteria

Applications will have a maximum of \$300,000 per applicant, first-come first-served.

At least 50% must address mitigation needs in the CDBG-MIT most impacted and distressed (MID) areas identified by the United States Department of Housing and Urban Development (HUD).

▶ Eligible Applicants

Units of local government (e.g., cities, counties, federally recognized tribes, and councils of governments) located in a CDBG-MIT eligible area. Entity must have legal authority to adopt and enforce the building code, zoning ordinance, land use plan, and/or comprehensive plan proposed in the RCP application.

Planning Activities

Develop, update, adopt, and implement:

- **BUILDING CODES** that meet or exceed International Residential Code (IRC) edition 2012;
- **FLOOD DAMAGE PREVENTION ORDINANCES**
 - Must require new structures to be at least 2-feet above base flood elevation;
- **ZONING ORDINANCES**
 - based upon a land use plan or comprehensive plan; and
- Forward-looking **LAND USE PLANS** and/or **COMPREHENSIVE PLANS** that integrate hazard mitigation planning.

Public Service Activities

Activities leading to an increase in community knowledge and/or the National Flood Insurance Program's voluntary Community Rating System's (CRS) incentive program.

Examples include education and outreach campaigns that alert communities and beneficiaries to mitigation opportunities and best practices.

Public Service activities must meet a HUD national objective.

▶ Technical Assistance

RCP staff is available to assist potential applicants with understanding how the program can best assist in meeting the needs of the community with regard to mitigation activities, such as modern building code adoption, that increase the resilience and reduce the likelihood of losses of life and property from future disasters.

 RCP Contact information: (512) 770-4900

 rcp.glo@recovery.texas.gov

RUN IN CLASSIFIED/LEGALS AS A STANDARD PUBLIC NOTICE
ONE TIME ONLY
(DATE BELOW)

Item 6.

Questions? Contact LINDSAY KOSKINIEMI, CITY MANAGER at (979)548-3321

AD STARTS HERE

Request for Proposals
CITY OF SWEENY

The City of Sweeny plans to apply for a Resilient Communities Program (RCP) grant from the Texas General Land Office (GLO) for eligible activities. The CITY is seeking to contract with a qualified planning consultant to assist in the application preparation, development of the planning process and associated planning reports, and grant contract compliance. Please mail via UPS or hand deliver your proposal of services and a statement of qualifications for the proposed services to the following address: 102 W. Ashley Wilson Road, Sweeny, Texas 77480. Proposals must be received no later than 2:00 p.m. on THURSDAY, APRIL 25, 2024 to be considered. The CITY OF SWEENY reserves the right to negotiate with any and all individuals or firms that submit proposals and may award one or more contracts to one or more service provider(s). Section 3 Residents and Business Concerns, Minority Business Enterprises, Small Business Enterprises and Women Business Enterprises, and Labor Surplus Area firms are encouraged to submit proposals. CITY OF SWEENY is an Affirmative Action/Equal Opportunity Employer. Servicios de traducción están disponibles por petición.

AD ENDS HERE

PRINT IN CLASSIFIED/LEGALS AS A STANDARD PUBLICNOTICE

Run Date	
Newspaper	
Billing to	
Questions call	
Due at Paper	

COVER PAGE

The City of Sweeny, a home-rule city in Brazoria County, Texas plans to apply for a Resilient Communities Program (RCP) grant from the Texas General Land Office (GLO) for eligible activities. The City of Sweeny is seeking to contract with a qualified planning consultant to assist in the application preparation, development of the planning process and associated planning reports, and grant contract compliance.

Please send your proposal of services and a statement of qualifications for the proposed services via UPS or hand delivery to the following address: Sweeny City Hall at 102 W. Ashley Wilson Road, Sweeny, TX 77480. Proposals must be received by the City of Sweeny no later than Thursday, April 25th, 2024, at on 2:00 p.m. to be considered.

The City of Sweeny reserves the right to negotiate with any and all individuals or firms that submit proposals and may award one or more contracts to one or more service provider(s). Section 3 Residents and Business Concerns, Minority Business Enterprises, Small Business Enterprises and Women Business Enterprises, and Labor Surplus Area firms are encouraged to submit proposals.
The City of Sweeny is an Affirmative Action/Equal Opportunity Employer.

Request for Proposals for Planning Services

The CITY OF SWEENY is seeking to enter a professional services contract with a competent planning consultant to assist the City of Sweeny in the application preparation, overall development of the planning process and associated planning reports, as well as grant contract compliance, if funded by the Texas General Land Office (GLO) for the Resilient Communities Program (RCP). The following outlines the request for proposals.

I. **Scope of Work** - The contract will encompass all project related services to the City of Sweeny, including, but not limited to, the completion of an application in conformance with the GLO-RCP Application Guide and performance of activities described in the attached Texas General Land Office Resilient Communities Program performance statement.

A final scope of work will be developed through the application process, comprised of one or more planning activities described in the attached Sample Performance Statement.

II. **Statement of Qualifications** - The City of Sweeny is seeking to contract with a competent planning and/or engineering firm that has experience in the following areas:

- a) Experience with the federal Community Development Block Grant program, through either the HUD Entitlement Program, the Non-entitlement Texas Community Development Block Grant Program, or the Community Development Block Group – Disaster Recovery/Mitigation programs.
- b) Performance of activities described in the attached Sample Performance Statement.

As such, please provide within your proposal a list of past client local governments, as well as resumes of all planners and/or engineers who will or may be assigned to this project if your firm received the planning services contract award.

III. **Proposed Cost of Services** -. Please specify the proposed cost to the City of Sweeny, and estimated time of completion. These include a proposed cost by Scope of Work category of what you or your firm feels is appropriate for each area of the Scope of Work. Please note that the city of Sweeny will not use lowest/best bid as the sole basis for entering into this contract.

IV. **Evaluation Criteria** - The proposals received will be evaluated and ranked according to the following criteria:

Criteria	Maximum Points
Experience	45
Work Performance	30
Capacity to Perform	10
Proposed Cost	5
Total	100

V. **Submission Requirements**

- A copy of your current **certificate of insurance** for professional liability.
- **Statement of Conflicts of Interest** (if any) the service provider or key employees may have regarding these services, and a plan for mitigating the conflict(s). Note that City of Sweeny may in its sole discretion determine whether or not a conflict disqualifies a firm, and/or whether or not a conflict mitigation plan is acceptable.
- **System for Award Management**. Service provider and its Principals, may not be debarred or suspended nor otherwise on the Excluded Parties List System (EPLS) in the System for Award Management (SAM). Include verification that the service provider as well as its principals are not listed (are not debarred) through the System for Award Management (www.SAM.gov). Enclose a printout of the search results that includes the record date.

- **Form CIQ**, (enclosed). Texas Local Government Code chapter 176 requires that any vendor or person who enters or seeks to enter into a contract with a local government entity disclose in the Questionnaire Form CIQ the vendor or person's employment, affiliation, business relationship, family relationship or provision of gifts that might cause a conflict of interest with a local government entity. Questionnaire form CIQ is included in the RFP and must be submitted with the response.
- **Certification Regarding Lobbying** (enclosed). Certification for Contracts, Grants, Loans, and Cooperative Agreements is included in the RFP and must be submitted with the response.
- **Form 1295**, Effective January 1, 2016, all contracts and contract amendments, extensions, or renewals executed by the Commissioners Court will require the completion of Form 1295 "Certificate of Interested Parties" pursuant to Government Code § 2252.908. Form 1295 must be completed by awarded vendor at time of signed contract submission. Form 1295 is included in this RFP for your information.
- **Required Contract Provisions**. Applicable provisions (enclosed) must be included in all contracts executed as a result of this RFP.

VI. **Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms.** - Small and minority businesses, women's business enterprises, and labor surplus area firms are encouraged to participate in this RFP. If the awarded vendor is a prime contractor and may use subcontractors, the following affirmative steps are required of the prime contractor:

- 1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
- 2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
- 3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
- 4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
- 5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration (SBA) and the Minority Business Development Agency (MBDA) of the Department of Commerce.

Minority-owned businesses may be eligible for contract procurement assistance with public and private sector entities from MBDA centers:

Houston MBDA Business Center
2302 Fannin Street, Suite 165, Houston, TX 77002
713-718-8974
<https://www.hccs.edu/hcc-in-the-community/entrepreneurial-initiatives/mbda/>

Dallas-Fort Worth MBDA Business Center
8828 N Stemmons Freeway - Ste 550-B, Dallas, TX 75247
214-920-2436
<http://www.mbdadfw.com/>

San Antonio MBDA Business Center
501 W César E Chávez Blvd., San Antonio, TX 78207
210-458-2480
<https://sanantoniombdacenter.com/>

MBDA Business Center – El Paso
c/o El Paso Hispanic Chamber of Commerce
2401 E. Missouri Ave.
El Paso, TX 79903
915-351-6232 ext. 19
<https://ephcc.org/blog/growing-my-existing-business/our-mbda-business-center/>

Small and woman-owned businesses may be eligible for assistance from SBA Women's Business Centers:

Houston Women's Business Council, Inc.
9800 Northwest Freeway, Suite 120, Houston, TX 77018
713-681-9232
wbc@wbea-texas.org

LiftFund - Dallas Fort Worth Women's Business Center
8828 N. Stemmons Fwy, Suite 142, Dallas, TX 75247
888-215-2373
wbcdw@liftfund.com

LiftFund - San Antonio Women's Business Center
600 Soledad St., San Antonio, TX 78205
888-215-2373
wbc@liftfund.com

SBA also provides assistance at Small Business Development Centers located across Texas:
<https://americassbdc.org/small-business-consulting-and-training/find-your-sbdc/>

- VII. Deadline for Submission – Proposals must be received no later than **Thursday, April 25, 2024, at 2:00 p.m. included in the newspaper notice**. It is the responsibility of the submitting entity to ensure that the proposal is received in a timely manner. Proposals received after the deadline will not be considered for award, regardless of whether or not the delay was outside the control of the submitting firm. **Please submit your proposal via UPS or hand delivery to 102 W. Ashley Wilson Road, Sweeny, Texas 77480.**

Any questions or requests for clarification must be submitted in writing via EMAIL to Lindsay Koskiniemi, City Manager at citymanager@sweenytx.gov at least 3 business days prior to the deadline. City of Sweeny may, if appropriate, circulate the question and answer to all service providers submitted proposals.

SAMPLE PERFORMANCE STATEMENT

1. BASE MAPPING

Contractor shall prepare a corporate area base map, which should coordinate with the State Plane Coordinate System, in digitized format and hardcopy to include:

- (1) Highway and street rights-of-way;
- (2) Highway designations and street names;
- (3) All major drainage ways;
- (4) Major bodies of water;
- (5) Block and lot lines for all platted subdivisions as available;
- (6) Property lines within unplatted subdivisions as available;
- (7) The width of all major utility easements;
- (8) Railroad rights-of-way;
- (9) All subdivisions and their names;
- (10) Corporate limits;
- (11) Other major facilities or features to include but not necessarily limited to:
 - (a) Major park and recreation areas and facilities;
 - (b) Water Treatment plants;
 - (c) Sewage Treatment plants;
 - (d) Extraterritorial jurisdiction line, as appropriate; and
 - (e) Other significant features.

2. HOUSING INVENTORY, ANALYSIS AND PLAN

- a. Contractor shall prepare a housing conditions inventory, analysis and plan which shall, to the fullest extent possible, be based on the participation of a diverse and representative group of housing interests. (A “diverse and representative group of housing interests” includes owners and renters, realtors, developers, builders, single persons, families, minorities, disabled persons, etc. Generally, all persons must be encouraged to participate in plan preparation, particularly those considered within the protected classes of the Fair Housing Act. No person shall be excluded or denied program benefits on the basis race, color, religion, sex, handicap (disability), national origin, and familial status).
- b. Contractor shall develop criteria to be used in the classification of building conditions and formulate definitions for each classification. As a minimum, the three following classifications shall be utilized within the study: 1) Standard, 2) Deteriorating, and 3) Dilapidated.
- c. Contractor shall perform an assessment of the exterior of all residential buildings within the city to determine the physical condition of each building or structure. Contractor shall record vacant and abandoned residential units as the assessment is being made.
- d. To the extent possible, the Contractor shall determine whether housing is owner or renter occupied.
- e. Contractor shall use the base map at its contracted scale to create a Housing Conditions Map depicting all housing conditions as inventoried and showing all housing and its classification as defined by the developed criteria.
 - (1) Included on the map shall be the delineation of low and moderate income areas, as can be determined from the most recent available Census and/or demographic survey, with a brief narrative for the basis of their delineation.
 - (2) Included on the map shall be clearly marked units and/or areas of affordable housing that are properly represented on the map legend.
 - (3) Included on the map shall be census geographic boundary delineations as available from the most recent Census. The map shall show any identified areas that contain a concentration of aforementioned protected classes within the community.
- f. Contractor shall conduct an analysis of housing data to determine problems and housing

needs of the current and prospective population and identifiable segments of the population, including the need for fair housing.

g. Contractor shall identify previous implementation actions, both public and private, taken during the past two years to implement or improve housing programs, including fair housing.

h. Contractor shall determine what local administrative and legal capacity is available or in effect to overcome housing-related problems which could be utilized more fully, (such as, the use of non-profit organizations), to improve housing, provide remedies to housing needs, including the need for fair housing.

i. Contractor shall prepare a goal(s) statement and annual housing related objectives. To the extent possible, objectives shall be stated in quantifiable terms and target dates set for their achievement.

j. Contractor shall identify future implementation actions and probable costs, both public and private, to be taken annually over the next three to five years. These activities shall result in the preparation of an overall program design for housing related activities, including fair housing and improved housing stock resiliency during and after disaster situations.

3. POPULATION

a. Contractor shall determine existing population estimates of the locality by occupied dwelling units. A realistic assessment of the locality's existing population shall be made by reliable methods.

b. Contractor shall:

(1) Estimate the locality's future population by five-year increments for the next fifteen to twenty years based on existing trends.

(2) Analyze the distribution of classes protected by federal fair housing laws on the basis of race, color, religion, sex, handicap (disability), national origin, and familial status within the community, where such information is available from the most recent Census or other official publications at the block or block group level.

(3) Use the base map at its contracted scale for illustrative purposes and create a Population Distribution Map showing the existing and projected population distribution for the planning period. The map shall show any identified areas that contain a concentration of aforementioned protected classes within the community. Included on the map shall be census geographic boundary delineations as available from the most recent Census.

4. LAND USE INVENTORY, ANALYSIS AND PLAN

a. Contractor shall assess and inspect each plot, tract and parcel of land within the project area to determine its use. The project area should include the city's extraterritorial jurisdiction (ETJ), if significant development has occurred there.

b. Categories in classifying land uses shall include, as a minimum, the following:

(1) Vacant (vacant developed or vacant undeveloped);

(2) Agriculture (cultivated and range land - five or more acres);

(3) Residential (single family, two family, multi-family, manufactured and mobile homes);

(4) Commercial; (retail and services);

(5) Industrial; (light and heavy);

(6) Public and Semi-Public (schools, parks and public buildings); and

(7) Other such additional or subcategories as may be deemed necessary to accurately reflect the existing pattern of land areas.

c. Contractor shall prepare a color-coded Existing Land Use Map of the corporate area using the base map at its contracted scale. Contractor shall prepare a color-coded map of existing land uses within the planning area at appropriate scale, if the development within the ETJ or portion of the ETJ was determined to be significant in its potential impact on the city. Colors should conform to standard code.

- d. Contractor shall make a tabulation of the existing land uses to show:
- (1) Total acreage by use;
 - (2) Percentage of acreage in each land use;
 - (3) Acres per 100 persons, or other standard for comparison purposes; and
 - (4) Developed and undeveloped land as a percent of the total land.
 - (5) Contractor should make an analysis of the community regarding past and potential developments and should report on factors affecting the development of land, such as those below:
 - Occupied dwelling units;
 - Existing land use;
 - Thoroughfares
 - Existing and anticipated population;
 - Soil characteristics as related to developments;
 - Adequacy of public utilities;
 - Adequacy of public facilities;
 - Storm drainage problem areas;
 - Natural and man-made constraints.
- e. Contractor shall prepare a goal(s) statement and annual land use related objectives and, using the base map at its contracted scale, Contractor shall prepare a color-coded Future Land Use Map to illustrate the future physical development of the locality during the planning period.

5. ZONING ORDINANCE

- a. Contractor shall prepare technical material necessary for the drafting of zoning ordinance that will best be adapted to direct the use of land consistent with proposals of the city's previously prepared Land Use Plan. Technical material on zoning shall be based on sound zoning principles and not be inconsistent with all applicable laws, including affirmatively furthering fair housing and reducing or eliminating disparate treatment of classes protected under federal Fair Housing law(s).
- b. Based on the Land Use Plan and other plans related to physical development of the municipality, Contractor shall have prepared a Zoning District Map using the base map at its contracted scale.
- c. Following development of the technical material and prior to adoption, Contractor shall seek counsel and advice from the city's attorney regarding the legal aspects and implications of zoning, particularly that it has positive influence in the effort to promote fair and affordable housing.
- d. The technical material on zoning and the recommended zoning district map shall be prepared in report form suitable for adoption and be submitted to the Department as provided herein.

6. INFRASTRUCTURE STUDY AND CAPITAL IMPROVEMENTS PLAN

The following actions shall occur for the water, wastewater, street, and drainage systems, as applicable.

- a. Contractor shall determine if any prior studies have been made of part or all the existing infrastructure systems.
- b. Contractor shall make an inventory of the physical characteristics of the existing system and record the data on applicable tables, charts, and maps
- c. Contractor shall make an analysis of the system to list and rank problems and deficiencies in the system and should present possible actions and costs to resolve the problems
- d. Contractor shall prepare a goal(s) statement and objectives for the planning period and should include construction-related and policy-related recommendations regarding improvements. To the extent possible, objectives shall be stated in quantifiable terms and target dates set for their achievement.

- e. Contractor shall prepare a Future System Conditions Map. The plan shall provide for the elimination of deficiencies and recommended improvements to meet forecasted needs. Improvements shall be in accordance with accepted municipal standards and shall be shown by phases.

7. BUILDING CODES

- a. Contractor shall review building codes currently adopted and enforced within the jurisdiction to determine compliance with RCP requirements.
- b. Contractor shall recommend building codes to the jurisdiction and assist in the adoption of the needed revisions and building codes as required by the RCP and applicable laws.

8. FLOOD DAMAGE PREVENTION ORDINANCE

- a. Contractor shall review building codes and flood prevention policies currently adopted and enforced within the jurisdiction to determine compliance with RCP requirements.
- b. Contractor shall provide a Flood Damage Prevention Ordinance requiring construction at least two (2) feet above the base flood elevation and shall assist the jurisdiction to adopt said ordinance.

9. HAZARD MITIGATION

- a. Contractor shall review and evaluate any current hazard mitigation plan. If none exists, prepare a plan for adoption.

- **Insert Certificate of Insurance**
- **Insert System for Award Management (SAM) record search for company name and company principal**
- **Statement regarding firm/individual's conflict of interest, if any**

CONFLICT OF INTEREST QUESTIONNAIRE
For vendor doing business with local governmental entity

FORM CIQ

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.
This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).
By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Local Government Code.
A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.

OFFICE USE ONLY
Date Received

1 Name of vendor who has a business relationship with local governmental entity.

2 **Check this box if you are filing an update to a previously filed questionnaire.** (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

3 Name of local government officer about whom the information is being disclosed.

_____ Name of Officer

4 Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?
 Yes No

B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?
 Yes No

5 Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more.

6 Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).

7

Signature of vendor doing business with the governmental entity

Date

Certification Regarding Lobbying

(To be submitted with each bid or offer exceeding \$100,000)

The undersigned certifies, to the best of his or her knowledge and belief, that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(c) The undersigned shall require that the language paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31, U.S.C. § 1352 (as amended by the Lobbying Disclosure Act of 1995).

The Contractor, _____, certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Contractor understands and agrees that the provisions of 31 U.S.C. § 3801 et seq., apply to this certification and disclosure, if any.

Signature of Contractor's Authorized Official

Printed Name and Title of Contractor's Authorized Official

Date

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a follow-up report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitations for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Included prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.

(b) Enter the full names of the individual(s) performing services, and include full address if different from 10(a). Enter Last Name, First Name, and Middle Initial (MI).
11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the

(To be completed by awarded vendor)

CERTIFICATE OF INTERESTED PARTIES		FORM 1295	
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	
1 Name of business entity filing form, and the city, state and country of the business entity's place of business.		Must file online at www.ethics.state.tx.us/File	
2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.			
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.			
4	Name of Interested Party	City, State, Country (place of business)	Nature of Interest (check applicable) <input type="checkbox"/> Controlling <input type="checkbox"/> Intermediary
5 Check only if there is NO Interested Party. <input type="checkbox"/>			
6 UNSWORN DECLARATION			
My name is _____, and my date of birth is _____.			
My address is _____ (street) _____ (city) _____ (state) _____ (zip code) _____ (country).			
I declare under penalty of perjury that the foregoing is true and correct.			
Executed in _____ County, State of _____, on the _____ day of _____, 20____.			
_____ Signature of authorized agent of contracting business entity (Declarant)			
ADD ADDITIONAL PAGES AS NECESSARY			

REQUIRED CONTRACT PROVISIONS

Italics – Explanatory; not contract language

All Contracts

THRESHOLD	PROVISION	CITATION
None	<p>(H) Debarment and Suspension (Executive Orders 12549 and 12689)—A contract award (see 2 CFR 180.220) must not be made to parties listed on the government-wide Excluded Parties List System in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR Part 1986 Comp., p. 189) and 12689 (3 CFR Part 1989 Comp., p. 235), “Debarment and Suspension.” SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.</p>	<p>2 CFR 200 APPENDIX II (H)</p>
None	<p>The U.S. Department of Housing and Urban Development (HUD), Inspectors General, the Comptroller General of the United States, and the Texas Department of Agriculture (TDA), and the City/County, or any of their authorized representatives, shall have access to any documents, papers, or other records of the Contractor which are pertinent to the TxCDBG award, in order to make audits, examinations, excerpts, and transcripts and to closeout the City’s/County’s TxCDBG contract with TDA.</p>	<p>2 CFR 200.336 (former 24 CFR 85.36(i)(10))</p>
None	<p>Grantees or subgrantees must retain all required records for three years after grantees or subgrantees make final payments and all other pending matters are closed.</p>	<p>2 CFR 200.333 (former 24 CFR (85.36(i)(11))</p>
None	<p>Sec. 176.003. CONFLICTS DISCLOSURE STATEMENT REQUIRED.</p> <p>(a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:</p> <p>(1) the vendor enters into a contract with the local governmental entity or the local governmental entity is considering entering into a contract with the vendor; and</p> <p>(2) the vendor:</p> <p>(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that:</p> <p>(i) a contract between the local governmental entity and vendor has been executed; or</p> <p>(ii) the local governmental entity is considering entering into a contract with the vendor;</p> <p>(B) has given to the local government officer or a family member of the officer one or more gifts that have an</p>	<p>Chapter 176 of the Local Government Code</p>

	<p>aggregate value of more than \$100 in the 12-month period preceding the date the officer becomes aware that:</p> <p>(i) a contract between the local governmental entity and vendor has been executed; or</p> <p>(ii) the local governmental entity is considering entering into a contract with the vendor; or has a family relationship with the local government officer.</p> <p>(a-1) A local government officer is not required to file a conflicts disclosure statement in relation to a gift accepted by the officer or a family member of the officer if the gift is:</p> <p>(1) a political contribution as defined by Title 15, Election Code; or</p> <p>(2) food accepted as a guest.</p> <p>(a-2) A local government officer is not required to file a conflicts disclosure statement under Subsection (a) if the local governmental entity or vendor described by that subsection is an administrative agency created under Section 791.013, Government Code.</p> <p>(b) A local government officer shall file the conflicts disclosure statement with the records administrator of the local governmental entity not later than 5 p.m. on the seventh business day after the date on which the officer becomes aware of the facts that require the filing of the statement under Subsection (a).</p>	
<p>>\$10,000</p>	<p><i>(B) All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.</i></p> <p>Use the following language for contracts > \$ 10,000:</p> <p><u>Termination for Cause</u></p> <p>If the Contractor fails to fulfill in a timely and proper manner its obligations under this Agreement, or if the Contractor violates any of the covenants, conditions, agreements, or stipulations of this Agreement, the City/County shall have the right to terminate this Agreement by giving written notice to the Contractor of such termination and specifying the effective date thereof, which shall be at least five days before the effective date of such termination. In the event of termination for cause, all finished or unfinished documents, data, studies, surveys, drawings, maps, models, photographs and reports prepared by the Contractor pursuant to this Agreement shall, at the option of the City/County, be turned over to the City / County and become the property of the City / County. In the event of termination for cause, the Contractor shall be entitled to receive reasonable compensation for any necessary services actually and satisfactorily performed prior to the date of termination.</p>	<p>2 CFR 200 APPENDIX II(B)</p>

	<p>Notwithstanding the above, the Contractor shall not be relieved of liability to the City/County for damages sustained by the City/County by virtue of any breach of contract by the Contractor, and the City/County may set-off the damages it incurred as a result of the Contractor's breach of contract from any amounts it might otherwise owe the Contractor.</p> <p><u>Termination for Convenience of the City/County</u></p> <p>City/County may at any time and for any reason terminate Contractor's services and work at City/County's convenience upon providing written notice to the Contractor specifying the extent of termination and the effective date. Upon receipt of such notice, Contractor shall, unless the notice directs otherwise, immediately discontinue the work and placing of orders for materials, facilities and supplies in connection with the performance of this Agreement.</p> <p>[Parties should include the manner by which such termination will be effected and the basis for settlement or any other terms and conditions concerning payment upon such termination.]</p>	
<p>>\$50,000</p>	<p><i>(A) Contracts for more than \$50,000 must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.</i></p> <p>Use the following language for contracts > \$50,000:</p> <p><u>Resolution of Program Non-compliance and Disallowed Costs</u></p> <p>In the event of any dispute, claim, question, or disagreement arising from or relating to this Agreement, or the breach thereof, including determination of responsibility for any costs disallowed as a result of non-compliance with federal, state or TxCDBG program requirements, the parties hereto shall use their best efforts to settle the dispute, claim, question or disagreement. To this effect, the parties shall consult and negotiate with each other in good faith within 30 days of receipt of a written notice of the dispute or invitation to negotiate, and attempt to reach a just and equitable solution satisfactory to both parties. If the matter is not resolved by negotiation within 30 days of receipt of written notice or invitation to negotiate, the parties agree first to try in good faith to settle the matter by mediation administered by the American Arbitration Association under its Commercial Mediation Procedures before resorting to arbitration, litigation, or some other dispute resolution procedure. The parties may enter into a written amendment to this Agreement and choose a mediator that is not affiliated with the American Arbitration Association. The parties shall bear the costs of such mediation equally. <i>[This section may also provide for the qualifications of the mediator(s), the locale of meetings, time limits, or any other item of concern to the parties.]</i> If the matter is not resolved through such mediation within 60</p>	<p>2 CFR 200 APPENDIX II (A)</p>

	days of the initiation of that procedure, either party may proceed to file suit.	
Option Contract Language for Procurement before Grant Funds Awarded	Payment of the fees [described in ____ section] shall be contingent on CDBG funding. In the event that grant funds are not awarded to the City / County by TDA through the TxCDBG program, this agreement shall be terminated by the City / County.	2 CFR 200.319(a)

Additional provisions for administration & engineering contracts associated with construction contracts

THRESHOLD	PROVISION	CITATION
>\$10,000	<p><i>(Italics – Explanatory; not contract language)</i></p> <p><i>2 CFR 200 Appendix II (C) Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of “federally assisted construction contract” in 41 CFR Part 60–1.3 must include the equal opportunity clause provided under 41 CFR 60–1.4(b), in accordance with Executive Order 11246, “Equal Employment Opportunity” (30 FR 12319, 12935, 3 CFR Part, 1964–1965 Comp., p. 339), as amended by Executive Order 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” and implementing regulations at 41 CFR part 60, “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.”</i></p> <p><i>Therefore, include the following EO clause (not in italics) in construction contracts including construction associated administration and engineering contracts > \$10,000:</i></p> <p>\$60-1.4(b) Equal opportunity clause.</p> <p><i>(b) Federally assisted construction contracts. Except as otherwise provided, each administering agency shall require the inclusion of the following language as a condition of any grant, contract, loan, insurance, or guarantee involving federally assisted construction which is not exempt from the requirements of the equal opportunity clause:</i></p> <p><i>The applicant hereby agrees that it will incorporate or cause to be incorporated into any contract for construction work, or modification thereof, as defined in the regulations of the Secretary of Labor at 41 CFR chapter 60, which is paid for in whole or in part with funds obtained from the Federal Government or borrowed on the credit of the Federal Government pursuant to a grant, contract, loan insurance, or guarantee, or undertaken pursuant to any Federal program involving such grant, contract, loan, insurance, or guarantee, the following equal opportunity clause:</i></p>	<p>41 CFR §60-1.4(b) And 2 CFR 200 APPENDIX II (C)</p>

	<p>During the performance of this contract, the contractor agrees as follows:</p> <p>(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 this nondiscrimination clause.</p> <p>(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 considerations for employment without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin.</p> <p>(3) The Contractor will not discourage 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.</p> <p>(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.</p> <p>(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.</p>	
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	<p>(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.</p> <p>(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.</p> <p>(8) The contractor will include the portion of the sentence immediately preceding paragraph (1) and the provisions of paragraphs (1) through (7) 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.</p> <p>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.</p> <p>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</p>	
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	<p>otherwise assist the administering agency in the discharge of the agency's primary responsibility for securing compliance.</p> <p>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.</p> <p>(c) Subcontracts. Each nonexempt prime contractor or subcontractor shall include the equal opportunity clause in each of its nonexempt subcontracts.</p> <p>(d) Incorporation by reference. The equal opportunity clause may be incorporated by reference in all Government contracts and subcontracts, including Government bills of lading, transportation requests, contracts for deposit of Government funds, and contracts for issuing and paying U.S. savings bonds and notes, and such other contracts and subcontracts as the Deputy Assistant Secretary may designate.</p> <p>(e) Incorporation by operation of the order. By operation of the order, the equal opportunity clause shall be considered to be a part of every contract and subcontract required by the order and the regulations in this part to include such a clause whether or not it is physically incorporated in such contracts and whether or not the contract between the agency and the contractor is written.</p> <p>(f) Adaptation of language. Such necessary changes in language may be made in the equal opportunity clause as shall be appropriate to identify properly the parties and their undertakings.</p> <p>[43 FR 49240, Oct. 20, 1978, as amended at 62 FR 66971, Dec. 22, 1997; 79 FR 72993, Dec. 9, 2014; 80 FR 54934, September 11, 2015]</p>	
<p>>\$100,000</p>	<p>§135.38 Section 3 clause</p>	<p>24 CFR §135.38</p>

	<p><i>All section 3 covered contracts shall include the following clause (referred to as the section 3 clause):</i></p> <p>A. The work to be performed under this contract is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (Section 3). The purpose of section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD-assisted projects covered by section 3, shall, to the greatest extent feasible, be directed to low- and very low-income persons, particularly persons who are recipients of HUD assistance for housing.</p> <p>B. The parties to this contract agree to comply with HUD's regulations in 24 CFR part 135, which implement section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the part 135 regulations.</p> <p>C. The contractor agrees to send to each labor organization or representative of workers with which the contractor has a collective bargaining agreement or other understanding, if any, a notice advising the labor organization or workers' representative of the contractor's commitments under this section 3 clause, and will post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. The notice shall describe the section 3 preference, shall set forth minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each; and the name and location of the person(s) taking applications for each of the positions; and the anticipated date the work shall begin.</p> <p>D. The contractor agrees to include this section 3 clause in every subcontract subject to compliance with regulations in 24 CFR part 135, and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this section 3 clause, upon a finding that the subcontractor is in violation of the regulations in 24 CFR part 135. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR part 135.</p> <p>E. The contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the contractor is selected but before the contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR part 135 require employment opportunities to be directed, were not filled to circumvent the contractor's obligations under 24 CFR part 135.</p>	
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	<p>F. Noncompliance with HUD's regulations in 24 CFR part 135 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.</p> <p>G. With respect to work performed in connection with section 3 covered Indian housing assistance, section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e) also applies to the work to be performed under this contract. Section 7(b) requires that to the greatest extent feasible (i) preference and opportunities for training and employment shall be given to Indians, and (ii) preference in the award of contracts and subcontracts shall be given to Indian organizations and Indian-owned Economic Enterprises. Parties to this contract that are subject to the provisions of section 3 and section 7(b) agree to comply with section 3 to the maximum extent feasible, but not in derogation of compliance with section 7(b).</p>	
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AGENDA MEMO

Business of the City Council
City of Sweeny, Texas

Meeting Date	3/19/2024	Agenda Item	V. Millian
Approved by City Manager	Yes	Presenter(s)	Administration/Finance
Reviewed by City Attorney	No	Department	Utility Billing
Subject	Discussion and possible action on billing complaint from resident at 1621 Milian Circle		
Attachments			
Financial Information	Expenditure Required:	N/A	
	Amount Budgeted:	N/A	
	Account Number:		
	Additional Appropriation Required:		
	Additional Account Number:		

Executive Summary

After exhausting all measures of research staff has concluded that when we moved from the one-inch line to the ¾ inch line the module was not reprogrammed to the correct line size resulting in higher than normal bills for the months of December 2023 and January 2024.

The February 2024 water charge was for 3800 gallons in the amount of \$32.58. Using that as a predicted charge for December 2023 and January 2024 results in an adjustment amount of \$207.52 less the October adjustment of \$94.68 equals \$112.84.

Recommended Action

Approve an adjustment in the amount of \$112.84 to reflect as a credit on the customers account.



CITY OF SWEENY

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

Item 7.
⊗ 3/19 next agenda
Req

The following will be used to request an item to be placed on the agenda with the Sweeny City Council.

Personal Information:

Name: VICKI MILIAN
Mailing Address: 1621 Milian Circle
Physical Address: (Same)
Email(s): vickimilian@windstream.net
Phone(s): (979) 487-9651

Please include specific details of the item you wish to be placed on the agenda.

To discuss the requested refund of over charges on incorrect water meter readings.

Signature: Vicki Milian Date: 3/5/24

Requests must be received by the City Manager by close of business 10 days prior to the scheduled meeting date for placement. Administration and/or their designee reserves the right to delay the item to the following regularly scheduled meeting if it is determined that more time is needed in order to compile information specific to the request.

Once Council has acted on an agenda item; that item cannot be placed on the agenda for a period of six (6) full months. Exception is provided if three members of Council ask that the item be returned early to the agenda, or the Mayor or City Manager determines it is in the interest of the City to do so.

recvd 3/5/24 @ 5:56PM

DATE: 03/06/2024
TIME: 09:42:54
USER: Admin - 1

CUSTOMER METER READING DETAIL

CITY OF SWEENEY

For - [REDACTED] - From 02/29/2024 To 09/30/2023

Account Number - [REDACTED]

Service	Bill Date	Present Read	Previous Read	Consumption	Read Date/Time	Read Type	Meter Change
WA	02/29/2024	5236	5198	38	02/20/2024 12:00:00	AM Actual	No
GA	02/29/2024	7061	6983	78	02/20/2024 12:00:00	AM Actual	No
WA	01/31/2024	5198	5022	176	01/18/2024 12:00:00	AM Actual	No
GA	01/31/2024	6983	6853	130	01/18/2024 12:00:00	AM Actual	No
WA	12/31/2023	5022	4860	162	12/18/2023 12:00:00	AM Actual	No
GA	12/31/2023	6853	6787	66	12/18/2023 12:00:00	AM Actual	No
WA	11/30/2023	4860	4683	177	11/17/2023 12:00:00	AM Actual	No
GA	11/30/2023	6787	6762	25	11/17/2023 12:00:00	AM Actual	No
WA	10/31/2023	4683	4572	111	10/17/2023 05:00:00	PM Actual	No
GA	10/31/2023	6762	6756	6	10/17/2023 12:00:00	AM Actual	No
WA	09/30/2023	4572	4353	219	09/19/2023 12:00:00	AM Actual	No
GA	09/30/2023	6756	6748	8	09/19/2023 12:00:00	AM Actual	No

11/9

Mailing Address: [REDACTED]
SWEENEY, TX 77480

Telephone Nos.: [REDACTED]

Social Security:

Driver's License:

Service Address: [REDACTED]

Account Status: Active
Penalty: Yes Private: No
Tax: Yes Medical: No
Member: No

Current Net Due: \$145.88

Current Gross Due: \$159.98

Current Due Date: 03/15/2024

Last Billed Date: 02/29/2024

Last Payment Date: 03/05/2024

Last Payment Amt.: \$332.86

Adjustment already rcd \$ 94.68

11/9/24 - meter change out

Adjustment on December \$ Jan. Bills

went from 1" line to 3/4" line, did not reprogram module to correct line size.

DATE: 03/14/24
TIME: 16:25:46
USER: Admin - 1

CUSTOMER FINANCIAL DETAIL

CITY OF SWEENEY
For [REDACTED] - From 03/05/24 To 09/30/23

Account Number [REDACTED]

Service	Posting Date	Type	Check No	Cons	Charge Amount	Penalty Amount	Tax Amount	Pay Plan Amount	Total
WA	03/05/24	Pay	2051		\$142.07	\$14.21	\$0.00	\$0.00	\$156.28
GA	03/05/24	Pay			\$132.63	\$13.26	\$0.00	\$0.00	\$145.89
GB	03/05/24	Pay			\$19.79	\$2.34	\$3.56	\$0.00	\$25.69
FD	03/05/24	Pay			\$2.00	\$0.00	\$0.00	\$0.00	\$2.00
SF	03/05/24	Pay			\$3.00	\$0.00	\$0.00	\$0.00	\$3.00
Total Pay For 03/05/24					\$299.49	\$29.81	\$3.56	\$0.00	\$332.86
WA	02/29/24	Bill		38	\$32.58	\$14.21	\$0.00	\$0.00	\$46.79
GA	02/29/24	Bill		78	\$84.95	\$13.26	\$0.00	\$0.00	\$98.21
GB	02/29/24	Bill			\$21.57	\$2.34	\$1.78	\$0.00	\$25.69
FD	02/29/24	Bill			\$2.00	\$0.00	\$0.00	\$0.00	\$2.00
SF	02/29/24	Bill			\$3.00	\$0.00	\$0.00	\$0.00	\$3.00
Total Bill For 02/29/24					\$144.10	\$29.81	\$1.78	\$0.00	\$175.69
WA	01/31/24	Bill	142.07	176	\$142.07	\$0.00	\$0.00	\$0.00	\$142.07
GA	01/31/24	Bill	32.58	130	\$132.63	\$0.00	\$0.00	\$0.00	\$132.63
GB	01/31/24	Bill			\$21.57	\$0.00	\$1.78	\$0.00	\$23.35
FD	01/31/24	Bill			\$2.00	\$0.00	\$0.00	\$0.00	\$2.00
SF	01/31/24	Bill	109.49		\$3.00	\$0.00	\$0.00	\$0.00	\$3.00
Total Bill For 01/31/24					\$301.27	\$0.00	\$1.78	\$0.00	\$303.05
WA	01/11/24	Pay			\$130.61	\$0.00	\$0.00	\$0.00	\$130.61
GA	01/11/24	Pay			\$74.11	\$0.00	\$0.00	\$0.00	\$74.11
GB	01/11/24	Pay			\$19.48	\$0.00	\$1.61	\$0.00	\$21.09
FD	01/11/24	Pay			\$2.00	\$0.00	\$0.00	\$0.00	\$2.00
SF	01/11/24	Pay	DRAFT		\$3.00	\$0.00	\$0.00	\$0.00	\$3.00
Total Pay For 01/11/24					\$229.20	\$0.00	\$1.61	\$0.00	\$230.81
WA	12/31/23	Bill	130.61	162	\$130.61	\$0.00	\$0.00	\$0.00	\$130.61
GA	12/31/23	Bill	32.58	66	\$74.11	\$0.00	\$0.00	\$0.00	\$74.11
GB	12/31/23	Bill			\$19.48	\$0.00	\$1.61	\$0.00	\$21.09
FD	12/31/23	Bill			\$2.00	\$0.00	\$0.00	\$0.00	\$2.00
SF	12/31/23	Bill	98.03		\$3.00	\$0.00	\$0.00	\$0.00	\$3.00
Total Bill For 12/31/23					\$229.20	\$0.00	\$1.61	\$0.00	\$230.81
WA	12/12/23	Pay	109.49		\$142.89	\$0.00	\$0.00	\$0.00	\$142.89
GA	12/12/23	Pay			\$35.77	\$0.00	\$0.00	\$0.00	\$35.77
GB	12/12/23	Pay	98.03		\$19.48	\$0.00	\$1.61	\$0.00	\$21.09
FD	12/12/23	Pay			\$2.00	\$0.00	\$0.00	\$0.00	\$2.00
SF	12/12/23	Pay	207.52		\$3.00	\$0.00	\$0.00	\$0.00	\$3.00
Total Pay For 12/12/23					\$203.14	\$0.00	\$1.61	\$0.00	\$204.75
WA	11/30/23	Bill		177	\$142.89	\$0.00	\$0.00	\$0.00	\$142.89
GA	11/30/23	Bill		25	\$35.77	\$0.00	\$0.00	\$0.00	\$35.77
GB	11/30/23	Bill			\$19.48	\$0.00	\$1.61	\$0.00	\$21.09
FD	11/30/23	Bill			\$2.00	\$0.00	\$0.00	\$0.00	\$2.00
SF	11/30/23	Bill			\$3.00	\$0.00	\$0.00	\$0.00	\$3.00
Total Bill For 11/30/23					\$203.14	\$0.00	\$1.61	\$0.00	\$204.75
WA	11/13/23	Pay			\$-5.84	\$0.00	\$0.00	\$0.00	\$-5.84
GA	11/13/23	Pay			\$15.59	\$0.00	\$0.00	\$0.00	\$15.59
GB	11/13/23	Pay			\$19.48	\$0.00	\$1.61	\$0.00	\$21.09
FD	11/13/23	Pay			\$2.00	\$0.00	\$0.00	\$0.00	\$2.00
SF	11/13/23	Pay	DRAFT		\$3.00	\$0.00	\$0.00	\$0.00	\$3.00
Total Pay For 11/13/23					\$34.23	\$0.00	\$1.61	\$0.00	\$35.84
WA	10/31/23	Bill		111	\$88.84	\$0.00	\$0.00	\$0.00	\$88.84
GA	10/31/23	Bill		6	\$15.59	\$0.00	\$0.00	\$0.00	\$15.59
GB	10/31/23	Bill			\$19.48	\$0.00	\$1.61	\$0.00	\$21.09
FD	10/31/23	Bill			\$2.00	\$0.00	\$0.00	\$0.00	\$2.00
SF	10/31/23	Bill			\$3.00	\$0.00	\$0.00	\$0.00	\$3.00
Total Bill For 10/31/23					\$128.91	\$0.00	\$1.61	\$0.00	\$130.52

DATE: 03/06/2024
TIME: 09:42:54
USER: Admin - 1

CUSTOMER METER READING DETAIL

CITY OF SWEENEY

For - - From 02/29/2024 To 09/30/2023

Account Number -

Service	Bill Date	Present Read	Previous Read	Consumption	Read Date/Time	Read Type	Meter Change
WA	02/29/2024	5236	5198	38	02/20/2024 12:00:00	AM Actual	No
GA	02/29/2024	7061	6983	78	02/20/2024 12:00:00	AM Actual	No
WA	01/31/2024	5198	5022	176	01/18/2024 12:00:00	AM Actual	No
GA	01/31/2024	6983	6853	130	01/18/2024 12:00:00	AM Actual	No
WA	12/31/2023	5022	4860	162	12/18/2023 12:00:00	AM Actual	No
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GA	09/30/2023	6756	6748	8	09/19/2023 12:00:00	AM Actual	No

11/9

Mailing Address:

Service Address:

Telephone Nos.:

Account Status:

Active

Penalty:

Yes

Private: No

Tax:

Yes

Medical: No

Member:

No

Social Security:

Current Net Due:

\$145.88

Driver's License:

Current Gross Due:

\$159.98

Current Due Date:

03/15/2024

Last Billed Date:

02/29/2024

Last Payment Date:

03/05/2024

Last Payment Amt.:

\$332.86

Adjustment already rcd \$ 94.68

11/9/24 - meter change out

Adjustment on December \$ Jan. Bills

went from 1" line to 3/4 in line, did not reprogram module to correct line size.

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CUSTOMER FINANCIAL DETAIL

CITY OF SWEENEY

For - - From 03/05/24 To 09/30/23

Account Number -

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Total Bill For 11/30/23					\$203.14	\$0.00	\$1.61	\$0.00	\$204.75
WA	11/13/23	Pay			\$-5.84	\$0.00	\$0.00	\$0.00	\$-5.84
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FD	11/13/23	Pay			\$2.00	\$0.00	\$0.00	\$0.00	\$2.00
SF	11/13/23	Pay	DRAFT		\$3.00	\$0.00	\$0.00	\$0.00	\$3.00
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GB	10/31/23	Bill			\$19.48	\$0.00	\$1.61	\$0.00	\$21.09
FD	10/31/23	Bill			\$2.00	\$0.00	\$0.00	\$0.00	\$2.00
SF	10/31/23	Bill			\$3.00	\$0.00	\$0.00	\$0.00	\$3.00
Total Bill For 10/31/23					\$128.91	\$0.00	\$1.61	\$0.00	\$130.52



AGENDA MEMO

Business of the City Council

City of Sweeny, Texas

Meeting Date	03.19.2024	Agenda Item	
Approved by City Manager	Yes	Presenter(s)	Lindsay Koskiniemi, City Manager Leigh Ann Thornton, Donor
Reviewed by City Attorney	Yes	Department	Animal Control
Subject	Discussion and possible action to authorize the City Manager to enter an agreement for the acceptance of a donation in the amount of \$50,000.00 US Dollars for the sole purpose of improving the Sweeny Animal Shelter and request for approval of the proposed animal shelter improvement for inclusion into the City's adopted CIP.		
Attachments	<ul style="list-style-type: none"> - Proposed agreement prepared by Legal Counsel - Site map - Staff prepared preliminary concept - Email form L. Thornton concerning in-kind contributions - Email to / from B. Kotrla concerning in-kind contribution commitment - Draft RFQ for architectural / engineered design services for proposed animal shelter building 		
Financial Information	Expenditure Required:	N/A	
	Amount Budgeted:	N/A	
	Account Number:	To be created as a segregated fund at Council's direction.	
	Additional Appropriation Required:		
	Additional Account Number:		

Executive Summary

Fundraiser:

On February 10th, 2024, private citizen, Leigh Ann Thornton, a resident of the City of Sweeny, hosted a fund raiser at the Sweeny Community Center to raise donations for the sole purpose of improving the existing animal shelter, an outdoor structure maintained at the Sweeny Sewer Plant, a facility outside of the City's limits. The event and raffle tickets raised approximately \$50,000.00.

Shelter Background:

This agenda item proposes the execution of an agreement to accept the raised donations for the sole purpose of improving the animal shelter.

Prior to the event, staff had conducted internal discussions around prospective projects to include with a Capital Improvement Project program (CIP) for Council's consideration. While the animal shelter improvement project has not been formally presented and accepted into the adopted CIP by City Council, internal discussions have involved repurposing a dilapidated building between the Sweeny Public Works Office and the Sweeny Water Plant along 2nd Street and facing Peach Street.

This site is currently in poor condition with broken windows, missing doors, and rusted through corrugated aluminum sides and roofing (images below), however, staff's assessment of the structure is the steel beams comprising the frame are in good condition. It is the opinion of City staff that the concrete foundation and steel beams could be repurposed to a climate-controlled facility and serve as an improved animal shelter site. The approx. square footage of the building is 1,450 sq ft.



AGENDA MEMO

Business of the City Council

City of Sweeny, Texas

The current animal shelter is outside of the City's limits and inconveniently inaccessible to the public. Currently, if potential adopters wish to see the shelter dogs, they must have an appointment with the Animal Control Officer to have a site visit, as the facility is in a secured site. The existing animal shelter does not offer air conditioning and is strictly outdoors with a roof structure and secured fencing to house the shelter dogs.

Staff assessments of how to improve shelter dog adoption rates indicate the location of the shelter is the most imposing roadblock to achieving higher adoption rates.

New Shelter Site:

A new facility at the proposed site would keep shelter dogs within the City's limits and increase the public's access to the animals. In addition to having a climate-controlled site, the reduction in potential animal contracted diseases and infection due to the outdoor elements could be significantly reduced such as heartworm disease, caused by a parasitic worm called *Dirofilaria immitis*. The worms are spread through the bite of a mosquito.

Proposed site improvements developed by City staff include:

- Climate controlled building
- Indoor / outdoor dog kennels
- Dog run (outside)
- Visitation room (inside)
- Office space for Animal Control Officer to meet with members of the public
- Lobby and service counter
- ADA-approved restroom with shower facility (shower for staff use – currently NO city facilities offer a functioning shower for employee use.)
- Supply area
- Mop closet
- Roll up door for easy transport of animals (may be able to repurpose existing roll up doors)
- Feline adoption kenneling area
- Intake / medical room
- Parking improvements (asphalt pavement)

With the acceptance of the donation of raised funds, the City will request the support of Council to open a dedicated bank account and start a dedicated fund for the animal shelter (subsequent actions items on Council Meeting agenda for March 19, 2024).

Although the building is proposed to be repurposed to be the most cost-effective solution to having a true animal shelter facility, professional architectural design will be required pursuant to the City's liability insurance and windstorm coverage policy.

Estimated costs for design is typically 12% to 18% of the construction cost (conservative general rule of thumb). A draft Sweeny Animal Shelter Improvements Request for Qualifications is included as an attachment to this agenda item and is ready to publish upon direction from City Council.

In a previous discussion with Texas Rebuild, the estimated turnkey cost to rehab the Peach Street building was \$200,000. Staff believes the overall cost could be closer to \$300,000, therefore, we estimate the design of the building could cost between \$36,000 and \$54,000. Staff is also assessing the valuation of in-kind contributions that have been verbally committed by various businesses.



AGENDA MEMO

Business of the City Council

City of Sweeny, Texas

In-Kind Contributions:

Ms. Thornton had initially requested that the donation be contingent on the completion of the project within an 18-month timeframe, however that is not written in the agreement, due to not fully knowing what the project scope is with consideration to possible in-kind service contributions.

- Ronnie Stewart, a local contractor, verbally stated he was willing to try to donate materials in amounts to be determined once materials needs are known. Labor would not be included with an in-kind donation.
- Steve Linder – Per attached email, will provide labor to install H/VAC and can get H/VAC units at cost (City’s obligation).
- Bob Kotrla with Kotrla Electrical Services (KES) – possible contribution of donated professional electrical services in discussion. Specific scope of work unknown.
- Tom Baily with Straight Fence Company – donation of labor, cost of materials incumbent on City.

Alternative Option (If Council decides now is not the right time to approach the animal shelter improvement project:

This project will need to be funded in part by the City. At this time, the City has not capital projects funding budgeted in Fiscal Year 2023-2024. Should City Council decide that now is not the right time to begin this project, the staff recommendation will be to accept the donation and open a high interest-bearing account through the Logic Investment Pool to keep the total donation and allow it to gain interest until the project is fully funded, should Mrs. Thornton be amenable to that arrangement. Logic Investment Pool daily average yield for the month of February 2024 was 5.4812%



Backside of proposed location

AGENDA MEMO

Business of the City Council
City of Sweeny, Texas



North side of building



Front of building – additional parking and paving needed.

AGENDA MEMO

Business of the City Council
City of Sweeny, Texas



Backside of building



Steel beams inside building

AGENDA MEMO

Business of the City Council

City of Sweeny, Texas



Steel beams

Recommended Action

If Council approves of the Animal Shelter Improvement Project at this time, staff recommends council accept \$50,000 in funds raised by Leigh Ann Thornton for use animal shelter improvements and authorize the City Manager to enter an agreement to accept the funds. Additionally, staff also recommends that Council adopt the animal shelter into the City's CIP plan, and if Council chooses, will direct the City Manager to assemble a project team and advertise a request for qualifications for building design services to assess the project budget and report back to City Council with a project scope and budget for construction.

Motion to Approve:

"I move we: 1) Accept the animal shelter improvement project into the City's adopted CIP plan, 2) the authorize the city manager to enter into an agreement with Leigh Ann Thornton to accept funds raised for animal shelter improvements for Sweeny Impound in the amount of \$50,000; and 3) direct the city manager to assemble a project team and solicit for professional design services of the new site and report back to City Council with a solidified project scope and budget by the regular City Council meeting on September 24, 2024."

Alternative Motion:

"I move we 1) enter an agreement to accept the donation in the amount of \$50,000.00 between the City of Sweeny and Leigh Ann Thornton and 2) Authorize staff to open a dedicated Logic Investment Pool account for the entirety of the donation until the project is fully funded, and 3) direct the city manager to budget for capital costs related to this project in subsequent fiscal years for approval by City Council, and 4) assess associated costs by hiring a professional design consultant.

MEMORANDUM OF AGREEMENT

This memorandum of agreement is made this ____ day of _____, 2024, between the City of Sweeny, Texas, a municipal corporation of the State of Texas, referred to herein as City, and its Leigh Ann Thornton, hereinafter referred to as Thornton:

WITNESSETH:

WHEREAS, City is a home rule city in the State of Texas, and as such, is authorized to accept donations for the benefit of City; and

WHEREAS, City has express authority to contract with persons pursuant to the Texas Local Government; and

WHEREAS, Thornton desires to make a donation of funds in the amount of \$50,000.00 to the City for the express purpose of rebuilding the City's animal shelter and for associated expenditures for the City animal shelter; and

WHEREAS, desires to accept the donation for the express purpose for which it is made; and

WHEREAS, City and Thornton finds that this agreement will ensure completion of the donation.

NOW THEREFORE, for and in consideration of the mutual covenants and obligations set forth, and for other good and valuable consideration, the City and Thornton agree as follows:

1. City agrees to accept the donation of funds in the amount of \$50,000.00 from Thornton.

2. Upon receipt of the donated funds, City agrees to create an animal shelter fund, into which the above described funds and other similar donations to the animal shelter will be placed.
3. The animal shelter fund will be a separate stand alone account administered by City at First State Bank of Louise, its depository bank which is dedicated to animal shelter donations.
4. City agrees to use the funds donated pursuant to this agreement to rebuild the City animal shelter in accordance with current animal shelter standards.
5. Contact information

City of Sweeny
(979) 548-3321
102 West Ashley Wilson Road
Sweeny, Texas 77480
City Manager Lindsay Koskiniemi
Email

Leigh Ann Thornton
__702 Avenue B_____
__Sweeny, Texas 77480_____
__(979) 665-6610_____
__lathornton@stpegs.com_____

6. This agreement takes effect on the date of the receipt of the donated funds and execution of the parties.
7. Leigh Ann Thornton agrees to indemnify and hold the City harmless from any damages occurring from the alleged negligence of Thornton, her agents, volunteers, servants and employees.
8. The laws of the State of Texas shall govern any disputes or conflicts that arise under the terms of this agreement and the venue for all legal actions involving this agreement shall be Brazoria County, Texas.

- 9. The City and Thornton agree to execute such further documents, and to take such further acts, as may be necessary or required to carry out the terms of this agreement.
- 10. This agreement may be amended only by an instrument in writing signed by City and Thornton.

EXECUTED this _____ day of _____, 2024.

CITY OF SWEENY

BY Lindsay Koskiniemi, City Manager

LEIGH ANN THORNTON

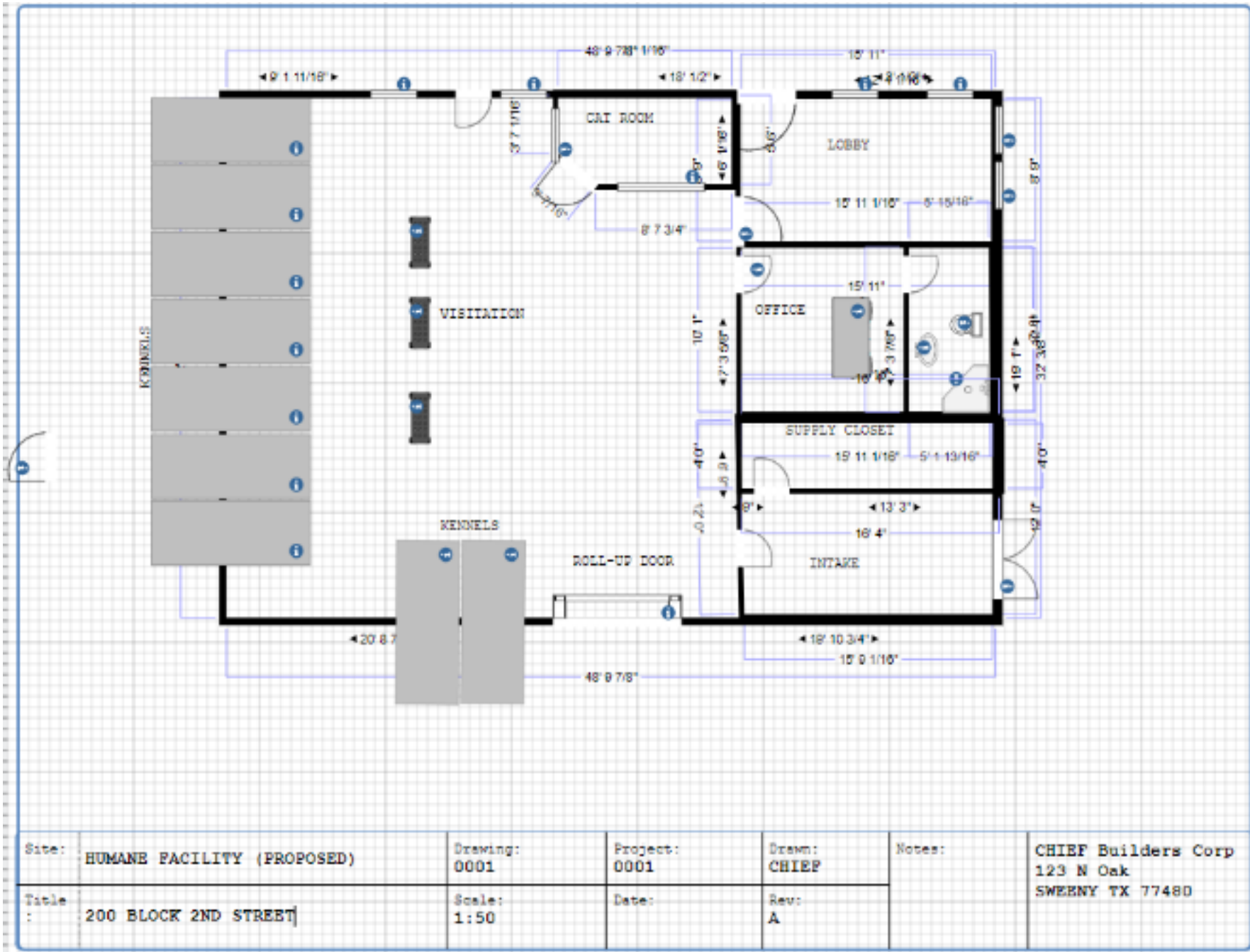
Potential Capital Improvement Project (CIP):
Sweeny Animal Shelter

Peach St.

2nd Street



This is a Public Works building referred to as “The Back Shop,” currently being evaluated by staff as a potential capital improvement project. This project proposes repurposing the site as the new Sweeny Animal Shelter which would include a redesigned, climate-controlled building with indoor/outdoor dog runs, office space, visitation room, and ADA-accessible restrooms. This project would expand the City’s animal welfare and adoption program.





TEXAS REBUILD

*transforming communities through
turnkey infrastructure modernization
projects*



Dog Shelter Turn-Key Solution

- Remove existing sheet metal, roof, siding, roof, siding and doors
- Provide new sheet metal, roof, siding and gutters
- Provide and install new insulation in roof and walls
- Provide and install two new double doors, 36" door, and all associated hardware
- Sheet rock and paint office and restrooms
- Repair restroom
- Install kennel drainage systems
- Install new water taps
- Waterproof panel around walls
- Provide partition wall panels and doors for kennels
- Provide and install (2) 2Ton HVAC and (1) 1Ton AC
- Provide rewire electrical
- Provide new Floor Seals
- Properly cut floor
- Properly install epoxy floor

Total Parts and labor \$197,065 Price includes outside landscaping, grass, and water

Lindsay Koskiniemi

From: Thornton, Leigh <lathornton@STPEGS.COM>
Sent: Monday, March 11, 2024 7:00 AM
To: Lindsay Koskiniemi
Subject: RE: Letter of Intent

Yes, but I have no time to set it up- I need help with that. I am working very long hours this week. The only time I have available to meet in person or by zoom is Friday morning. I would suggest you set up a zoom call for the others to be considerate of their schedules. If you could, please reach out to them- I know they are anxious to hear from the city.

Ronnie Stewart 979-264-5557 Construction
Steve Linder 979-482-0613 Ac/heating
Bob Kotrla 979-201-3809 Electrical
Tom Bailey 979-481-2985

Leigh Ann Thornton

Emergency Preparedness
Cell- (979) 665-6610



From: Lindsay Koskiniemi <citymanager@sweenytx.gov>
Sent: Friday, March 8, 2024 9:06 PM
To: Thornton, Leigh <lathornton@STPEGS.COM>
Subject: Re: Letter of Intent

Caution: This is an external email. Please take care when clicking links or opening attachments. When in doubt, contact the Technical Assistance Center at 361-972-7000 or x7000.

Great to hear. Would it be possible to conduct a meeting with all in kind promised vendors ahead of the council meeting ?

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From: Thornton, Leigh <lathornton@STPEGS.COM>
Sent: Friday, March 8, 2024 7:20:50 PM
To: Lindsay Koskiniemi <citymanager@sweenytx.gov>
Subject: Re: Letter of Intent

He is such a pleasure to work with- he definitely will be able to help with all of that! Tommy Bailey and Ronnie Stewart and Bob Kotrla will get me their letters this weekend.

Get [Outlook for iOS](#)

From: Lindsay Koskiniemi <citymanager@sweenytx.gov>
Sent: Friday, March 8, 2024 7:18:50 PM
To: Thornton, Leigh <lathornton@STPEGS.COM>
Subject: Re: Letter of Intent

Caution: This is an external email. Please take care when clicking links or opening attachments. When in doubt, contact the Technical Assistance Center at 361-972-7000 or x7000.

Thank you. As we get closer to designing the building, I would be interested in knowing his recommendation for affordable HVAC units with solid warranties and if any of his vendors participate in state approved procurement cooperatives such as BuyBoard, TIPS, ChoicePartners, etc.

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From: Thornton, Leigh <lathornton@STPEGS.COM>
Sent: Friday, March 8, 2024 7:16:07 PM
To: Lindsay Koskiniemi <citymanager@sweenytx.gov>
Subject: Re: Letter of Intent

That is correct- just labor. He will be able to get the equipment at cost.

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From: Lindsay Koskiniemi <citymanager@sweenytx.gov>
Sent: Friday, March 8, 2024 7:15:05 PM
To: Thornton, Leigh <lathornton@STPEGS.COM>
Subject: Re: Letter of Intent

Caution: This is an external email. Please take care when clicking links or opening attachments. When in doubt, contact the Technical Assistance Center at 361-972-7000 or x7000.

This is great LA!

Just so I understand, Mr. Linder's contribution of services includes labor only and not the contribution of HVAC unit(s).

Thanks,
 LK

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From: Thornton, Leigh <lathornton@STPEGS.COM>
Sent: Friday, March 8, 2024 4:59:29 PM
To: Lindsay Koskiniemi <citymanager@sweenytx.gov>
Subject: Fwd: Letter of Intent

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From: STEVE LINDER <slinder001@comcast.net>
Sent: Friday, March 8, 2024 4:51:54 PM
To: Thornton, Leigh <lathornton@STPEGS.COM>
Subject: Letter of Intent

Caution: This is an external email. Please take care when clicking links or opening attachments. When in doubt, contact the Technical Assistance Center at 361-972-7000 or x7000.

Dear City of Sweeny,

This letter is to confirm my intent and commitment to offer my services for the new animal shelter for the City of Sweeny. I am committed to providing my services and donating labor for the installation of the HVAC system at no cost to the City of Sweeny. The time frame on the completion of the new animal shelter and my donation of services will be 12-18 months.

Please let me what steps are needed to move forward in order to achieve completion of this project.

Sincerely,
S.L. Linder AC & Heat
TACLB 018871
979-297-7435

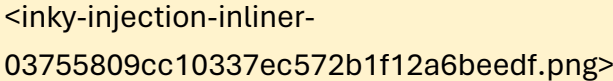
Lindsay Koskiniemi

From: Bob Kotrla <bob@kes.llc>
Sent: Wednesday, March 13, 2024 8:26 AM
To: Lindsay Koskiniemi
Cc: Toni Kotrla; Thornton, Leigh
Subject: Re: [EXTERNAL] In-Kind Contribution - Sweeny Animal Shelter Improvement Project

Yes I will donate all labor to the shelter.

Bob Kotrla

On Mar 12, 2024, at 11:41 AM, Lindsay Koskiniemi <citymanager@sweenytx.gov> wrote:

	<p>Caution: External (citymanager@sweenytx.gov) First-Time Sender</p>	<p>209b06d63f3139b7bbda</p>
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Good Afternoon, Bob,

I am reaching out to you today to let you know that the City Council will hear a an item concerning the proposed animal shelter project and execution of an agreement to accepted donations pertaining thereto.

Ms. Leigh Ann mentioned you may be interested in contributing professional electrical services to the site located at Peach and 2nd St.

This building will need extensive work to repurpose into an animal shelter, and our liability insurance coverage / windstorm stipulates that we must have engineered plans on our buildings. That said, the project although a rehab, will need to be professionally designed so I am working on writing the agenda item detail on the in-kind contributions to keep the cost down as much as possible as we determine the project budget.

Please let me know if you are OK with me including your name and business name in the council meeting documents that are available for public view. Also, please reply to this email and let me know specifically what and how much you are willing to contribute to the project.

Your help is greatly appreciated!

Thanks,

Lindsay Koskiniemi, CGFO, CPM, MPA, MSA
City Manager

Item 8.

Office 979-548-3321
Sweeny City Hall | 102 W. Ashley Wilson Rd. | Sweeny, TX 77480

<image001.png>

**REQUEST FOR QUALIFICATIONS (RFQ)
FOR ENGINEERING AND ARCHITECTURAL
SERVICES**

**CITY OF SWEENY ANIMAL SHELTER
IMPROVEMENTS**



RFQ # 02 - 2024
DUE DATE: May 9, 2024 by 2:00 pm

City of Sweeny

Address: 201 W. Ahsley Wilson Road, Sweeny, Texas 77480

Phone: (979) 548-3321

Website: www.sweenytx.gov

DRAFT

SECTION I – CALENDAR FOR ENGINEERING AND ARCHITECTURAL SERVICES

- March 19th City Council to approve RFQ advertisement
- March 21st RFQ to be posted *subject to Council approval
- April 15th – 17th Site visits conducted from 2pm – 4pm
- April 25th Last day for questions; pre-submittal meeting at Sweeny City Hall at 2pm.
- May 2nd Addenda (if any) posted
- May 9th SOQ's Due by 2pm at City Hall
- April 21st Council Award of Contract

SECTION II – INTRODUCTION AND RFQ TERMS AND CONDITIONS

The City of Sweeny seeks Statements of Qualifications for project design services from qualified design firms, to provide preliminary and final engineering and architectural design services for the Animal Shelter Improvements located in the City of Sweeny. The successful CONTRACTOR will contract directly with the City and will work cooperatively with the CITY to successfully complete the full scope of the Project within the project budget and schedule.

The CITY reserves the right to modify this schedule as required. The CITY will send changes to all known RFQ holders. Please contact the City Manager or Police Chief with any questions concerning the schedule.

Project Funding: **Private donation in the amount of \$50,000 and contributions of various in-kind services.**

The submission requirements for this Qualification are also included on the attached Request for Qualification (RFQ) form. We will not accept faxes or emails as a form of submission. Please submit three (3) hard copies and an electronic version via USB drive of your Qualification of Services and Statement of Qualifications for the proposed services to the addresses below:

Lindsay Koskiniemi, City Manager
201 W. Ashley Wilson Road
 Sweeny, Texas 77480
citymanager@sweenytx.gov

The deadline for submission of Qualifications is **2:00 p.m. on the 9th of May.** It is the responsibility of the submitting entity to ensure that the Qualification is received in a timely manner. Qualifications received after the deadline will not be considered for award, regardless of whether or not the delay was outside the control of the submitting firm.

SECTION III – DEFINITIONS, TERMS AND CONDITIONS DEFINITIONS

To simplify the language throughout this request for Qualification, the following definitions shall apply:

CITY OF SWEENY – Same as City.

CITY COUNCIL – The elected officials of the City of Sweeny, Texas given the authority to exercise such powers and jurisdiction of all City business as conferred by the State Constitution and Laws.

CONTRACT – An agreement between the City and a Provider to furnish supplies and/or services over a designated period during which repeated purchases are made of the commodity and/or service specified.

CITY – The government of the City of Sweeny, Texas.

CONTRACTOR OR FIRM – The successful Offeror of this request.

RFQ – Request for Qualifications

SOQ – Statement of Qualifications

ELECTRONIC DOCUMENTS

Requesting firms may be supplied with the original documents in electronic form to aid in the preparation of Qualification(s). By accepting these electronic documents, Firms agree not to edit or change the language or format of these documents. Submission of a Qualification by Firms signifies full agreement with this requirement.

RECEIPT OF QUALIFICATIONS

The submitted Qualification(s) must be received by the City prior to the time and date specified. The mere fact that the Qualification was dispatched will not be considered; the firm must ensure that the Qualification is delivered.

Regardless of cause, late Qualifications will not be accepted and will automatically be disqualified from further consideration. It shall be the Vendor's sole risk to assure delivery at the designated office by the designated time. Late Qualifications will not be opened and may be returned to the Vendor at the expense of the Vendor or destroyed if requested.

QUESTIONS AND INQUIRIES

Questions and inquiries about this Request for Qualifications should be directed to: [Lindsay Koskiniemi, City Manager @ \(979\)548-3321 or citymanager@sweenytx.gov](mailto:Lindsay.Koskiniemi@citymanager@weenytx.gov) Questions should be submitted **in writing no later than April 25, 2024.**

The apparent silence of these specifications as to any detail or to the apparent omission from it of a detailed description concerning any point, shall be regarded as meaning that only the best commercial practices are to prevail. All interpretations of these specifications shall be made based on this statement.

CITY PREROGATIVE TO ACCEPT/REJECT QUALIFICATIONS

The City reserves the right to accept or reject any or all Qualifications because of this request, to negotiate with all qualified sources, or to cancel, in part or in its entirety, this Request for Qualification if found in the best interest of the City. All Qualifications become the property of the City of Sweeny.

REIMBURSEMENTS

There is no express or implied obligation for the City of Sweeny to reimburse responding firms for any expenses incurred in preparing Qualifications in response to this Request for Qualification and the City of Sweeny will not reimburse responding firms for these expenses, nor will City pay any subsequent costs associated with the provision of any additional information or presentation, or to procure a contract for these services.

CERTIFICATION

Qualifications must be completed and submitted as required in this document. Certification form below should be fully completed.

The undersigned affirms that they are duly authorized to execute this contract, that this RFQ has not been prepared in collusion with any other firm, and that the contents of this RFQ have not been communicated to any other firm prior to the official opening of this RFQ.

Signed By:

Title:

Company Name:

Phone No:

Email:

P.O. Box or Street:

City, State ZIP:

Federal Tax ID No:

Signature: _____

Name: _____
(Written)

Date: _____

AGREEMENT

Submittals should include any vendor proposed, or required, agreements and contracts regarding this RFQ.

COMMUNICATION

Prospective vendors shall communicate only with the staff identified herein during the entire RFQ process (from this solicitation to award). The City shall not be responsible for any verbal or non-verbal communication between a potential bidder and any other employees of the City; and such action may be cause for rejection of the subject bidder's Qualification. Only written requirements and Qualifications, and addenda as issued by the City will be considered.

COMPANY OWNERSHIP/MANAGEMENT

Should there be a change in the awarded vendor ownership or management, the contract may be canceled unless a mutual agreement is reached with the new owner or manager to continue the contract with its present provisions and prices. This contract is nontransferable by either party.

DISCLOSURE

At the public opening, there will be no disclosure of contents to competing firms, and all Qualifications will be kept confidential during the negotiation process. Except for trade secrets and confidential information which the Firm identifies as proprietary, all Qualifications will be open for public inspection after the contract award.

AWARD OF THE CONTRACT

Award of the contract shall be made to the responsible offeror whose Qualification is determined to be the best offer, taking into consideration the relative importance of price and other factors set forth in this request for Qualifications.

The contents of the Qualification of the successful bidder will become, at our option, a contractual obligation if a contract ensues. Failure of the successful bidder to accept this obligation may result in cancellation of the award.

Qualifications submitted are offers only and the decision to accept or reject is a function of quality, reliability, capability, reputation, and expertise of the proposing vendors. The City of Sweeny reserves the right to terminate the selection process at any time and to reject any or all Qualifications.

The City of Sweeny reserves the right to accept the Qualification that is, in its judgment, the best and most favorable to the interests of the City of Sweeny and to the public; to reject the low-price Qualification; to accept any item of any Qualification; to reject any and all Qualifications; and to waive irregularities and informalities in any Qualification submitted or in the Request for Qualification process, provided; however, the waiver of any prior defect or informality shall not be considered a waiver of any future or similar defect or informality. Proposing vendors should not rely upon or anticipate such waivers in submitting their Qualification.

ADDENDA

Any addenda to the Qualification specifications issued during the period between issuance of the RFQ and receipt of Qualifications are to be considered covered in the Qualification and in awarding a contract they will become a part thereof. Receipt of addenda should be acknowledged by vendors in their Qualification cover letter.

FALSE OR MISLEADING STATEMENTS

If, in our opinion, if a Qualification contains false or misleading statements or references that do not support a function, attribute, capability, or condition as contended by the vendor, the entire Qualification may be rejected at the discretion of the City.

CLARIFICATION OF QUALIFICATION

We reserve the right to obtain clarification of any point in a vendor's Qualification or to obtain additional information necessary to properly evaluate a particular Qualification. Failure of a vendor to respond to such a request for additional information or clarification may result in rejection of the vendor's Qualification.

RESPONSIVENESS

Qualifications should respond to all requirements of this RFQ to the maximum extent possible. Vendors are asked to clearly identify any limitations or exceptions to the requirements inherent

in the proposed system. Alternative approaches will be given consideration if the approach clearly offers us increased benefits.

REJECTION OF QUALIFICATION

Qualifications that are not prepared in accordance with these instructions to vendors may be rejected/disqualified. If not rejected, the City of Sweeny may demand correction of any deficiency and accept the corrected Qualification upon compliance with these instructions to proposing vendors.

INDEMNIFICATION AND RELEASE

It is understood that any resulting contract executed will contain the following Indemnification and Release language:

INDEMNIFICATION

It is further agreed that the Contractor (separately and collectively the "Indemnitee") shall indemnify, hold harmless, and defend the City, its officers, agents, and employees from and against any and all claims, losses, damages, causes of action, suits, and liability of every kind, including all expenses of litigation, court costs, and attorney's fees, for injury to or death of any person or for damage to any property arising out of or in connection with the work done by the Contractor under this Contract. Such indemnity shall apply regardless of whether the claims, losses, damages, causes of action, suits, or liability arise in whole or in part from the negligence of the City, any other party indemnified hereunder, the Contractor, or any third party.

RELEASE

The Contractor assumes full responsibility for the work to be performed hereunder and hereby releases, relinquishes, and discharges the City, its officers, agents, and employees from all claims, demands, and causes of action of every kind and character, including the cost of defense thereof, for any injury to or death of any person and any loss of or damage to any property that is caused by, alleged to be caused by, arising out of, or in connection with the Contractor's work to be performed hereunder. This release shall apply regardless of whether said claims, demands, and causes of action are covered in whole or in part by insurance and regardless of whether such injury, death, loss, or damage was caused in whole or in part by the negligence of the City, any other party released hereunder, the Contractor, or any third party.

CONFLICT OF INTEREST

Provide a completed copy of the Conflict-of-Interest Questionnaire (Form CIQ) and Certificate of Interested Parties form upon contract execution.

SECTION IV - TECHNICAL SPECIFICATIONS GENERAL INFORMATION

BACKGROUND

The City of Sweeny is a small home rule City of approximately 3800 residents, located in Westernmost portion of Brazoria County, Texas. Sweeny is a quiet community that treasures its past while embracing the future. Sweeny is approximately one hour's drive from Houston and about a 20-minute drive to the beach. Sweeny lies west of the San Bernard River.

GENERAL SCOPE OF WORK

The City of Sweeny, Texas is seeking Qualifications from competent service provider(s) to assist the City in engineering and architectural design, bidding and construction phase services for a remodel of an existing structure into a new Animal Shelter Building, including but not limited to:

- Preliminary and final design services
- Preparation of construction plans and specifications
- Be receptive to Sweeny staff member feedback
- Preparation of preliminary and final Opinions of Probable Cost
- Assistance with obtaining an asbestos survey, if needed
- Preparation and submission of all required permit applications
- Bidding phase services
- Construction administration
- Construction inspection

Project Location: The project is located on 2nd Street in Sweeny, TX, near the Public Works building.

Access to the site will be made available during the pre-submittal meeting during the time specified from April 15th to April 17th from 2pm to 4pm.

The pre-submittal meeting will be held at Sweeny City Hall, located at 201 W. Ashley Wilson Rd., Sweeny, TX 77480. Contractors who are interested in the project but are unable to attend the scheduled pre-submittal meeting, should call **Chief Brad Caudle** at (979)548-3112 or email at bbcaudle@sweenytx.gov to schedule an appointment for a site visit.

The contractor shall be duly licensed as an engineer and/or architect to practice in the State of Texas, and agrees to provide professional services in connection with the project as hereinafter stated, and shall have responsibility for compliance with all applicable laws, rules, regulations, ordinances and codes.

PROPOSED COST OF SERVICES

Please provide your cost Qualification to accomplish the scope of work outlined above and for any additional services required to implement the project described in this solicitation.

The Qualification must include all costs that are necessary to successfully complete these activities. The City will consider dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises. Contract pricing for services under this RFQ will be adjusted if final project cost estimates differ from the current estimate. Please note that the lowest/best bid will not be used as the sole basis for entering into this contract.

SUBMISSION REQUIREMENTS

The following information, at a minimum, must be provided:

CONTRACTOR OVERVIEW

- The name and address of the principal office and all branch offices of the Contractor.
- The size of the firm including number and type of employees. If a joint venture, list similar information for each firm and the rationale for the joint venture. Include previous similar experience as a joint venture, and a summary of the joint venture agreement indicating the roles and responsibilities of each party in the joint venture.
- Name, address, e-mail, and telephone numbers of the Project Principal and the individual designated to receive all official correspondence relating to the Project.
- List any sub-contractors and/or any other firms that will be used to provide services in relation to this project.

- Must submit a Form 1295 Conflict of Interest Questionnaire.

DRAFT

PROJECT TEAM MEMBER INFORMATION

- Provide a Project Management Chart specific to-this project that identifies all key team members, describes each person's role and responsibilities, and shows how each interacts with other team members and the CITY.
- Personnel Qualifications for all members of the Project Team that include title, educational background, licenses, relevant experience, work history, length of service with your firm, and three current client references.
- Selection of the successful CONTRACTOR will be based, in part, on specific members of your proposed Project Team. Include a statement indicating the firm's commitment to maintain the integrity of the assigned staff throughout the Project.

CONTRACTOR EXPERIENCE

- Briefly discuss five projects that best represent your team's ability to successfully complete this project. Explain how these projects demonstrate your team's capability to successfully provide the services requested. For multi-office firms, these projects should be projects designed by the office or team members proposed for the project in the RFQ. At a minimum, for each project, provide a brief description, a before and after photo, name of project owner, up-to-date client reference information (including names and phone numbers), dates services performed, specific services your team provided and size of the project.

PROJECT UNDERSTANDING

- Briefly describe your team's understanding of the project. Include a brief description of your proposed approach to the project.
- Briefly describe any challenges or opportunities that you have identified for this project.

ADDITIONAL INFORMATION

- Provide any additional information the Contractor believes will be helpful in making the selection.

EVALUATION CRITERIA

The City will select a Contractor that best meets its requirements based on the information contained in the Statement of Qualifications, any reference checks conducted, personal knowledge of the Selection Committee and the information presented during any interviews conducted as part of the selection process. Additionally, the City will consider and apply any existing laws, rules or applicable provisions related to historically underutilized businesses (HUB) or the use of women, minority, and small, or disadvantaged businesses enterprises (BDE).

Specifically, the Selection Committee will review and consider the following criteria listed in the order of importance:

Response Criteria	Points
-------------------	--------

RESPONSE CRITERIA

POINTS

Summary indicating understanding of the project scope, as well as any potential opportunities and/or challenges with the project. Completeness and clarity of SOQ.	35
The Contractors experience at successfully delivering projects of similar size and complexity on time and within budget (including change orders and allowances).	25
Capacity to perform requested work.	15
HUB / MWVD Owned Businesses	10
Examples provided in SOQ of specific, creative, cost saving strategies that have worked for similar projects.	10
Location in proximity to Sweeny	5

DRAFT

PROCUREMENT PROCESS

This RFQ complies with all state laws and CITY policies and procedures. Address any questions and/or concerns about the process or any awards made from it to:

City of Sweeny

Attn: Lindsay Koskiniemi, City Manager

P.O. Box 248

Sweeny, TX 75494

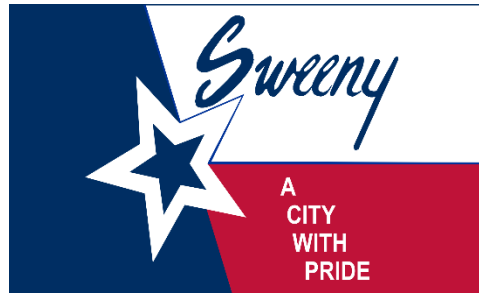
Phone: (979)548-3321

Email: citymanager@sweenytx.gov

All inquiries regarding this Project and RFQ must be in writing and must be submitted to the CITY by the deadline specified above.

DRAFT

CONFLICT OF INTEREST FORM

**ATTENTION VENDORS DOING BUSINESS WITH THE CITY
OF SWEENY**

Pursuant to House Bill 914, Local Government Code, chapter 176, a person or business and their agents who does business with the City of Sweeny is required to complete a conflict-of-interest questionnaire (Form CIQ) no later than seven days after being contacted by City of Sweeny for the purpose of establishing a business relationship. This legal requirement went into effect as of January 1, 2006.

Failure to meet this requirement could result in termination of your business relationship with the City of Sweeny, whether or not a contract is in place. This is a legal requirement that supersedes contract provisions relating to termination.

Thank you for your cooperation.

Lindsay Koskiniemi
City Manager
City of Sweeny, Texas

CONFLICT OF INTEREST QUESTIONNAIRE

FORM CIQ

For vendor or other person doing business with local governmental entity

This questionnaire reflects changes made to the law by H.B. 1491, 80th Leg., Regular Session.

OFFICE USE ONLY

Date Received:

This questionnaire is being filed in accordance with Chapter 176, Local Government Code by a person who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the person meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local governmental entity no later than the 7th business day after the date the person becomes aware of facts that require the statement to be filed. See Section 176.006, Local Government Code,

A person commits an offense if the person knowingly violates Section 176.006, Local Government Code. An offense under this section is a Class C misdemeanor

1. Name of person who has a business relationship with a governmental entity.

2. Check this box if you are filing an update to a previously filed questionnaire. (The law requires you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date the originally filed questionnaire becomes incomplete or inaccurate.)

3. Name of local government officer with whom filer has employment or business relationship.

_____ Name of Officer

This section (item 3 including subparts A, B, C and D) must be completed for each officer with whom the filer has an employment or other business relationship as defined by Section 176.001(1-a), Local Government Code. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer named in this section receiving or likely to receive taxable income, other than investment income, from the filer of the questionnaire?

Yes

No

B. Is the filer of the questionnaire receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer named in this section AND the taxable income is not received from the local governmental entity?

Yes

No

C. Is the filer of this questionnaire employed by a corporation or other business entity with respect to which the local government officer services as an officer or director, or holds an ownership of 10 percent or more?

Yes

No

D. Describe each employment or business relationship with the local government officer named in this section.

4.

Signature of person doing business with the governmental entity Date

DRAFT



AGENDA MEMO

Business of the City Council City of Sweeny, Texas

Meeting Date	03.19.2024	Agenda Item	
Approved by City Manager	Yes	Presenter(s)	Lindsay Koskiniemi, City Manager
Reviewed by City Attorney	Yes	Department	Animal Control
Subject	Discussion and possible action to approve a resolution to accept a donation of \$50,000.00 in US Dollars from Leigh Ann Thornton, for the exclusive purpose of building a new animal shelter for the City of Sweeny.		
Attachments	Proposed resolution		
Financial Information	Expenditure Required:	N/A	
	Amount Budgeted:	N/A	
	Account Number:		
	Additional Appropriation Required:		
	Additional Account Number:		

Executive Summary

Subsequent to Council’s action to approve the city manager to enter an agreement with L. Thornton to accept a donation in the amount of \$50,000.00 for the sole purpose of funding animal shelter improvements, Council’s approval of a resolution to accept the funds is required to formally accept the donation.

Recommended Action

If the Council action was to authorize the city manager to enter an agreement with L. Thornton to accept the donation in the amount of \$50,000.00, the **recommended motion is:**

“I move we approve the proposed resolution to accept a donation in the amount of \$50,000.00 from Leigh Ann Thornton for the exclusive use for animal shelter improvements.”

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SWEENY, BRAZORIA COUNTY, TEXAS, ACCEPTING A DONATION OF \$50,000.00 FROM LEIGH ANN THORNTON, FOR THE EXCLUSIVE PURPOSE OF BUILDING A NEW ANIMAL SHELTER FOR THE CITY OF SWEENY; AND FINDING FACT.

WHEREAS, LEIGH ANN THORNTON has privately raised funds in the amount of \$50,000.00 and wishes to donate the funds to The City of Sweeny to be exclusively used for the building of a new animal shelter for the City of Sweeny and desires to donate those funds to the City; and

WHEREAS, The City desires to accept the funds donated herein by LEIGH ANN THORNTON, for the exclusive purpose of building a new animal shelter for the City; and

WHEREAS, the City of Sweeny will accept the funds donated herein pursuant to the terms of an agreement to be executed by the City of Sweeny and Leigh Ann Thornton after the passage of this resolution;

WHEREAS, the City Council is now convened in its Regular Session;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SWEENY, TEXAS:

SECTION ONE (1):

The recitals of fact and findings above are found to be true and correct.

SECTION TWO (2):

The City hereby accepts the donation of the sum of \$50,000.00 from Leigh Ann Thornton for the purpose of building a new animal shelter.

SECTION THREE (3):

The City Manager is authorized to execute an agreement with Leigh Ann Thornton which provides the terms for the use of said funds.

PASSED AND ADOPTIED, this the ____ day of _____, 2024.

DUSTY HOPKINS, Mayor

ATTEST:

KAYDI SMITH, City Secretary



AGENDA MEMO

Business of the City Council

City of Sweeny, Texas

Meeting Date	03.19.2024	Agenda Item	
Approved by City Manager	Yes	Presenter(s)	Lindsay Koskiniemi, City Manager
Reviewed by City Attorney	Yes	Department	Finance
Subject	Discussion and possible action to approve a resolution to create a segregated bank account for the Animal Shelter Fund donations and approval of authorized banking signatories		
Attachments	Proposed resolution		
Financial Information	Expenditure Required:	N/A	
	Amount Budgeted:	N/A	
	Account Number:		
	Additional Appropriation Required:		
	Additional Account Number:		

Executive Summary

City of Sweeny is presented with a donation in the amount of \$50,000.00 by donor Leigh Ann Thronton for the sole purpose of use on an improved animal shelter site.

Should the donation be accepted by the City, staff’s recommendation to City Council is to open a new banking account, segregated from other City funds and treated and audited as a component unit similar to other component units (Examples: Crime Control and Prevention District, Sweeny Economic Development Corporation).

The City is the custodian of component unit funds, and, where required, component units typically have a oversight board with members comprised of stakeholders appointed by City Council. No such board currently exists for the Animal Shelter; however staff recommends the creation of such a board to be commissioned at a later time.

If Council authorizes the acceptance of the animal shelter donation, the funds will need to be held in an interest-bearing account with authorized bank signatories. In lieu of an operating board, staff recommends the following city officials have bank signatory authorization until a board is created, at which time one Board member would replace the city manager.

At a subsequent meeting, City staff will request Council authorize a TexPool account to capitalize on higher interest earnings if the funds will not be used as the project scope, budget, and design is being developed.

Recommended signatories include:

Brad Caudle, Chief of Police

Karla Wilson, Director of Finance and Personnel Services

Lindsay Koskiniemi, City Manager (until a board is appointed)



AGENDA MEMO

Business of the City Council
City of Sweeny, Texas

Recommended Action

If City Council accepts a donation for the animal shelter improvements in the amount of \$50,000.00, the recommended motion is:

“I move we approve the resolution to open an Animal Shelter Fund bank account with First State Bank Louise in Sweeny, Texas and authorize staff to open a separate interest-bearing account for the Animal Shelter Improvement donations and name Brad Caudle, Karla Wilson, and Lindsay Koskiniemi as bank signatories.”

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SWEENY, BRAZORIA COUNTY, TEXAS, AUTHORIZING THE CREATION OF A SPECIAL ACCOUNT AT FIRST STATEA BANK OF LOUISE TO BE KNOWN AS THE ANIMAL SHELTER FUND; AND AUTHORIZING OFFICIAL BANK SIGNATURES FOR THE ACCOUNT; FINDING FACT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City of Sweeny has received or will receive a donation of funds to be used only for the building of a new animal shelter for the City; and

WHEREAS, The City desires to create a special account known as the Animal Shelter Fund, at its banking institution, the First State Bank of Louise, to place the donated funds and any future funds that may be donated to the City and designated for use only for the building of the new animal shelter and related uses for the City animal shelter; and

WHEREAS, the City desires to designate certain City officials with signature authority over the funds deposited into the Animal Shelter Fund;

WHEREAS, the City Council is now convened in its Regular Session;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SWEENY, TEXAS:

SECTION ONE (1):

The recitals of fact and findings above are found to be true and correct.

SECTION TWO (2):

The City hereby creates a special account, to be known as the Animal Shelter Fund, at the First State Bank of Louise, and will deposit into said fund, all donations received by the City designated for the Animal Shelter Fund.

SECTION THREE (2):

The following persons are officials of the City of Sweeny and are hereby authorized to sign checks on the Animal Shelter Fund. Any two of the officials named are required to sign each check. Any further bank documents necessary to carry out the intent of this resolution are approved herein.

Name	Title	Signature
<hr/>		

SECTION THREE (3):

This resolution is effective on the date of its passage.

PASSED AND ADOPTIED, this the ____ day of _____, 2024.

DUSTY HOPKINS, Mayor

ATTEST:

KAYDI SMITH, City Secretary



AGENDA MEMO

Business of the City Council

City of Sweeny, Texas

Meeting Date	03/19/2024	Agenda Item	
Approved by City Manager		Presenter(s)	City Manager
Reviewed by City Attorney		Department	Administration
Subject	Updates to proposed changes to Ordinance Chapter 52; Drought Contingency Plan		
Attachments	20191 Track Changes, 20191		
Financial Information	Expenditure Required:		
	Amount Budgeted:		
	Account Number:		
	Additional Appropriation Required:		
	Additional Account Number:		

Executive Summary

Update to the Drought Contingency Plan as required by TCEQ. City Engineers have reviewed and made recommended changes needed to suffice with TCEQ. The document labeled Track Changes shows changes made to the template by City Engineers. Where possible, they tried to follow the current Drought Contingency Plan.

The final document (20191) shows the changes made. There are a few highlighted areas that warrant discussion with Council.

- You will need to provide a public notice and a meeting to allow input from your citizens. This could be done at a Council meeting before you adopt it.
- Public notice and public education of the plan can be done by various methods. All the options TCEQ gives in their template and social media has additionally been added since we use Facebook to notify the public as well.
- The new template includes language for a fine for violating the plan. I don't believe the old DCP had this, but your ordinances may establish a fine system outside of this plan. You can either leave this part out or insert the fine that you wish to adopt.
 - Violation of City Ordinance violation
 - Currently states can issue a violation, discontinue water service, and/or injunctive relief in district court
- The service disconnect was included in the original DCP, but the cost for restoring a locked meter was not. You may already have this established in your ordinances and can just insert it here.

Essentially, the plan is very similar to the existing plan in place. The format and some of the languages have changed, for reference, the old plan referenced the TNRCC. This was the previous name of the TCEQ, which changed back in the early 2000s. It will be good to have the most up to date language in the new plan.

Recommended Action

No action needed- update and discussion as needed



Texas Commission on Environmental Quality

Water Availability Division
MC-160, P.O. Box 13087 Austin, Texas 78711-3087
Telephone (512) 239-4600, FAX (512) 239-2214

Drought Contingency Plan
for a Retail Public Water Supplier

This form is provided as a model of a drought contingency plan for a retail public water supplier. If you need assistance in completing this form or in developing your plan, please contact the Conservation Staff of the Resource Protection Team in the Water Availability Division at (512) 239-4600.

Drought Contingency Plans must be formally adopted by the governing body of the water provider and documentation of adoption must be submitted with the plan. For municipal water systems, adoption would be by the city council as an ordinance. For other types of publicly-owned water systems (example: utility districts), plan adoption would be by resolution of the entity's board of directors adopting the plan as administrative rules. For private investor-owned utilities, the drought contingency plan is to be incorporated into the utility's rate tariff. Each water supplier shall provide documentation of the formal adoption of their drought contingency plan.

Name: City of Sweeny
Address: 102 West Ashley Wilson P.O. Box 248 Sweeny Texas 77480
Telephone Number: (979) 548-3321 Fax: (979) 548-7745
Water Right No.(s): N/A
Regional Water Planning Group: Region H
Form Completed by: William J. Huebner, P.E.
Title: Mayor
Person responsible for implementation: Dusty Hopkins Phone: (979)548-3321
Signature: Date: / /

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Section I: Declaration of Policy, Purpose, and Intent

In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the City of Sweeny (the City), hereby adopts the following regulations and restrictions on the delivery and consumption of water.

Deleted: (name of your water supplier)

Water uses regulated or prohibited under this Drought Contingency Plan (the Plan) are considered to be non-essential and continuation of such uses during times of water shortage or other

emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section X of this Plan.

Section II: Public Involvement

Opportunity for the public to provide input into the preparation of the Plan was provided by the City, by means of scheduling and providing public notice of a public meeting to accept input on the Plan.

Deleted: _____

Deleted: (name of your water supplier)

Deleted: _____ (describe methods used to inform the public about the preparation of the plan and provide opportunities for input; for example,

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Deleted: _____

Deleted: (name of your water supplier)

Deleted: _____ (describe methods to be used to provide information to the public about the Plan; for example,

Deleted: public events, press releases or utility bill inserts)....

Deleted: _____

Deleted: (name of your water supplier)

Deleted: _____

Deleted: (name of regional water planning area or areas)...

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Deleted: (name of your water supplier)

Deleted: _____

Deleted: Houston Region.

Deleted: (name of your regional water planning group or groups)....

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Deleted: (designated official; for example, the mayor, city manager, utility director, general manager, etc.)

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Deleted: (designated official)

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Section III: Public Education

The City will periodically provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of news media, radio broadcasts on local radio station, local newspapers, telephone calls, person to person conversations, and notices mailed to all utility customers.

Section IV: Coordination with Regional Water Planning Groups

The service area of the City is located within the Houston region (H), and the City of Sweeny, has provided a copy of this Plan to the Region H.

Section V: Authorization

The Mayor, or his/her designee is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The Mayor, or his/her designee shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

Section VI: Application

The provisions of this Plan shall apply to all persons, customers, and property utilizing water provided by the City (name of your water supplier). The terms "person" and "customer" as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

Section VII: Definitions

For the purposes of this Plan, the following definitions shall apply:

Aesthetic water use: water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

Commercial and institutional water use: water use which is integral to the operations of commercial and non-profit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.

Conservation: those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

Customer: any person, company, or organization using water supplied by the City.

Deleted: _____

Deleted: (name of your water supplier).

Domestic water use: water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.

Even number address: street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, or 8 and locations without addresses.

Foundation watering: an application of water to the soils directly abutting (within 2 feet) the foundation of a building, structure.

Industrial water use: the use of water in processes designed to convert materials of lower value into forms having greater usability and value.

Landscape irrigation use: water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.

Non-essential water use: water uses that are not essential nor required for the protection of public, health, safety, and welfare, including:

- (a) irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this Plan;
- (b) use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- (c) use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- (d) use of water to wash down buildings or structures for purposes other than immediate fire protection;
- (e) flushing gutters or permitting water to run or accumulate in any gutter or street;
- (f) use of water to fill, refill, or add to any indoor or outdoor swimming pools or Jacuzzi-type pools;
- (g) use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- (h) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- (i) use of water from hydrants for construction purposes or any other purposes other than firefighting.

Deleted: fire fighting

Odd numbered address: street addresses, box numbers, or rural postal route numbers ending in 1, 3, 5, 7, or 9.

Section VIII: Criteria for Initiation and Termination of Drought Response Stages

The Mavor, or his/her designee shall monitor water supply and/or demand conditions on a daily basis and shall determine when conditions warrant initiation or termination of each stage of the Plan, that is, when the specified "triggers" are reached.

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Deleted: (example: daily, weekly, monthly)

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The triggering criteria described below are based on daily consumption in relation to the total water production capacity of the wells in service at any time or in relation to the total firm high service (booster) pump capacity in the system. The well capacity shall mean the rate of production from all wells over a 24-hour period and the total firm booster pump capacity shall mean the total volume of water that can be pumped in a 24-hour

period assuming the largest pump is out of service. The City has a master water meter on each well, which monitors the total daily water demand.

Utilization of alternative water sources and/or alternative delivery mechanisms;

There are no alternative water source(s) available to the City.

Stage 1 Triggers – MILD Water Shortage Conditions

Requirements for initiation

Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses, defined in Section VII Definitions, when total daily water demand equals or exceeds 40 percent of the total well capacity or firm booster pump capacity for seven consecutive days.

Requirements for termination

Stage 1 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of seven consecutive days.

Stage 2 Triggers – MODERATE Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section IX of this Plan when total daily water demand equals or exceeds 50 percent of the total well capacity or firm booster pump capacity for seven consecutive days.

Requirements for termination

Stage 2 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of seven consecutive days. Upon termination of Stage 2, Stage 1, or the applicable drought response stage based on the triggering criteria, becomes operative.

Stage 3 Triggers – SEVERE Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 3 of this Plan when total daily water demand equals or exceeds 60 percent of the total well capacity or firm booster pump capacity for three consecutive days.

Requirements for termination

Stage 3 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three consecutive days. Upon termination of Stage 3, Stage 2, or the applicable drought response stage based on the triggering criteria, becomes operative.

Stage 4 Triggers – CRITICAL Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 4 of this Plan when total daily water demand equals or exceeds 70 percent of the total well capacity or firm booster pump capacity for three consecutive days.

Requirements for termination

Deleted: (Provide a brief description of the rationale for the triggering criteria; for example, triggering criteria / trigger levels based on a statistical analysis of the vulnerability of the water source under drought of record conditions, or based on known system capacity limits).

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Deleted: Alternative water source(s) for (name of utility) is/are: (Examples: Other well(s), Inter-connection with other system, Temporary use of a non-municipal water supply Purchased water, Use of reclaimed water for non-potable purposes, etc.)

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Deleted: (Describe triggering criteria / trigger levels; see examples below).

Following are examples of the types of triggering criteria that might be used in one or more successive stages of a drought contingency plan. The public water supplier may devise other triggering criteria and an appropriate number of stages tailored to its system. One or a combination of the criteria selected by the public water supplier must be defined for each drought response stage, but usually not all will apply.

Example 1: Annually, beginning on May 1 through September 30.

Example 2: When the water supply available to the (name of your water supplier) is equal to or less than (acre-feet, percentage of storage, etc.)

Example 3: When, pursuant to requirements specified in the (name of your water supplier) wholesale water purchase contract with (name of your wholesale water supplier), notification is received requesting initiation of Stage 1 of the Drought Contingency Plan.

Deleted: Example 6: When the specific capacity of the (name of your water supplier)

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Stage 4 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three consecutive days. Upon termination of Stage 4, Stage 3, or the applicable drought response stage based on the triggering criteria, becomes operative.

Stage 5 Triggers – EMERGENCY Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions for Stage 5 of this Plan when the Mayor, or his/her designee, determines that a water supply emergency exists based on:

1. Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; or
2. Natural or man-made contamination of the water supply source(s).

Requirements for termination

Stage 5 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three consecutive days.

Section IX: Drought Response Stages

The Mayor, or his/her designee, shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in Section VIII of this Plan, shall determine that a mild, moderate, severe, critical, emergency or water shortage condition exists and shall implement the following notification procedures:

Notification

Notification of the Public:

The Mayor or his/ her designee shall notify the public by means of: news media, social media, radio broadcasts on local radio station, local newspapers, telephone calls, posting notices at public buildings, and person to person conversations. Notices mailed to all utility customers may be used at the discretion of the Mayor or his/her designee.

Additional Notification:

The Mayor or his/ her designee shall notify directly, or cause to be notified directly, the following individuals and entities:

Entity	Notification Stage
City Council	All Stages
TCEO	All Stages
Street Superintendent	Stage 4: Critical Stage 5: Emergency
Water and Wastewater Superintendent	All Stages
Fire Chief	All Stages
Major water users	Stage 5: Emergency

Stage 1 Response – MILD Water Shortage Conditions

Target: Achieve a voluntary reduction in the total well capacity or firm booster pump capacity to less than 40 percent.

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Deleted: Stage 6 Triggers – WATER ALLOCATION

Requirements for initiation

Customers shall be required to comply with the water allocation plan prescribed in Section IX of this Plan and comply with the requirements and restrictions for Stage 5 of this Plan when _____ (describe triggering criteria, s examples in Stage 1).

Requirements for termination - Water allocation may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of _____ (example: 3) consecutive days.

Note: The inclusion of WATER ALLOCATION as part of drought contingency plan may not be required in all cases. For example, for a given water supplier, an analysis of water supply availability under drought of record conditions may indicate that there is essentially risk of water supply shortage. Hence, a drought contingency plan for such a water supplier might only address facility capacity limitations and emergency.

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Stage 5: Emergency

Deleted: Stage 5: Emergency

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Examples: ¶

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Deleted: (example: total water use, daily water demand, etc).

Best Management Practices for Supply Management:

The City will reduce water demand by system water loss control and reduced or discontinued irrigation of public landscaped areas.

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Voluntary Water Use Restrictions for Reducing Demand:

- (a) Water customers are requested to voluntarily limit the irrigation of landscaped areas to between the hours of 6 p.m. and 8:00 a.m.
- (b) All operations of the City (name of your water supplier) shall adhere to water use restrictions prescribed for Stage 1 of the Plan.
- (c) Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.

Deleted: Describe additional measures, if any, to be implemented directly by (name of your water supplier) to manage limited water supplies and/or reduce water demand. Examples include: system water loss control, activation and use of an alternative supply source(s); use of reclaimed water for non-potable purposes.

Deleted: Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and to irrigate landscapes only

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Deleted: and 8:00 p.m. to midnight on designated watering days

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Deleted: Achieve a _____ percent reduction in _____ (example: total water use, daily water demand, etc).

Stage 2 Response – MODERATE Water Shortage Conditions

Target: Achieve a voluntary in the total well capacity or firm booster pump capacity to less than 50 percent.

Best Management Practices for Supply Management:

The City will reduce water demand by system water loss control and reduced or discontinued irrigation of public landscaped areas.

Water Use Restrictions for Demand Reduction:

Under threat of penalty for violation, the following water use restrictions shall apply to all persons:

- (a) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Monday, Wednesday, and Friday for customers located west of Hackberry Street, and Tuesday, Thursday, and Saturdays for water customers located east of Hackberry Street and no one shall water between the hours of 8 a.m. and 6 p.m. on Sundays. However, irrigation of landscaped areas is permitted on a daily basis by means of a hand-held hose, a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system before 8 a.m. and after 6 p.m.
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rises. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.

Deleted: Describe additional measures, if any, to be implemented directly by _____ (name of your water supplier) to manage limited water supplies and/or reduce water demand. Examples include: system water loss control, reduced or discontinued irrigation of public landscaped areas; use of an alternative supply source(s); use of reclaimed water for non-potable purposes.

Deleted: Sundays and Thursdays

Deleted: with a street address ending in an even number (0, 2, 4, 6 or 8)

Deleted: and Wednesdays

Deleted: with a street address ending in an odd number (1, 3, 5, 7 or 9),

Deleted: irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight on designated watering days.

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- (c) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight.
- (d) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
- (e) Use of water from hydrants shall be limited to firefighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the City.
- (f) Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days between the hours 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight. However, if the golf course utilizes a water source other than that provided by the City, the facility shall not be subject to these regulations.
- (g) All restaurants are prohibited from serving water to patrons except upon request of the patron.
- (h) The following uses of water are defined as non-essential and are prohibited:
 1. wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
 2. use of water to wash down buildings or structures for purposes other than immediate fire protection;
 3. use of water for dust control;
 4. flushing gutters or permitting water to run or accumulate in any gutter or street; and
 5. failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

Deleted: fire fighting

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Deleted: (name of your water supplier).

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Deleted: (name of your water supplier)

Stage 3 Response - SEVERE Water Shortage Conditions

Target: Achieve a voluntary reduction in the total well capacity or firm booster pump capacity to less than 60 percent.

Best Management Practices for Supply Management:

The City will reduce water demand by system water loss control and reduced or discontinued irrigation of public landscaped areas.

Water Use Restrictions for Demand Reduction:

All requirements of Stage 2 shall remain in effect during Stage 3 except:

- (a) Irrigation of landscaped areas shall be further limited to a designated watering day.
 - a. NW: Customers located north of 4th Street and Brockman and west of Hackberry Street shall water on Mondays.

Deleted: Achieve a _____ percent reduction in _____ (example: total water use, daily water demand, etc).†

Deleted: Describe additional measures, if any, to be implemented directly by _____ (name of your water supplier) to manage limited water supplies and/or reduce water demand. Examples include: system water loss control, reduced or discontinued irrigation of public landscaped areas; use of an alternative supply source(s); use of reclaimed water for non-potable purposes.

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- b. ~~SE: Customers located south of 4th Street and Brockman and east of Hackberry Street shall water on Tuesdays.~~
- c. ~~NE: Customers located north of 4th Street and Brockman and east of Hackberry Street shall water on Thursdays.~~
- d. ~~SW: Customers located south of 4th Street and Brockman and west of Hackberry Street shall water on Fridays.~~

~~No one may water on Wednesdays, Saturdays, or Sundays. No one may water on any assigned day between the hours of 8 a.m. and 6 p.m. Hand watering flowers, flowerbeds, and potted plants may be done on any day before 8 a.m. and after 6 p.m. Watering shall be done by means of hand-held hoses, hand-held buckets, drip irrigation, or permanently installed automatic sprinkler system only. The use of hose-end sprinklers is prohibited at all times.~~

- (b) The watering of golf course tees is prohibited unless the golf course utilizes a water source other than that provided by the City (name of your water supplier).
- (c) The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.
- (d) Foundation Watering (within 2 feet) may take place on the assigned water day only. Watering of trees may occur for two hours one day per week with a hand-held hose or with a dedicated zone using a Drip Irrigation system and/or Soaker Hose, provided no runoff occurs.

~~(e) Anyone using more than 20,000 gallons of water per month at the time this stage is implemented will be charged a rate of \$5.00 per 1,000 gallons of water over the 20,000 gallons used.~~

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Stage 4 Response - CRITICAL Water Shortage Conditions

Target: ~~Achieve a voluntary reduction in the total well capacity or firm booster pump capacity to less than 70 percent.~~

Best Management Practices for Supply Management:

~~The City will reduce water demand by system water loss control and reduced or discontinued irrigation of public landscaped areas.~~

Water Use Restrictions for Reducing Demand:

All requirements of Stage 2 and 3 shall remain in effect during Stage 4 except:

- (a) ~~No one may perform outdoor watering on any given day other than providing water for pets and livestock.~~
- (b) ~~Foundations may be watered every two weeks. Customers located west of Hackberry Street may soak their foundation on the first and third Wednesday of the month between 6 p.m. and midnight. Customers located east of Hackberry Street may soak their foundation on the second and fourth Wednesday of the~~

Deleted: Achieve a _____ percent reduction in _____ (example: total water use, daily water demand, etc).

Deleted: Describe additional measures, if any, to be implemented directly by _____ (name of your water supplier) to manage limited water supplies and/or reduce water demand. Examples include: system water loss control, reduced or discontinued irrigation of public landscaped areas; use of an alternative supply source(s); use of reclaimed water for non-potable purposes

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Deleted: Irrigation of landscaped areas shall be limited to designated watering days between the hours of 6:00 a.m. and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, or drip irrigation only. The use of hose-end sprinklers or permanently installed automatic sprinkler systems are prohibited at all times.

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month between 6 p.m. and midnight. The increased rates implemented in stage 3 will remain in effect through this stage.

- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not occurring on the premises of a commercial car wash and commercial service stations and not in the immediate interest of public health, safety, and welfare is prohibited. Further, such vehicle washing at commercial car washes and commercial service stations shall occur only between the hours of 6:00 a.m. and 10:00 a.m. and between 6:00 p.m. and 10 p.m.
- (c) The filling, refilling, or adding of water to swimming pools, wading pools, and Jacuzzi-type pools is prohibited.
- (d) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
- (e) No application for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be approved, and time limits for approval of such applications are hereby suspended for such time as this drought response stage or a higher-numbered stage shall be in effect.

Stage 5 Response - EMERGENCY Water Shortage Conditions

Target: Achieve a voluntary reduction in the total well capacity or firm booster pump capacity to less than 75 percent or reduce water use to prevent more than 50% depletion of stored water volumes at any time.

Best Management Practices for Supply Management:

The City will reduce water demand by system water loss control and reduced or discontinued irrigation of public landscaped areas.

Water Use Restrictions for Reducing Demand:

All requirements of Stage 2, 3, and 4 shall remain in effect during Stage 5 except:

- (a) All non-essential water use shall be prohibited unless necessary for the preservation of health, safety, and welfare of residents. Water usage for livestock is exempt.
- (b)

Section X: Enforcement

- (a) No person shall knowingly or intentionally allow the use of water from the City for residential, commercial, industrial, agricultural, governmental, or any other purpose in a

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Deleted: Describe additional measures, if any, to be implemented directly by _____ (name of your water supplier) to manage limited water supplies and/or reduce water demand. Examples include: system water loss control, reduced or discontinued irrigation of public landscaped areas; use of an alternative supply source(s); use of reclaimed water for non-potable purposes.¶

Deleted: Irrigation of landscaped areas is absolutely prohibited, except soaker hoses, hand-held hoses or a dedicated zone using a drip irrigation system may be used to water trees up to two hours per week or foundations as necessary, provided no runoff occurs.

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Deleted: Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.

Deleted: Stage 6 Response - WATER ALLOCATION¶

¶ In the event that water shortage conditions threaten public health, safety, and welfare, the _____ Mayor (designated official) is hereby authorized to allocate water according to the following water allocation plan:¶

¶ Single-Family Residential Customers¶

¶ The allocation to residential water customers residing in a single-family dwelling shall be as follows:¶

Persons per Household	Gallons per Month¶
1 or 2	6,000¶
3 or 4	7,000¶
5 or 6	8,000¶
7 or 8	9,000¶
9 or 10	10,000¶
11 or more	12,000¶

¶ "Household" means the residential premises served by the customer's meter. "Persons per household" include only those persons currently physically residing at the premises and expected to reside there for the entire billing period. It shall be assumed that a particular customer's household is comprised of two (2) persons unless the customer notifies the _____ City (name of your water supplier) of a greater number of persons per household on a form prescribed by the _____ Mayor (designated official). The _____ Mayor (designated official) shall give his/her best effort to see that such forms are mailed, otherwise provided, or made available to every residential customer. If, however, a customer does not receive such a form, it shall be the customer's responsibility to go to the _____ City (name of your water supplier) offices to complete and sign the form claiming more than two (2) persons per household(... ¶

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Deleted: (name of your water supplier)

manner contrary to any provision of this Plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by Mayor, or his/her designee, in accordance with provisions of this Plan.

(b) Any person who violates this Plan is guilty of a misdemeanor and, upon conviction shall be punished by a fine of not less than _____ dollars (\$_____) and not more than _____ dollars (\$____). Each day that one or more of the provisions in this Plan is violated shall constitute a separate offense. If a person is convicted of three or more distinct violations of this Plan, the Mayor (designated official) shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a re-connection charge, hereby established at \$_____, and any other costs incurred by the City, in discontinuing service. In addition, suitable assurance must be given to the Mayor, that the same action shall not be repeated while the Plan is in effect. Compliance with this plan may also be sought through injunctive relief in the district court.

(c) Any person, including a person classified as a water customer of the City, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children and proof that a violation, committed by a child, occurred on property within the parents' control shall constitute a rebuttable presumption that the parent committed the violation, but any such parent may be excused if he/she proves that he/she had previously directed the child not to use the water as it was used in violation of this Plan and that the parent could not have reasonably known of the violation.

(d) Any employee of the City, police officer, or other employee designated by the Mayor, may issue a citation to a person he/she reasonably believes to be in violation of this Ordinance. The citation shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known, the offense charged, and shall direct him/her to appear in the municipal court, on the date shown on the citation for which the date shall not be less than 3 days nor more than 5 days from the date the citation was issued. The alleged violator shall be served a copy of the citation. Service of the citation shall be complete upon delivery of the citation to the alleged violator, to an agent or employee of a violator, or to a person over 14 years of age who is a member of the violator's immediate family or is a resident of the violator's residence. The alleged violator shall appear in municipal court, to enter a plea of guilty or not guilty for the violation of this Plan. If the alleged violator fails to appear in municipal court, a warrant for his/her arrest may be issued. A summons to appear may be issued in lieu of an arrest warrant. These cases shall be expedited and given preferential setting in municipal court, before all other cases.

Section XI: Variances

The Mayor, or his/her designee, may, in writing, grant temporary variance for existing water uses otherwise prohibited under this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance and if one or more of the following conditions are met:

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- (a) Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect.
- (b) Alternative methods can be implemented which will achieve the same level of reduction in water use.

Persons requesting an exemption from the provisions of this Ordinance shall file a petition for variance with the City, within 5 days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the Mayor, or his/her designee, and shall include the following:

Deleted: _____
 Deleted: (name of your water supplier)
 Deleted: _____
 Deleted: (designated official)

- (a) Name and address of the petitioner(s).
- (b) Purpose of water use.
- (c) Specific provision(s) of the Plan from which the petitioner is requesting relief.
- (d) Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance.
- (e) Description of the relief requested.
- (f) Period of time for which the variance is sought.
- (g) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
- (h) Other pertinent information.



Texas Commission on Environmental Quality

Water Availability Division
 MC-160, P.O. Box 13087 Austin, Texas 78711-3087
 Telephone (512) 239-4600, FAX (512) 239-2214

Drought Contingency Plan for a Retail Public Water Supplier

This form is provided as a model of a drought contingency plan for a retail public water supplier. If you need assistance in completing this form or in developing your plan, please contact the Conservation Staff of the Resource Protection Team in the Water Availability Division at (512) 239-4600.

Drought Contingency Plans must be formally adopted by the governing body of the water provider and documentation of adoption must be submitted with the plan. For municipal water systems, adoption would be by the city council as an ordinance. For other types of publicly-owned water systems (example: utility districts), plan adoption would be by resolution of the entity's board of directors adopting the plan as administrative rules. For private investor-owned utilities, the drought contingency plan is to be incorporated into the utility's rate tariff. Each water supplier shall provide documentation of the formal adoption of their drought contingency plan.

Name: City of Sweeny

Address: 102 West Ashley Wilson P.O. Box 248 Sweeny Texas 77480

Telephone Number: (979) 548-3321 Fax: (979) 548-7745

Water Right No.(s): N/A

Regional Water Planning Group: Region H

Form Completed by: William J. Huebner, P.E.

Title: Mayor

Person responsible for implementation: Dusty Hopkins Phone: (979)548-3321

Signature: _____ Date: / /

Section I: Declaration of Policy, Purpose, and Intent

In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the City of Sweeny (the City) hereby adopts the following regulations and restrictions on the delivery and consumption of water.

Water uses regulated or prohibited under this Drought Contingency Plan (the Plan) are considered to be non-essential and continuation of such uses during times of water shortage or other

emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section X of this Plan.

Section II: Public Involvement

Opportunity for the public to provide input into the preparation of the Plan was provided by the City by means of scheduling and providing public notice of a public meeting to accept input on the Plan.

Section III: Public Education

The City will periodically provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of news media, social media, radio broadcasts on local radio station, local newspapers, telephone calls, person to person conversations, and notices mailed to all utility customers.

Section IV: Coordination with Regional Water Planning Groups

The service area of the City is located within the Region (H) and the City of Sweeny has provided a copy of this Plan to the Region H

Section V: Authorization

The Mayor, or his/her designee is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The Mayor or his/her designee shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

Section VI: Application

The provisions of this Plan shall apply to all persons, customers, and property utilizing water provided by the City (*name of your water supplier*). The terms "person" and "customer" as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

Section VII: Definitions

For the purposes of this Plan, the following definitions shall apply:

Aesthetic water use: water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

Commercial and institutional water use: water use which is integral to the operations of commercial and non-profit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.

Conservation: those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

Customer: any person, company, or organization using water supplied by the City.

Domestic water use: water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.

Even number address: street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, or 8 and locations without addresses.

Foundation watering: an application of water to the soils directly abutting (within 2 feet) the foundation of a building, structure.

Industrial water use: the use of water in processes designed to convert materials of lower value into forms having greater usability and value.

Landscape irrigation use: water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.

Non-essential water use: water uses that are not essential nor required for the protection of public, health, safety, and welfare, including:

- (a) irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this Plan;
- (b) use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- (c) use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- (d) use of water to wash down buildings or structures for purposes other than immediate fire protection;
- (e) flushing gutters or permitting water to run or accumulate in any gutter or street;
- (f) use of water to fill, refill, or add to any indoor or outdoor swimming pools or Jacuzzi-type pools;
- (g) use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- (h) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- (i) use of water from hydrants for construction purposes or any other purposes other than firefighting.

Odd numbered address: street addresses, box numbers, or rural postal route numbers ending in 1, 3, 5, 7, or 9.

Section VIII: Criteria for Initiation and Termination of Drought Response Stages

The Mayor or his/her designee shall monitor water supply and/or demand conditions on a daily basis and shall determine when conditions warrant initiation or termination of each stage of the Plan, that is, when the specified "triggers" are reached.

The triggering criteria described below are based on daily consumption in relation to the total water production capacity of the wells in service at any time or in relation to the total firm high service (booster) pump capacity in the system. The well capacity shall mean the rate of production from all wells over a 24-hour period and the total firm booster pump capacity shall mean the total volume of water that can be pumped in a 24-hour

period assuming the largest pump is out of service. The City has a master water meter on each well, which monitors the total daily water demand.

Utilization of alternative water sources and/or alternative delivery mechanisms:

There are no alternative water source(s) available to the City.

Stage 1 Triggers -- MILD Water Shortage Conditions

Requirements for initiation

Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses, defined in Section VII Definitions, when total daily water demand equals or exceeds 40 percent of the total well capacity or firm booster pump capacity for seven consecutive days.

Requirements for termination

Stage 1 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of seven consecutive days.

Stage 2 Triggers - MODERATE Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section IX of this Plan when total daily water demand equals or exceeds 50 percent of the total well capacity or firm booster pump capacity for seven consecutive days.

Requirements for termination

Stage 2 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of seven consecutive days. Upon termination of Stage 2, Stage 1, or the applicable drought response stage based on the triggering criteria, becomes operative.

Stage 3 Triggers - SEVERE Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 3 of this Plan when total daily water demand equals or exceeds 60 percent of the total well capacity or firm booster pump capacity for three consecutive days.

Requirements for termination

Stage 3 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three consecutive days. Upon termination of Stage 3, Stage 2, or the applicable drought response stage based on the triggering criteria, becomes operative.

Stage 4 Triggers - CRITICAL Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 4 of this Plan when total daily water demand equals or exceeds 70 percent of the total well capacity or firm booster pump capacity for three consecutive days.

Requirements for termination

Stage 4 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three consecutive days. Upon termination of Stage 4, Stage 3, or the applicable drought response stage based on the triggering criteria, becomes operative.

Stage 5 Triggers - EMERGENCY Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions for Stage 5 of this Plan when the Mayor, or his/her designee, determines that a water supply emergency exists based on:

1. Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; **or**
2. Natural or man-made contamination of the water supply source(s).

Requirements for termination

Stage 5 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three consecutive days.

Section IX: Drought Response Stages

The Mayor, or his/her designee, shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in Section VIII of this Plan, shall determine that a mild, moderate, severe, critical, emergency or water shortage condition exists and shall implement the following notification procedures:

Notification

Notification of the Public:

The Mayor or his/ her designee shall notify the public by means of: news media, social media, radio broadcasts on local radio station, local newspapers, telephone calls, posting notices at public buildings, and person to person conversations. Notices mailed to all utility customers may be used at the discretion of the Mayor or his/her designee.

Additional Notification:

The Mayor or his/ her designee shall notify directly, or cause to be notified directly, the following individuals and entities:

Entity	Notification Stage
City Council	All Stages
TCEQ	All Stages
Street Superintendent	Stage 4: Critical Stage 5: Emergency
Water and Wastewater Superintendent	All Stages
Fire Chief	All Stages
Major water users	Stage 5: Emergency

Stage 1 Response - MILD Water Shortage Conditions

Target: Achieve a voluntary reduction in the total well capacity or firm booster pump capacity to less than 40 percent.

Best Management Practices for Supply Management:

The City will reduce water demand by system water loss control and reduced or discontinued irrigation of public landscaped areas.

Voluntary Water Use Restrictions for Reducing Demand:

- (a) Water customers are requested to voluntarily limit the irrigation of landscaped areas to between the hours of 6 p.m. and 8:00 a.m. .
- (b) All operations of the City (*name of your water supplier*) shall adhere to water use restrictions prescribed for Stage 1 of the Plan.
- (c) Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.

Stage 2 Response - MODERATE Water Shortage Conditions

Target: Achieve a voluntary in the total well capacity or firm booster pump capacity to less than 50 percent.

Best Management Practices for Supply Management:

The City will reduce water demand by system water loss control and reduced or discontinued irrigation of public landscaped areas.

Water Use Restrictions for Demand Reduction:

Under threat of penalty for violation, the following water use restrictions shall apply to all persons:

- (a) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Monday, Wednesday, and Friday for customers located west of Hackberry Street, and Tuesday, Thursday, and Saturdays for water customers located east of Hackberry Street and no one shall water between the hours of 8 a.m. and 6 p.m. on Sundays. However, irrigation of landscaped areas is permitted on a daily basis by means of a hand-held hose, a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system before 8 a.m. and after 6 p.m..
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rises. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.

- (c) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight.
- (d) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
- (e) Use of water from hydrants shall be limited to firefighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the City.
- (f) Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days between the hours 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight. However, if the golf course utilizes a water source other than that provided by the City, the facility shall not be subject to these regulations.
- (g) All restaurants are prohibited from serving water to patrons except upon request of the patron.
- (h) The following uses of water are defined as non-essential and are prohibited:
 1. wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
 2. use of water to wash down buildings or structures for purposes other than immediate fire protection;
 3. use of water for dust control;
 4. flushing gutters or permitting water to run or accumulate in any gutter or street; and
 5. failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

Stage 3 Response - SEVERE Water Shortage Conditions

Target: Achieve a voluntary reduction in the total well capacity or firm booster pump capacity to less than 60 percent.

Best Management Practices for Supply Management:

The City will reduce water demand by system water loss control and reduced or discontinued irrigation of public landscaped areas.

Water Use Restrictions for Demand Reduction:

All requirements of Stage 2 shall remain in effect during Stage 3 except:

- (a) Irrigation of landscaped areas shall be further limited to a designated watering day.
 - a. NW: Customers located north of 4th Street and Brockman and west of Hackberry Street shall water on Mondays.

- b. SE: Customers located south of 4th Street and Brockman and east of Hackberry Street shall water on Tuesdays.
- c. NE: Customers located north of 4th Street and Brockman and east of Hackberry Street shall water on Thursdays.
- d. SW: Customers located south of 4th Street and Brockman and west of Hackberry Street shall water on Fridays.

No one may water on Wednesdays, Saturdays, or Sundays. No one may water on any assigned day between the hours of 8 a.m. and 6 p.m. Hand watering flowers, flowerbeds, and potted plants may be done on any day before 8 a.m. and after 6 p.m. Watering shall be done by means of hand-held hoses, hand-held buckets, drip irrigation, or permanently installed automatic sprinkler system only. The use of hose-end sprinklers is prohibited at all times.

- (b) The watering of golf course tees is prohibited unless the golf course utilizes a water source other than that provided by the City (*name of your water supplier*).
- (c) The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.
- (d) Foundation Watering (within 2 feet) may take place on the assigned water day only. Watering of trees may occur for two hours one day per week with a hand-held hose or with a dedicated zone using a Drip Irrigation system and/or Soaker Hose, provided no runoff occurs.
- (e) Anyone using more than 20,000 gallons of water per month at the time this stage is implemented will be charged a rate of \$5.00 per 1,000 gallons of water over the 20,000 gallons used.

Stage 4 Response - CRITICAL Water Shortage Conditions

Target: Achieve a voluntary reduction in the total well capacity or firm booster pump capacity to less than 70 percent.

Best Management Practices for Supply Management:

The City will reduce water demand by system water loss control and reduced or discontinued irrigation of public landscaped areas.

Water Use Restrictions for Reducing Demand:

All requirements of Stage 2 and 3 shall remain in effect during Stage 4 except:

- (a) No one may perform outdoor watering on any given day other than providing water for pets and livestock.
- (b) Foundations may be watered every two weeks. Customers located west of Hackberry Street may soak their foundation on the first and third Wednesday of the month between 6 p.m. and midnight. Customers located east of Hackberry Street may soak their foundation on the second and fourth Wednesday of the

month between 6 p.m. and midnight. The increased rates implemented in stage 3 will remain in effect through this stage.

- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not occurring on the premises of a commercial car wash and commercial service stations and not in the immediate interest of public health, safety, and welfare is prohibited. Further, such vehicle washing at commercial car washes and commercial service stations shall occur only between the hours of 6:00 a.m. and 10:00 a.m. and between 6:00 p.m. and 10 p.m.
- (c) The filling, refilling, or adding of water to swimming pools, wading pools, and Jacuzzi-type pools is prohibited.
- (d) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
- (e) No application for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be approved, and time limits for approval of such applications are hereby suspended for such time as this drought response stage or a higher-numbered stage shall be in effect.

Stage 5 Response - EMERGENCY Water Shortage Conditions

Target: Achieve a voluntary reduction in the total well capacity or firm booster pump capacity to less than 75 percent or reduce water use to prevent more than 50% depletion of stored water volumes at any time.

Best Management Practices for Supply Management:

The City will reduce water demand by system water loss control and reduced or discontinued irrigation of public landscaped areas.

Water Use Restrictions for Reducing Demand:

All requirements of Stage 2, 3, and 4 shall remain in effect during Stage 5 except:

- (a) All non-essential water use shall be prohibited unless necessary for the preservation of health, safety, and welfare of residents. Water usage for livestock is exempt.
- (b)

Section X: Enforcement

- (a) No person shall knowingly or intentionally allow the use of water from the City for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by Mayor , or his/her designee, in accordance with provisions of this Plan.

- (b) Any person who violates this Plan is guilty of a misdemeanor and, upon conviction shall be punished by a fine of not less than _____ dollars (\$_____) and not more than _____ dollars (\$_____). Each day that one or more of the provisions in this Plan is violated shall constitute a separate offense. If a person is convicted of three or more distinct violations of this Plan, the Mayor (designated official) shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a re-connection charge, hereby established at \$ _____, and any other costs incurred by the City in discontinuing service. In addition, suitable assurance must be given to the Mayor that the same action shall not be repeated while the Plan is in effect. Compliance with this plan may also be sought through injunctive relief in the district court.
- (c) Any person, including a person classified as a water customer of the City, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children and proof that a violation, committed by a child, occurred on property within the parents' control shall constitute a rebuttable presumption that the parent committed the violation, but any such parent may be excused if he/she proves that he/she had previously directed the child not to use the water as it was used in violation of this Plan and that the parent could not have reasonably known of the violation.
- (d) Any employee of the City, police officer, or other employee designated by the Mayor, may issue a citation to a person he/she reasonably believes to be in violation of this Ordinance. The citation shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known, the offense charged, and shall direct him/her to appear in the municipal court on the date shown on the citation for which the date shall not be less than 3 days nor more than 5 days from the date the citation was issued. The alleged violator shall be served a copy of the citation. Service of the citation shall be complete upon delivery of the citation to the alleged violator, to an agent or employee of a violator, or to a person over 14 years of age who is a member of the violator's immediate family or is a resident of the violator's residence. The alleged violator shall appear in municipal court to enter a plea of guilty or not guilty for the violation of this Plan. If the alleged violator fails to appear in municipal court, a warrant for his/her arrest may be issued. A summons to appear may be issued in lieu of an arrest warrant. These cases shall be expedited and given preferential setting in municipal court before all other cases.

Section XI: Variances

The Mayor, or his/her designee, may, in writing, grant temporary variance for existing water uses otherwise prohibited under this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance and if one or more of the following conditions are met:

- (a) Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect.
- (b) Alternative methods can be implemented which will achieve the same level of reduction in water use.

Persons requesting an exemption from the provisions of this Ordinance shall file a petition for variance with the City within 5 days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the Mayor, or his/her designee, and shall include the following:

- (a) Name and address of the petitioner(s).
- (b) Purpose of water use.
- (c) Specific provision(s) of the Plan from which the petitioner is requesting relief.
- (d) Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance.
- (e) Description of the relief requested.
- (f) Period of time for which the variance is sought.
- (g) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
- (h) Other pertinent information.



AGENDA MEMO

Business of the City Council

City of Sweeny, Texas

Meeting Date	03/19/2024	Agenda Item	
Approved by City Manager		Presenter(s)	
Reviewed by City Attorney		Department	Zoning; Developmental Services
Subject	Discussion and possible action to variance requests to the Zoning Ordinance Section 110, Exhibit A; 402 & 404 Pecan Street		
Attachments	Building Plans		
Financial Information	Expenditure Required:		-
	Amount Budgeted:		-
	Account Number:		-
	Additional Appropriation Required:		-
	Additional Account Number:		-

Executive Summary

Property owner of 402/404 Pecan Street is requesting several variances to the R4, multifamily residence in order to combine properties with a future replat. Variances requested are listed below:

- Minimum Living Area variance for residence 1: proposed is 280 sq. ft.; required is 450 sq.ft.
- Depth of lot variance: proposed replat to combine both properties still lie within established lines with the depth of 100 feet; required is 120 feet.
- Minimum Site area: proposed replat to combine would be 10,000.00 sq.ft.; required is 1 acre or 43,560 sq.ft.
- Variances to minimum yard setbacks:
 - Side, 25 feet; Closest to 5th Street/406 Pecan is Currently on the property line
 - Rear, 25 feet; Currently on property line
 - Side Street, 15 feet; at 4th Street 7-8 feet off of property line

Meeting Specified Requirements of R-4; multifamily residence:

- Minimum living area for home onsite and proposed residence 2
- Maximum Height of 2 ½ stories or 35 feet; highest proposed to be 30 feet
- Minimum frontage of site; 100 feet
- Minimum yard setback; front of 25 feet

We did not feel this should be listed under R3; two family dwelling, as there is a home onsite. Owners at the time were not sure if it will be torn down and/or possibly rebuilt; it is currently not a duplex as this zone states. If it were to be rebuilt, he would need to have this zoned R4, due to future usage. If it were to be rezoned to R3, it would have needed variances to the minimum living area and side, rear, and side street setbacks.

Current structure in progress is sitting approximately 12 inches from structure already established on the Commercial property neighboring; known as Old Ocean Lodge.

While variances are completed by City Council solely, it is recommended that BOC hear and make any recommendations pertaining.



AGENDA MEMO

Business of the City Council

City of Sweeny, Texas

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

Pictures Below show map depicting location prior to construction, images from the front (Pecan Street), side street view (4th Street), and Rear of property (closest to Main/Masonic Lodge).



Google Earth, Prior to construction



Street View, Pecan Street

AGENDA MEMO

Business of the City Council
City of Sweeny, Texas



Side View; 4th Street



Structure to Structure/Masonic Lodge/ 4th Street



Additional Images; Structure to Structure/Masonic Lodge



Underneath/Rear of Property



Rear of Property



AGENDA MEMO

Business of the City Council

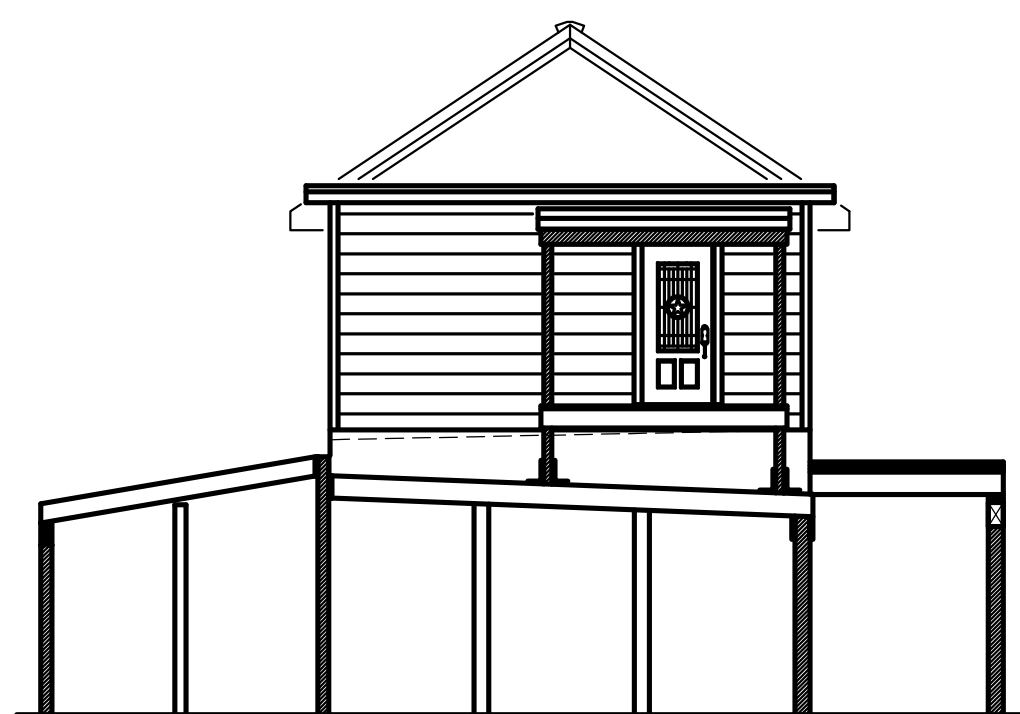
City of Sweeny, Texas

Recommended Action

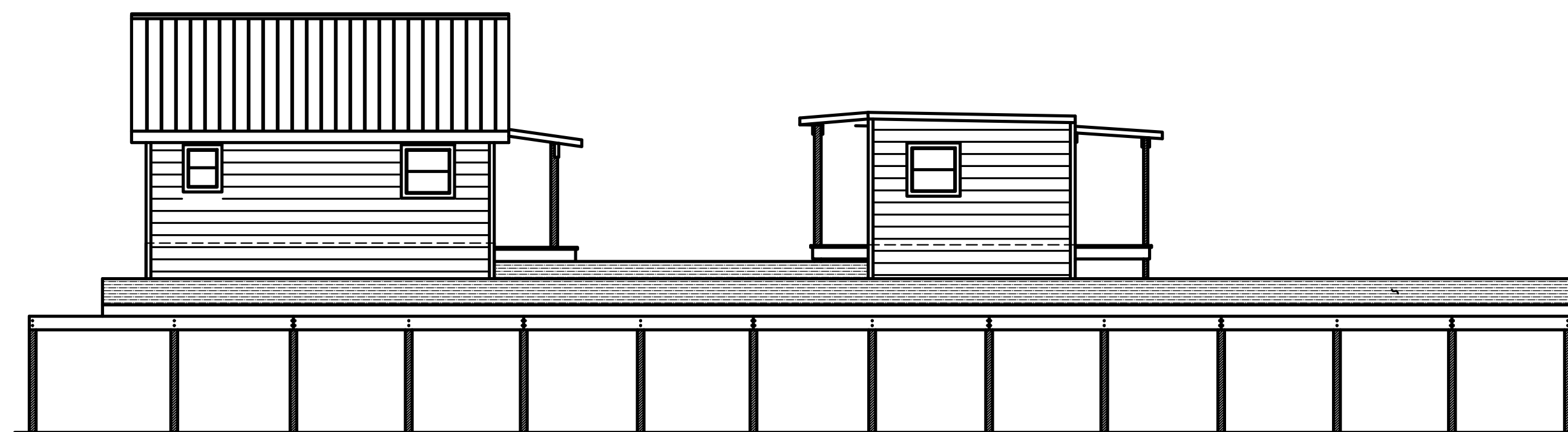
Council Discretion- does not necessarily need recommendations from BOC.

Recommended motion if approving:

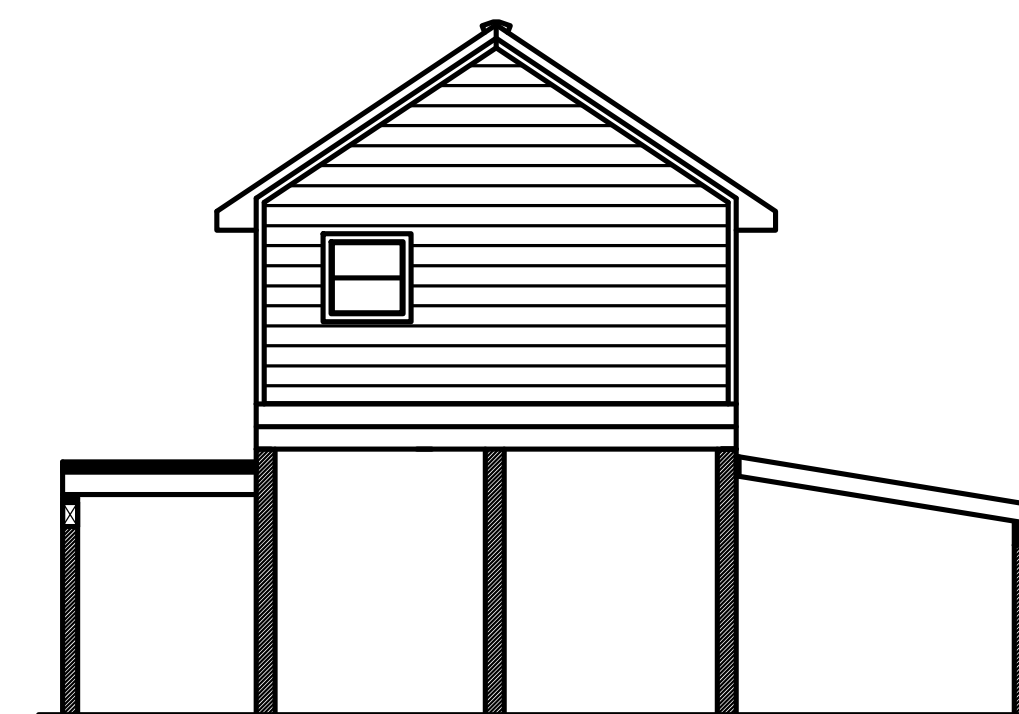
Move to approve variances requested to the Zoning Ordinance, Exhibit A, Section 110-71, R4 multifamily residence, at the addresses of 402 & 404 Pecan Street, to include: a variance to the minimum living area for residence one, variance to the decreased footage of the lot depth, variance to the minimum site area, and variances to the minimum yard setbacks with the exception of a finalized replat to combine properties and adherence to required plan review and permitting as established.



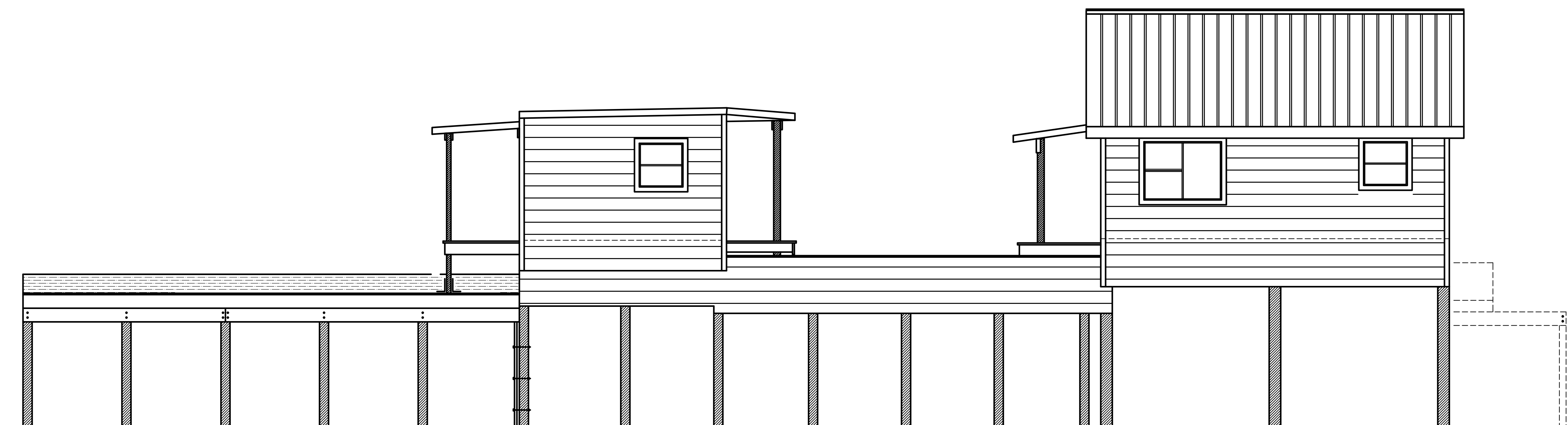
LEFT ELEVATION



BACK ELEVATION



RIGHT ELEVATION



FRONT ELEVATION

BILL WORREL - AS BUILT - NEW BUILDING

BOTTOM LEVEL - TOTAL COVERED AREA	3144 SQ. FT.
2ND FLOOR - ROOM 1	285 SQ. FT.
2ND FLOOR - ROOM 1 PORCH (NORTH)	50 SQ. FT.
2ND FLOOR - ROOM 1 PORCH (SOUTH)	109 SQ. FT.
2ND FLOOR - ROOM 2	479 SQ. FT.
2ND FLOOR - ROOM 2 PORCH (NORTH)	103 SQ. FT.
GRAND TOTAL SQ FOOTAGE	4,170 SQ. FT.

NOTE:
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AS BUILT

DWGS4U

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DWG#: **J2314**

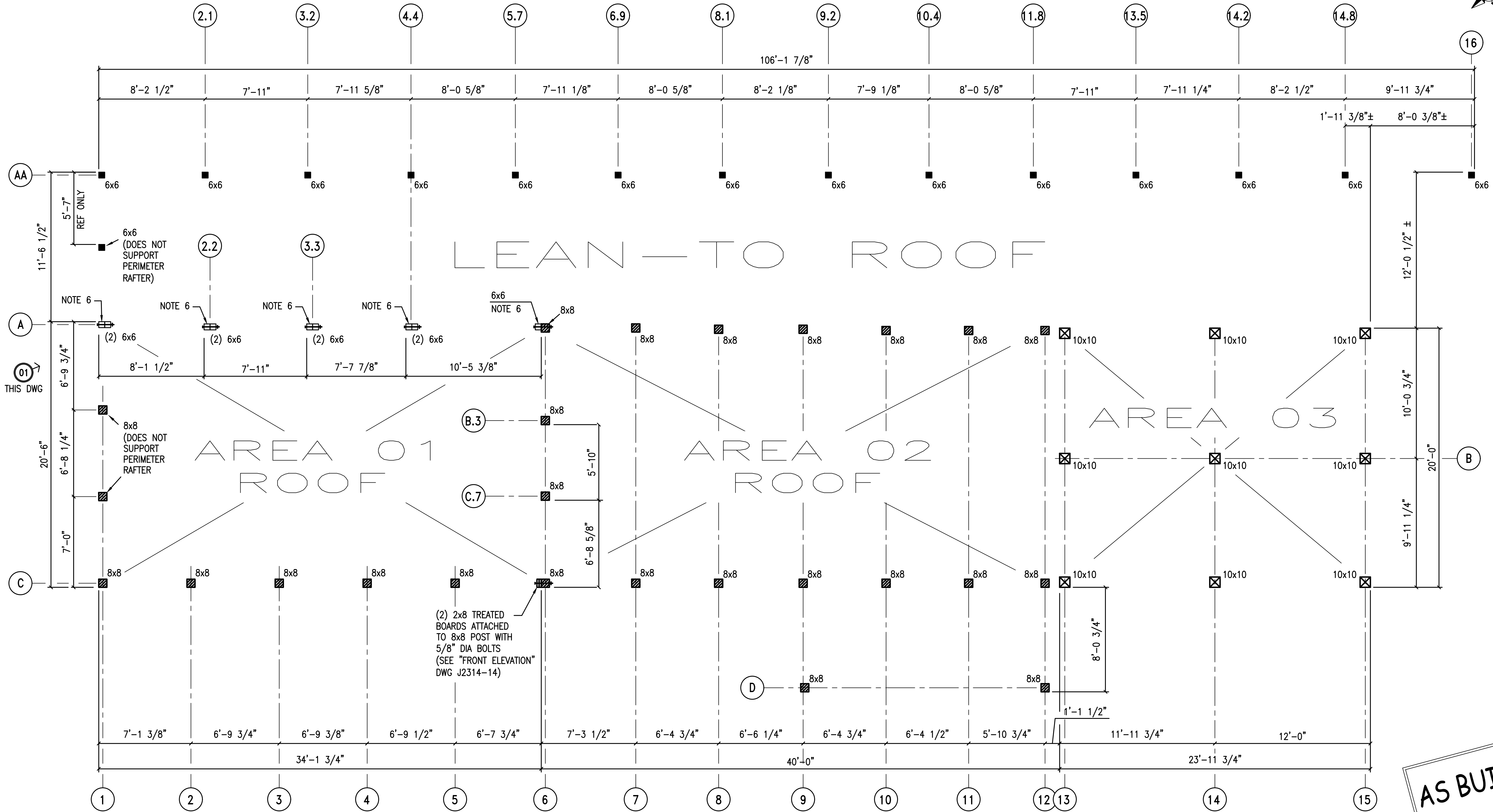
FOR: **BILL WORREL - NEW BUILDING - AS BUILT**

410 PECAN STREET
SWEENEY, TX 77480

ELEVATIONS & SQUARE FT TOTALS

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		R. GARCIA		0	VARIES	0		CONSTRUCTION



DWG#: J2314-01

FOR: **BILL WORREL - NEW BUILDING - AS BUILT**

410 PECAN STREET
SWEENEY, TX 77480

EXISTING POST LAYOUT PLAN

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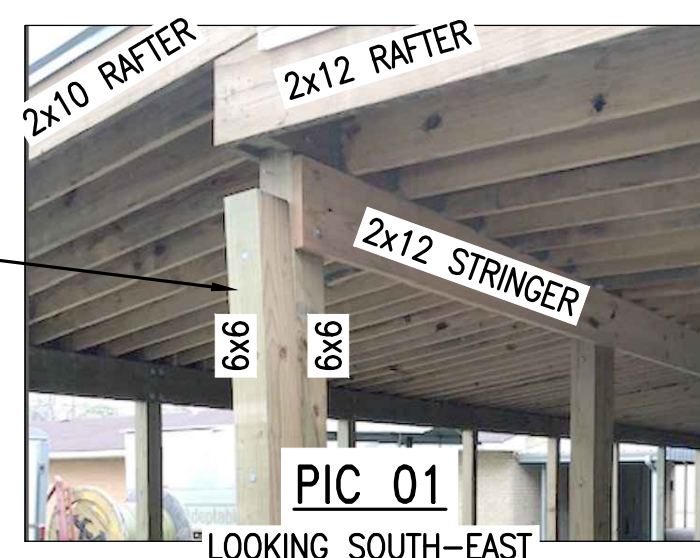
DATE	PLAN:	DRAWN BY:	CHECKED BY:	REVISION:	SCALE:	REV.	DATE	ISSUE
		R. GARCIA		0	1/4" = 1'-0"	0	12/23	CONSTRUCTION

AS BUILT

DWGS4U

NOTE:
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POST DOES NOT EXTEND TO THE TOP



EXISTING POST LAYOUT PLAN
SEE DWGS J2314-02 THRU 18

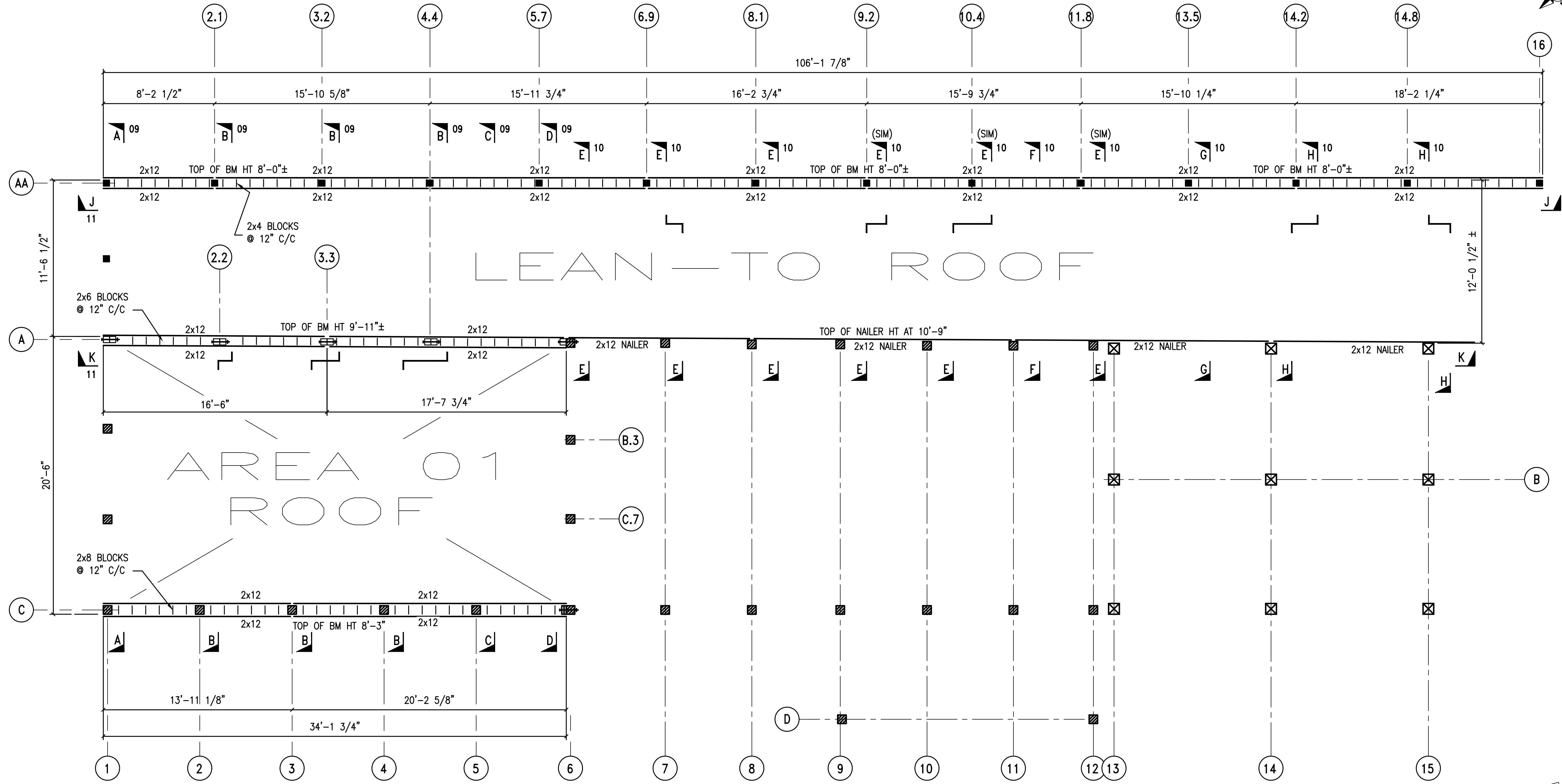
NOTES

- COLUMN BUBBLES SHOWN FOR REFERENCE PURPOSES
- ALL EXISTING STRUCTURAL POSTS ARE PRESSURE TREATED
- POST EMBEDMENT DEPTH NOT CONFIRMED BY DESIGNER
- EXIST POSTS/BUILDING IS OUT OF SQUARE
- DIMS & ELEV'S ARE +/-
- DIMENSION BETWEEN COLUMN LINE "A" & "C" ON NORTH-WEST BLDG FACE DIFFERS FROM DIMENSION ON SOUTH-EAST FACE
- TOP OF (1) POST IS LOWER THAN THE OTHER SEE "PIC 01" (THIS DWG) POSTS ARE CONNECTED WITH 5/8" DIA BOLTS SEE "SECTION K-K" ON DWG J2314-11

LEGEND

xx → REPRESENTS PICTURE ORIENTATION & REFERENCE #

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DWG#: J2314-02

FOR: BILL WORREL - NEW BUILDING - AS BUILT

410 PECAN STREET
SWEENEY, TX 77480

LEAN-TO ROOF & AREA 01 ROOF
BEAM, STRINGER BEAM & NAILER LAYOUT PLAN

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AS BUILT

DWGS4U

**LEAN-TO ROOF
& AREA 01 ROOF
BEAM, STRINGER BEAM
& NAILER LAYOUT PLAN**

SEE DWGS J2314-01 THRU 18

NOTES

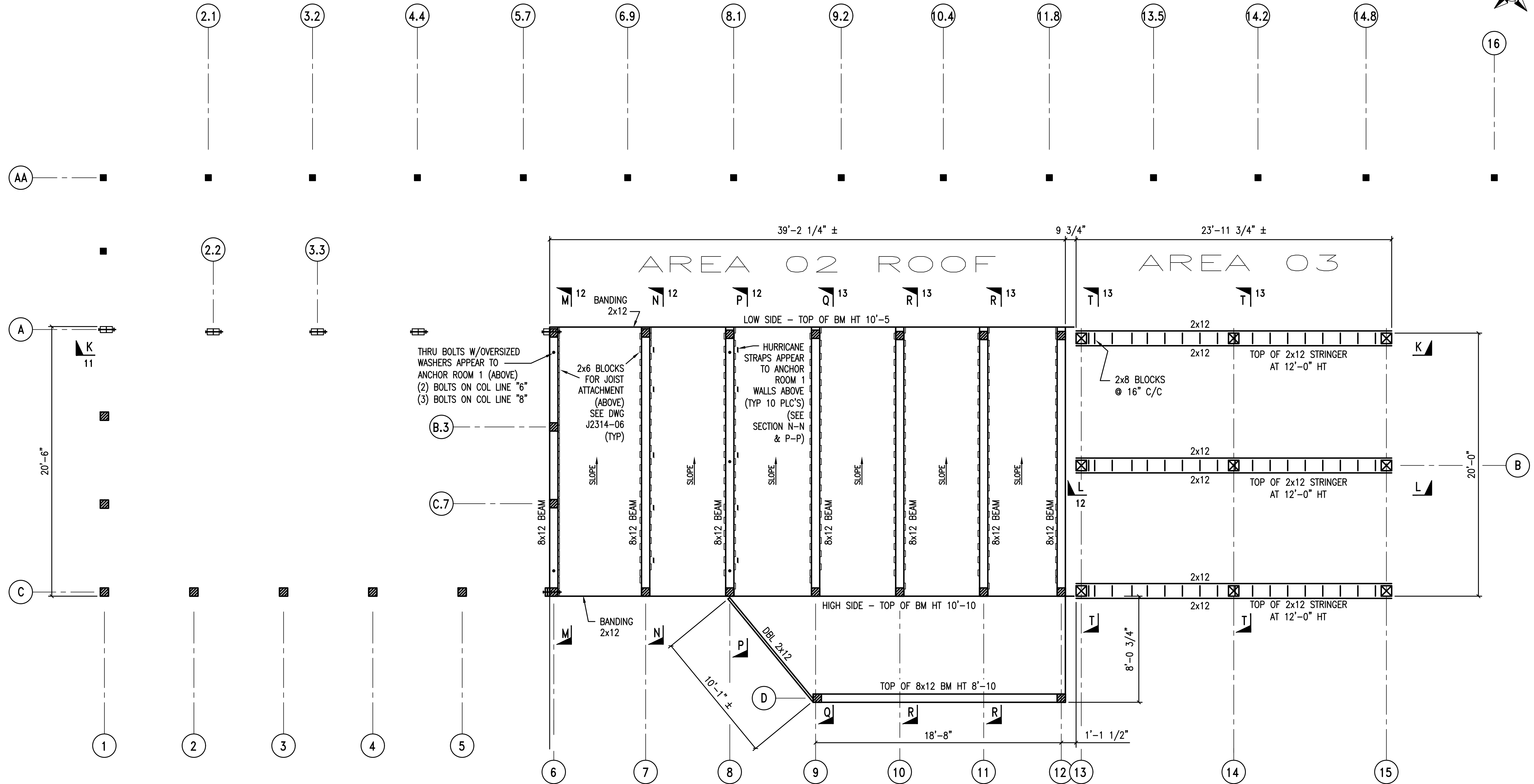
1. COLUMN BUBBLES SHOWN FOR REFERENCE PURPOSES ONLY
2. EXISTING POSTS/BUILDING IS OUT OF SQUARE - DIMENSIONS & ELEVATIONS ARE +/-
3. DIMENSION BETWEEN COLUMN LINE "A" & "C" ON NORTH-WEST BLDG FACE DIFFERS FROM DIMENSION ON SOUTH-EAST FACE

LEGEND

(SIM) — REPRESENTS A "SIMILAR" VIEW (ROOM 1 DOES NOT EXTEND THRU COLUMN LINES 9.2, 10.4 & 11.8)

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**AREA 02 ROOF & AREA 03
BEAM & 2x12 STRINGER LAYOUT PLAN**
SEE DWGS J2314-01 THRU 18

NOTES

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ON NORTH-WEST BLDG FACE DIFFERS FROM DIMENSION
ON SOUTH-EAST FACE

AS BUILT

DWGS4U

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DWG#: **J2314-03**

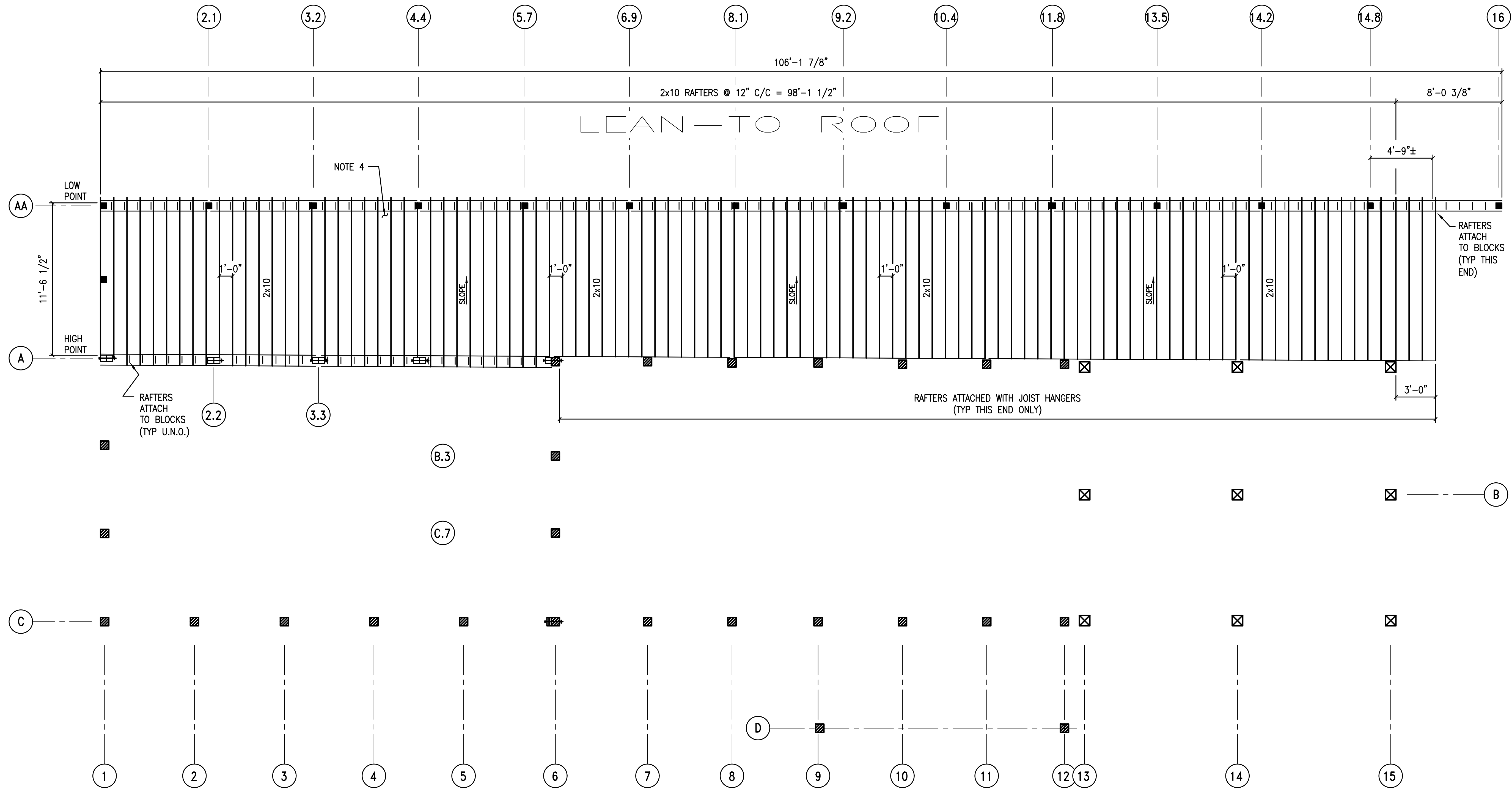
FOR: **BILL WORREL - NEW BUILDING - AS BUILT**

410 PECAN STREET
SWEENEY, TX 77480
AREA 02 ROOF & AREA 03
BEAM & 2x12 STRINGER LAYOUT PLAN

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		R. GARCIA		0	1/4" = 1'-0"	0		CONSTRUCTION

DATE: 12/23



NOTE 4

DWG#: J2314-04

FOR: **BILL WORREL - NEW BUILDING - AS BUILT**

410 PECAN STREET
SWEENEY, TX 77480
LEAN-TO ROOF
RAFTER LAYOUT PLAN

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	R. GARCIA			0	1/4" = 1'-0"	0	12/23	CONSTRUCTION

**LEAN TO ROOF
RAFTER LAYOUT PLAN**
SEE DWGS J2314-01 THRU 18

NOTES

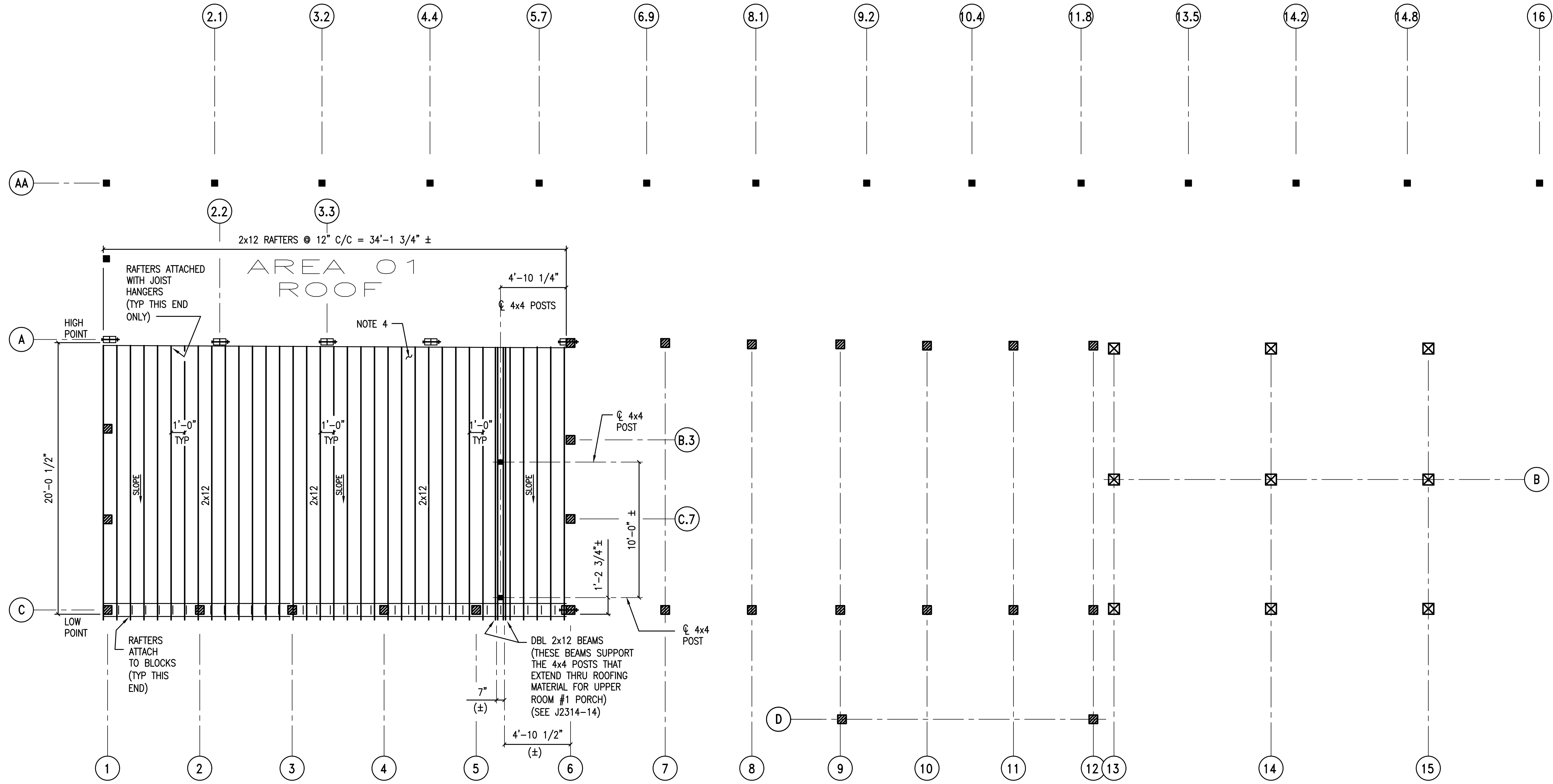
- COLUMN BUBBLES SHOWN FOR REFERENCE PURPOSES
- EXISTING POSTS/BUILDING IS OUT OF SQUARE
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- DIMENSION BETWEEN COLUMN LINE "A" & "C" ON NORTH-WEST BLDG FACE DIFFERS FROM DIMENSION ON SOUTH-EAST FACE
- 1 1/8" THK PLYWOOD DECKING OVER RAFTERS

AS BUILT

DWGS4U

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DWG#: J2314-05

FOR: BILL WORREL - NEW BUILDING - AS BUILT
 410 PECAN STREET
 SWEENEY, TX 77480
 AREA 01 ROOF
 RAFTER LAYOUT PLAN

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**AREA 01 ROOF
 RAFTER LAYOUT PLAN**
 SEE DWGS J2314-01 THRU 18

NOTES

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- 1 1/8" THK PLYWOOD DECKING OVER RAFTERS

AS BUILT

DWGS4U

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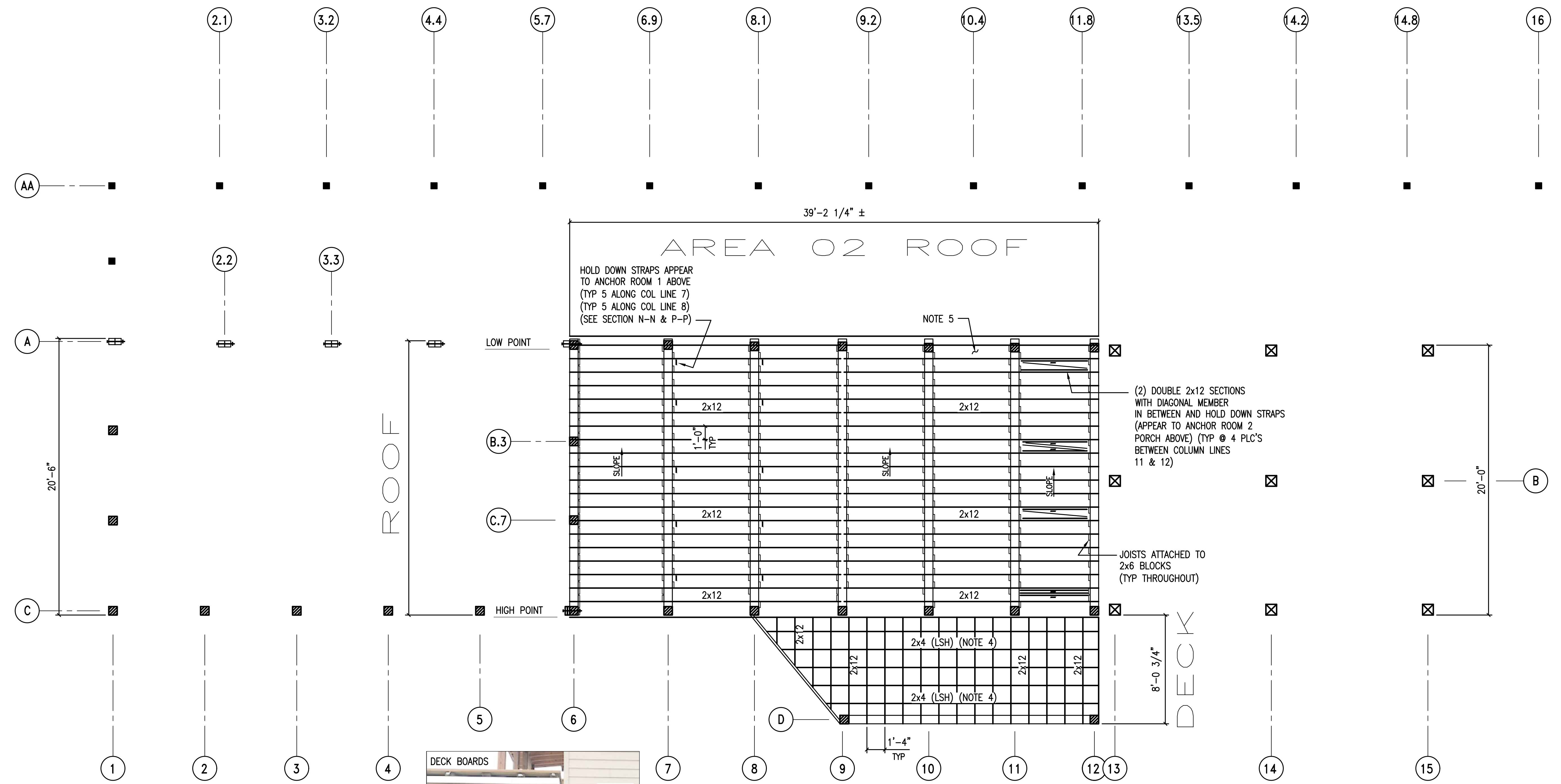
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DWG#: J2314-06

FOR: BILL WORREL - NEW BUILDING - AS BUILT
410 PECAN STREET
SWEENEY, TX 77480
AREA 02 ROOF & DECK
JOIST LAYOUT PLAN

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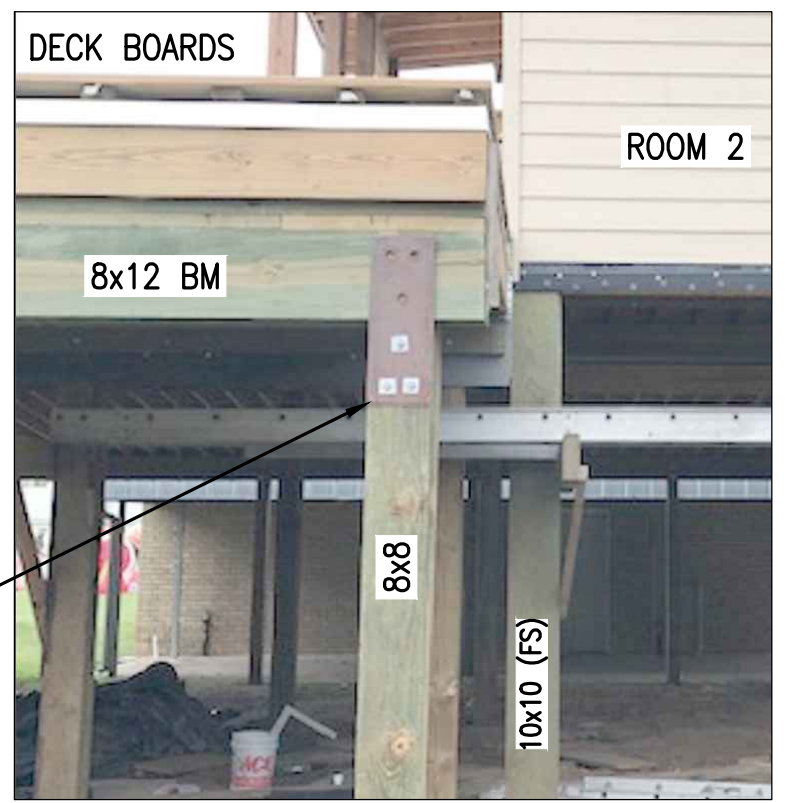
HOLD DOWN STRAPS APPEAR TO ANCHOR ROOM 1 ABOVE (TYP 5 ALONG COL LINE 7) (TYP 5 ALONG COL LINE 8) (SEE SECTION N-N & P-P)

NOTE 5

(2) DOUBLE 2x12 SECTIONS WITH DIAGONAL MEMBER IN BETWEEN AND HOLD DOWN STRAPS (APPEAR TO ANCHOR ROOM 2 PORCH ABOVE) (TYP @ 4 PLC'S BETWEEN COLUMN LINES 11 & 12)

JOISTS ATTACHED TO 2x6 BLOCKS (TYP THROUGHOUT)

3/16" THK STEEL PLATE W/(3) 5/8" DIA BOLTS
(1) PLATE NS
(1) PLATE FS



PIC 02
LOOKING NORTH-EAST

AREA 02 ROOF & DECK
JOIST LAYOUT PLAN
SEE DWGS J2314-01 THRU 18

NOTES

- COLUMN BUBBLES SHOWN FOR REFERENCE PURPOSES
- EXISTING POSTS/BUILDING IS OUT OF SQUARE - DIMENSIONS & ELEVATIONS ARE +/-
- DIMENSION BETWEEN COLUMN LINE "A" & "C" ON NORTH-WEST BLDG FACE DIFFERS FROM DIMENSION ON SOUTH-EAST FACE
- 2x4 PURLINS SPACED @ 16" C/C
- 1 1/8" THK PLYWOOD DECKING OVER 2x12 JOISTS

LEGEND

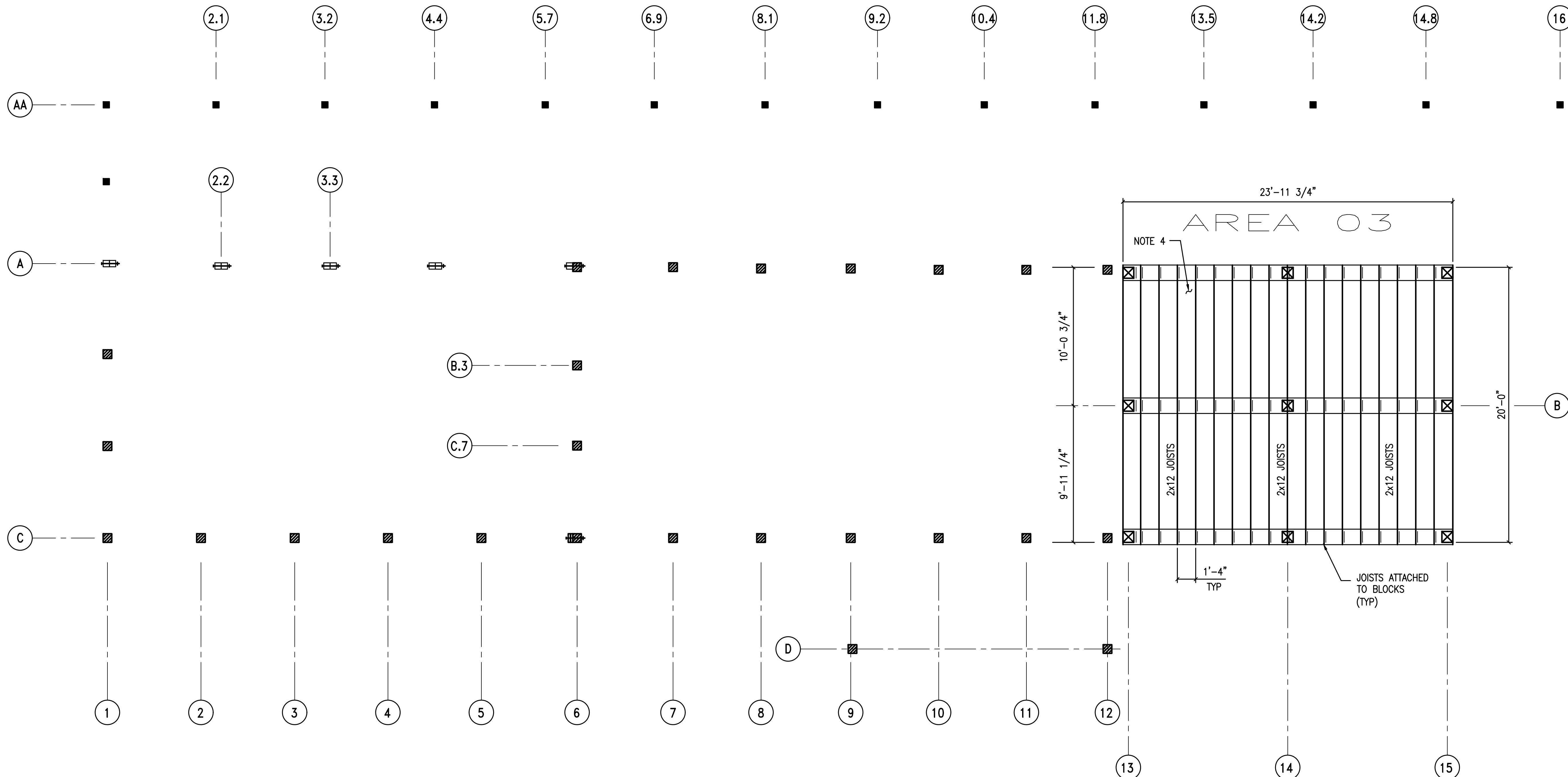
- (LSH) - "LONG SIDE HORIZONTAL" SPC'D @ 16" C/C
- (xx) - REPRESENTS PICTURE ORIENTATION & REFERENCE #
- (FS) - "FAR SIDE"
- (NS) - "NEAR SIDE"
- - HOLD DOWN STRAPS ANCHORING STRUCTURE ABOVE

AS BUILT

DWGS4U

TO THE BEST OF MY KNOWLEDGE THESE PLANS, SPECIFICATIONS, DETAILS, AND ALL OTHER INFORMATION SHOWN ON THIS SHEET AND ALL ATTACHED SHEETS ARE DRAWN TO COMPLY WITH OWNERS SPECIFICATIONS. IT IS THE RESPONSIBILITY OF THE CONTRACTOR/OWNER/DEVELOPER TO VERIFY WITH LOCAL, COUNTY, CITY AND STATE CODE ENFORCEMENT AGENCIES, COMPLIANCE WITH BUILDING CODES AND ORDINANCES FOR THE AREA OF CONSTRUCTION. THIS MUST BE DONE PRIOR TO THE USE OF THIS DOCUMENT OR ANY ATTACHED DOCUMENTS FOR ANY PURPOSE. DESIGNER WILL NOT BE LIABLE FOR HUMAN ERROR AFTER CONSTRUCTION HAS STARTED.

NOTE:
DRAWING IS CREATED TO SCALE AS NOTED. HOWEVER, SCALE FACTOR ONLY APPLIES IF USING "D" SIZE (24x36) PAPER. WHEN USING "B" SIZE (11x17) PAPER, DRAWINGS ARE STILL TO SCALE, HOWEVER, SCALE FACTOR NOTED SHALL BE MULTIPLIED BY .5



**AREA 03
JOIST LAYOUT PLAN**
SEE DWGS J2314-01 THRU 18

- NOTES**
1. COLUMN BUBBLES SHOWN FOR REFERENCE PURPOSES
 2. EXISTING POSTS/BUILDING IS OUT OF SQUARE
- DIMENSIONS & ELEVATIONS ARE +/-
 3. DIMENSION BETWEEN COLUMN LINE "A" & "C"
ON NORTH-WEST BLDG FACE DIFFERS FROM DIMENSION
ON SOUTH-EAST FACE
 4. 1 1/8" THK PLYWOOD DECKING OVER 2x12 JOISTS

AS BUILT

DWGS4U

NOTE:
DRAWING IS CREATED TO SCALE AS NOTED. HOWEVER, SCALE FACTOR ONLY APPLIES IF USING "D" SIZE (24x36) PAPER. WHEN USING "B" SIZE (11x17) PAPER, DRAWINGS ARE STILL TO SCALE, HOWEVER, SCALE FACTOR NOTED SHALL BE MULTIPLIED BY .5

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DWG#: J2314-07	
FOR: BILL WORREL - NEW BUILDING - AS BUILT	
410 PECAN STREET SWEENEY, TX 77480 AREA 03 JOIST LAYOUT PLAN	
DATE:	ISSUE:
DATE:	CONSTRUCTION
REV.:	0
DATE:	12/23
DATE:	
SCALE:	1/4" = 1'-0"
PLAN:	
DRAWN BY:	R. GARCIA
CHECKED BY:	
REVISION:	0

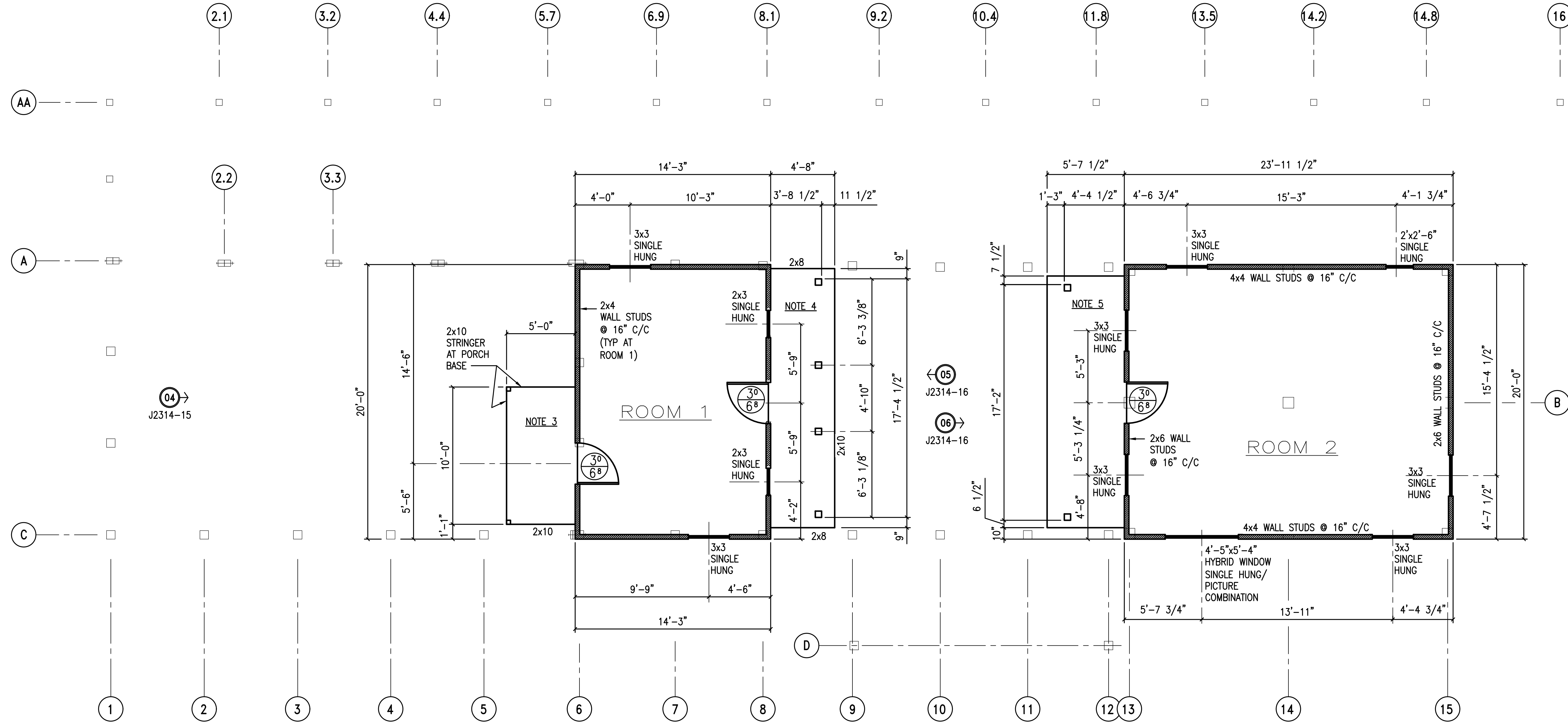
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DWG#: J2314-08

FOR: BILL WORREL - NEW BUILDING - AS BUILT
410 PECAN STREET
SWEENEY, TX 77480
2ND FLOOR (ROOF TOP)
ROOM 1 & 2 - LAYOUT PLAN

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DATE	PLAN:	DRAWN BY:	CHECKED BY:	REVISION:	SCALE:	REV.	DATE	ISSUE
		R. GARCIA		0	1/4" = 1'-0"	0	12/23	CONSTRUCTION



NOTES

1. COLUMN BUBBLES SHOWN FOR REFERENCE PURPOSES
2. EXISTING POSTS/BUILDING IS OUT OF SQUARE - DIMENSIONS & ELEVATIONS ARE +/-
3. PORCH FLOOR FRAMING COMPOSED OF 2x10 PERIMETER STRINGER (AROUND 3 SIDES) AND 2x8 JOISTS @ 16" C/C SPANNING ACROSS SHORT DIRECTION.
4. PORCH FLOOR FRAMING COMPOSED OF (2) 2x8 STRINGERS (SHORT FACE) AND (1) 2x10 STRINGER (LONG FACE) WITH 2x8 JOISTS @ 16" C/C SPANNING ACROSS SHORT DIRECTION.
5. PORCH FLOOR FRAMING - NON-SYSTEMATIC - LAYOUT NOT DETERMINED.

**2ND FLOOR (ROOF TOP)
ROOMS 1 & 2 LAYOUT PLAN**
SEE DWGS J2314-01 THRU 18

LEGEND

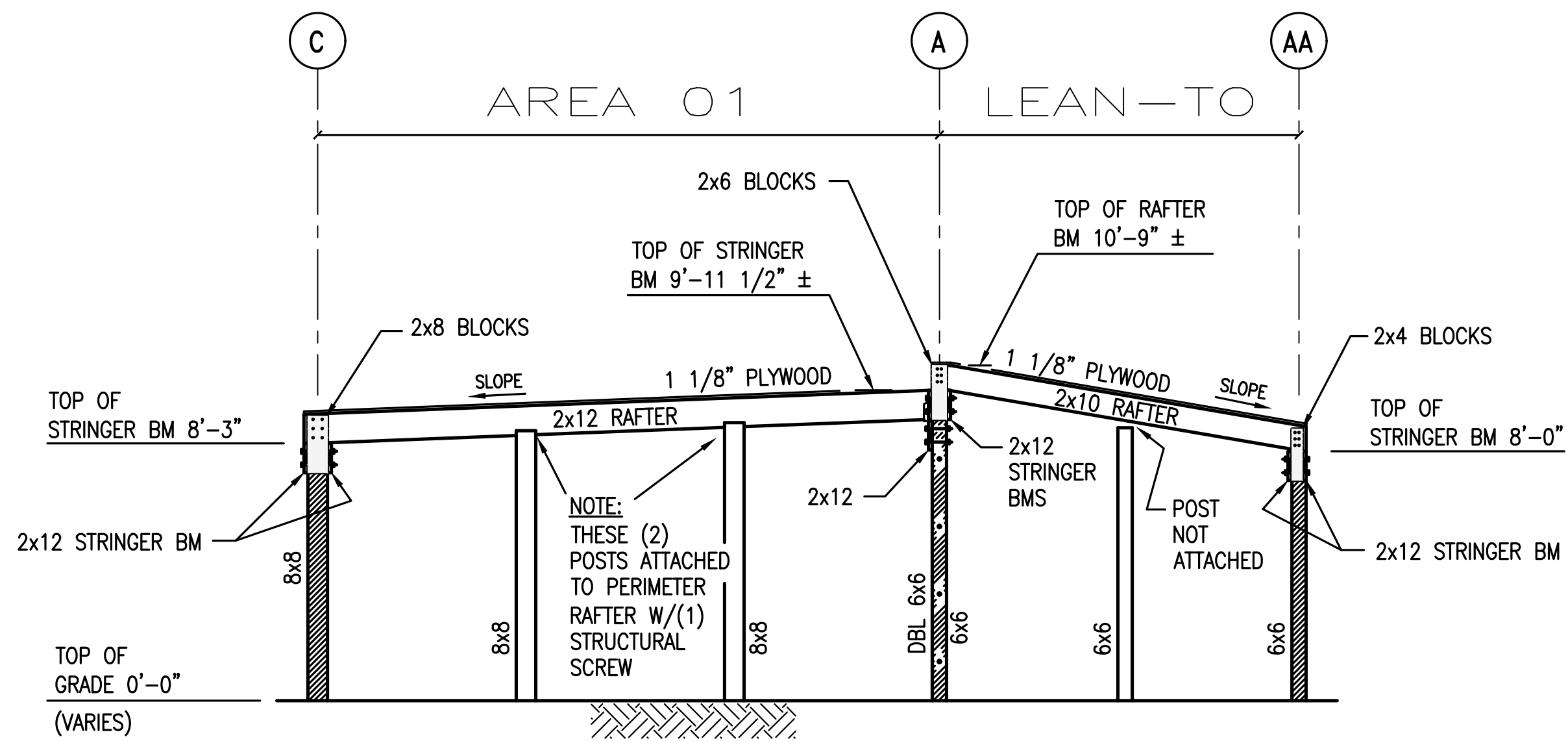
- ⊗ - REPRESENTS PICTURE ORIENTATION & REFERENCE #

AS BUILT

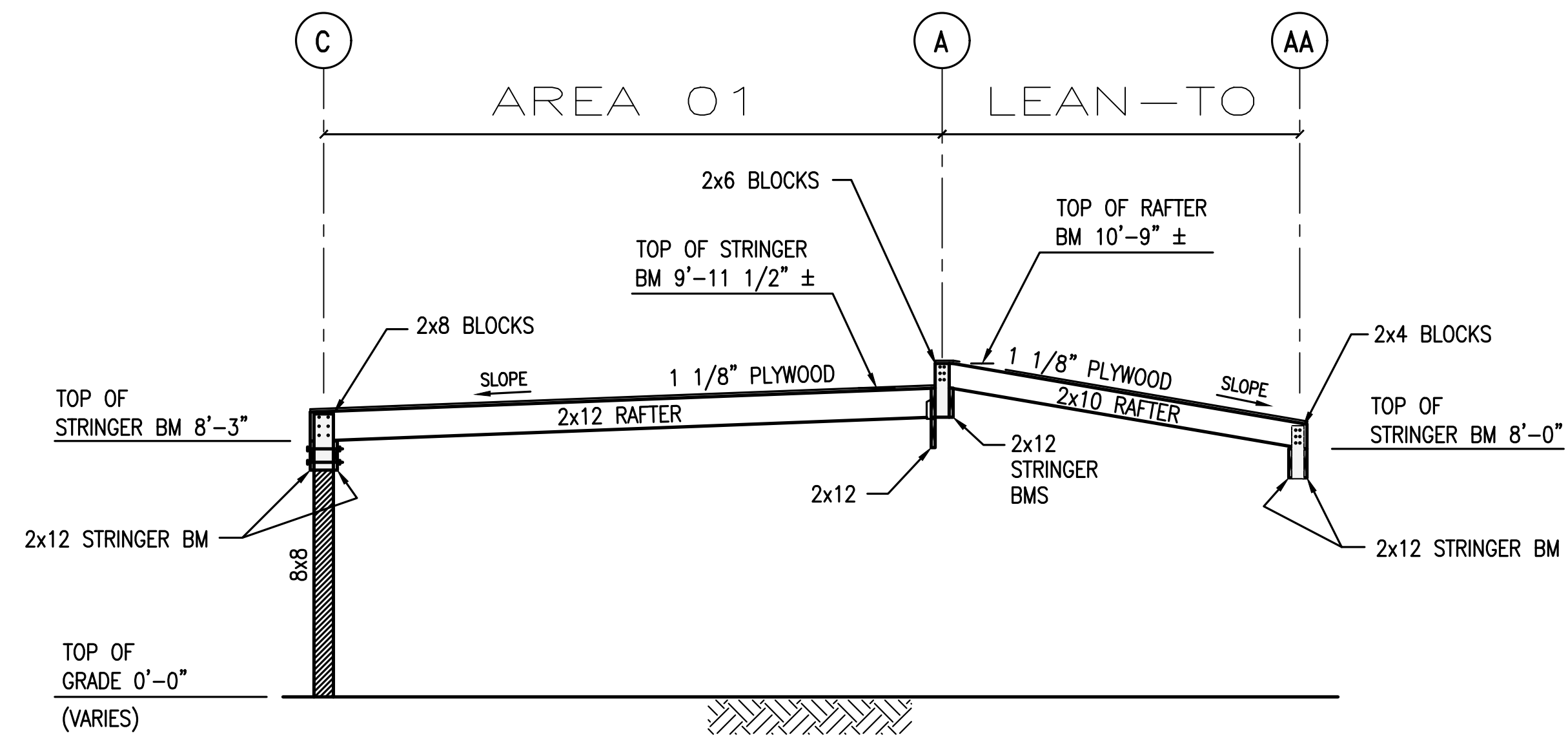
DWGS4U

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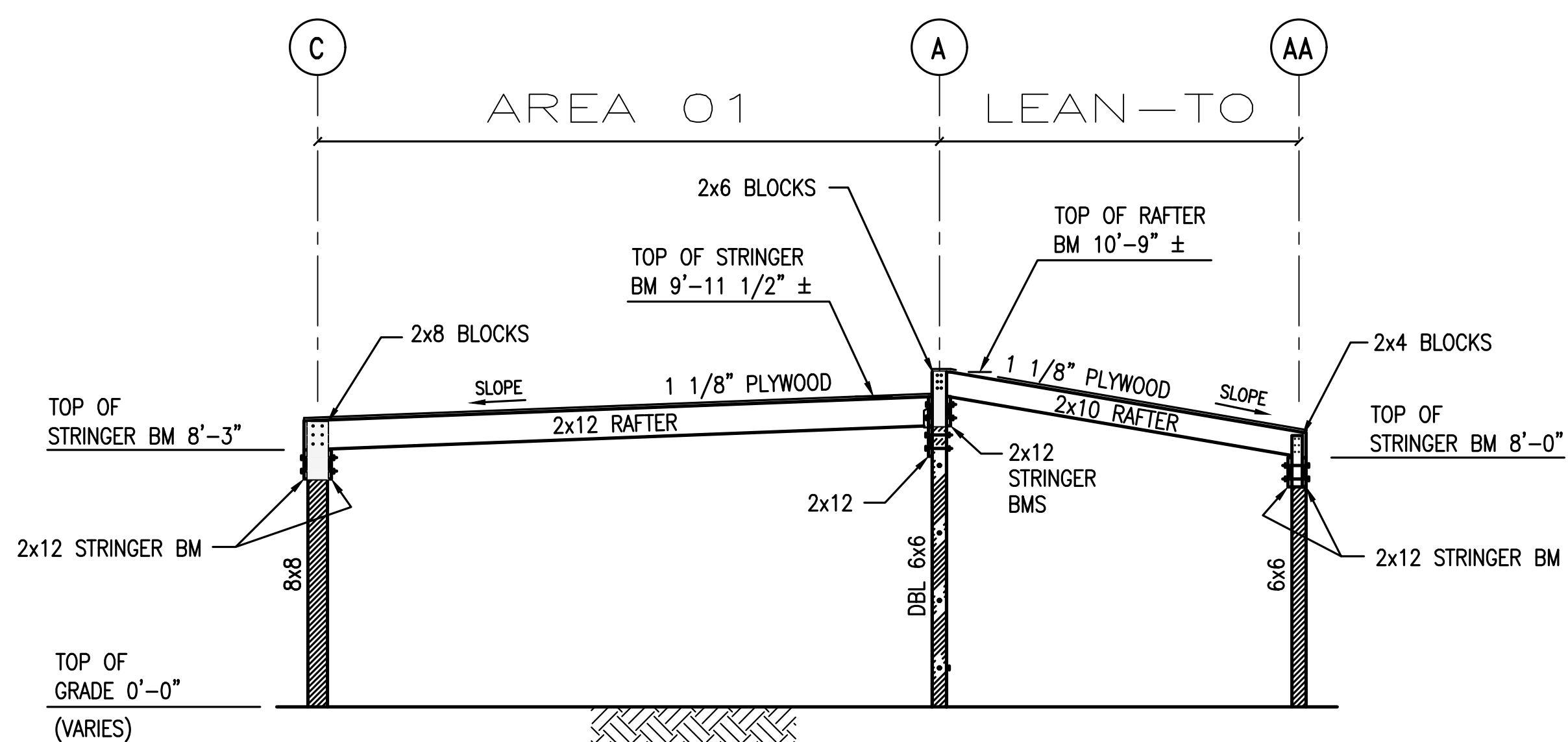
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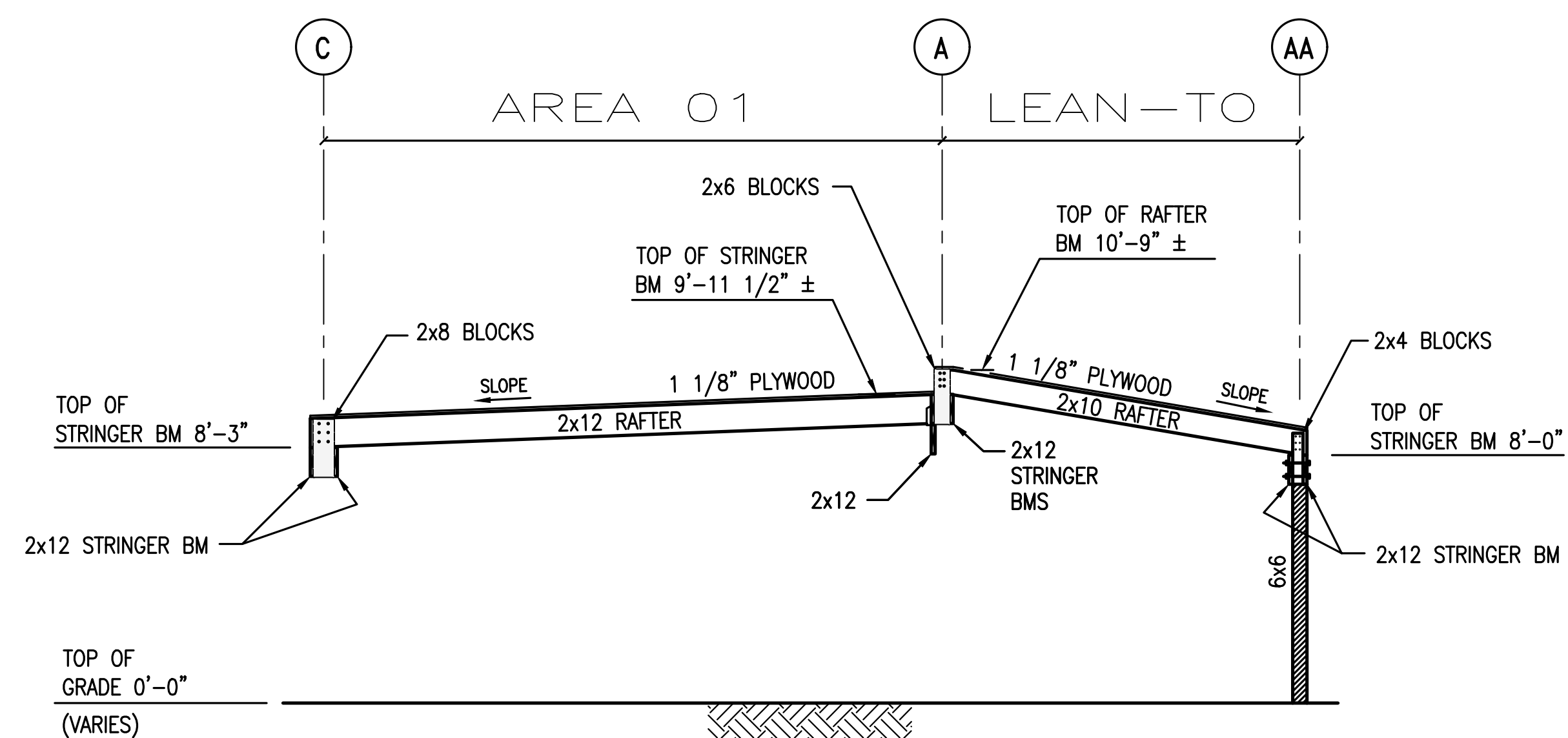
SECTION A-A
LOOKING NORTH-WEST
(SEE DWGS J2314-02 & 03)



SECTION C-C
LOOKING NORTH-WEST
(SEE DWGS J2314-02 & 03)



SECTION B-B
LOOKING NORTH-WEST
(SEE DWGS J2314-02 & 03)



SECTION D-D
LOOKING NORTH-WEST
(SEE DWGS J2314-02 & 03)

AS BUILT

DWGS4U

DWG#: **J2314-09**

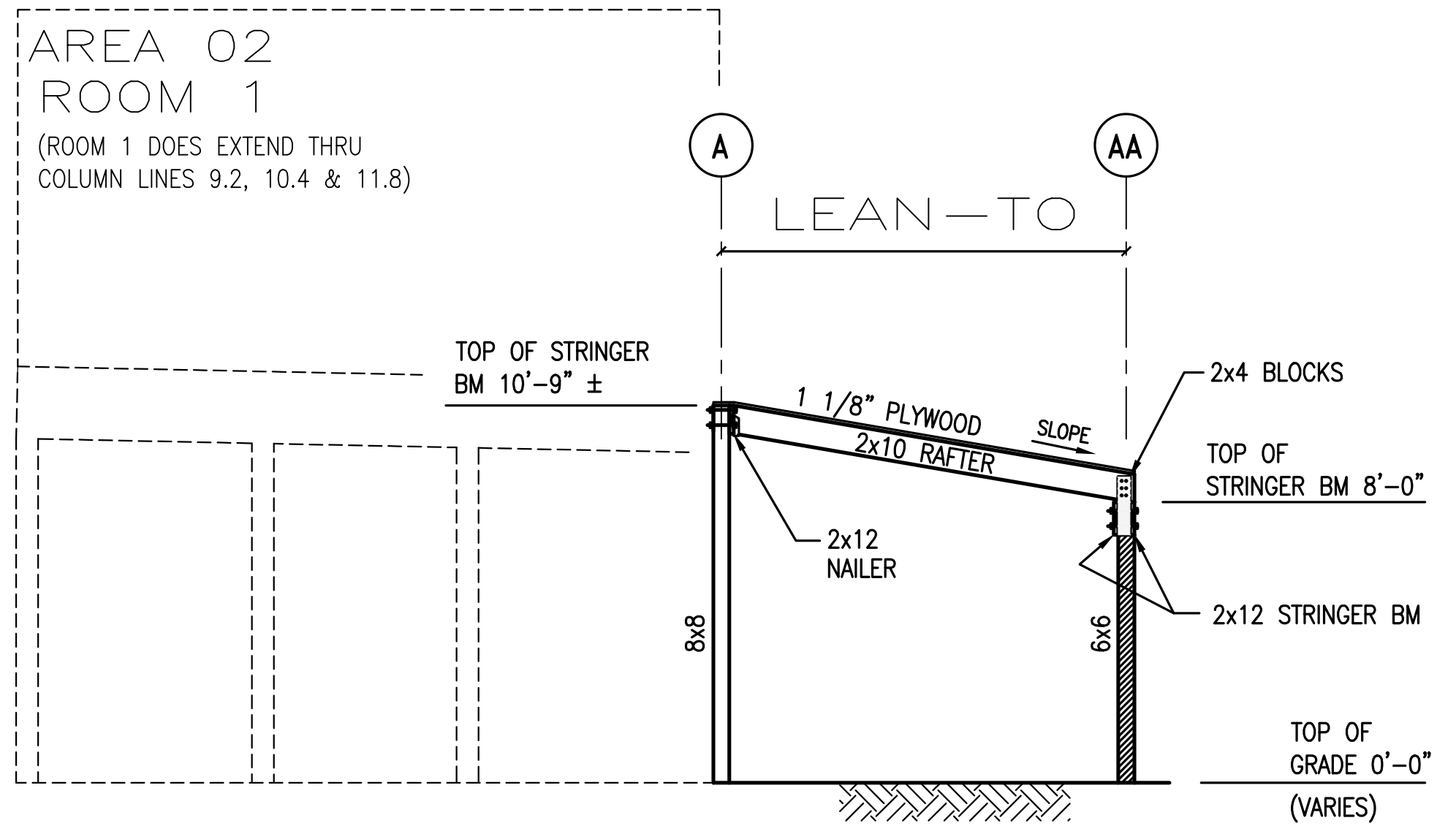
FOR: **BILL WORREL - NEW BUILDING - AS BUILT**
410 PECAN STREET
SWEENEY, TX 77480
LEAN-TO ROOF & AREA 01 ROOF
SECTION A-A THRU SECTION D-D

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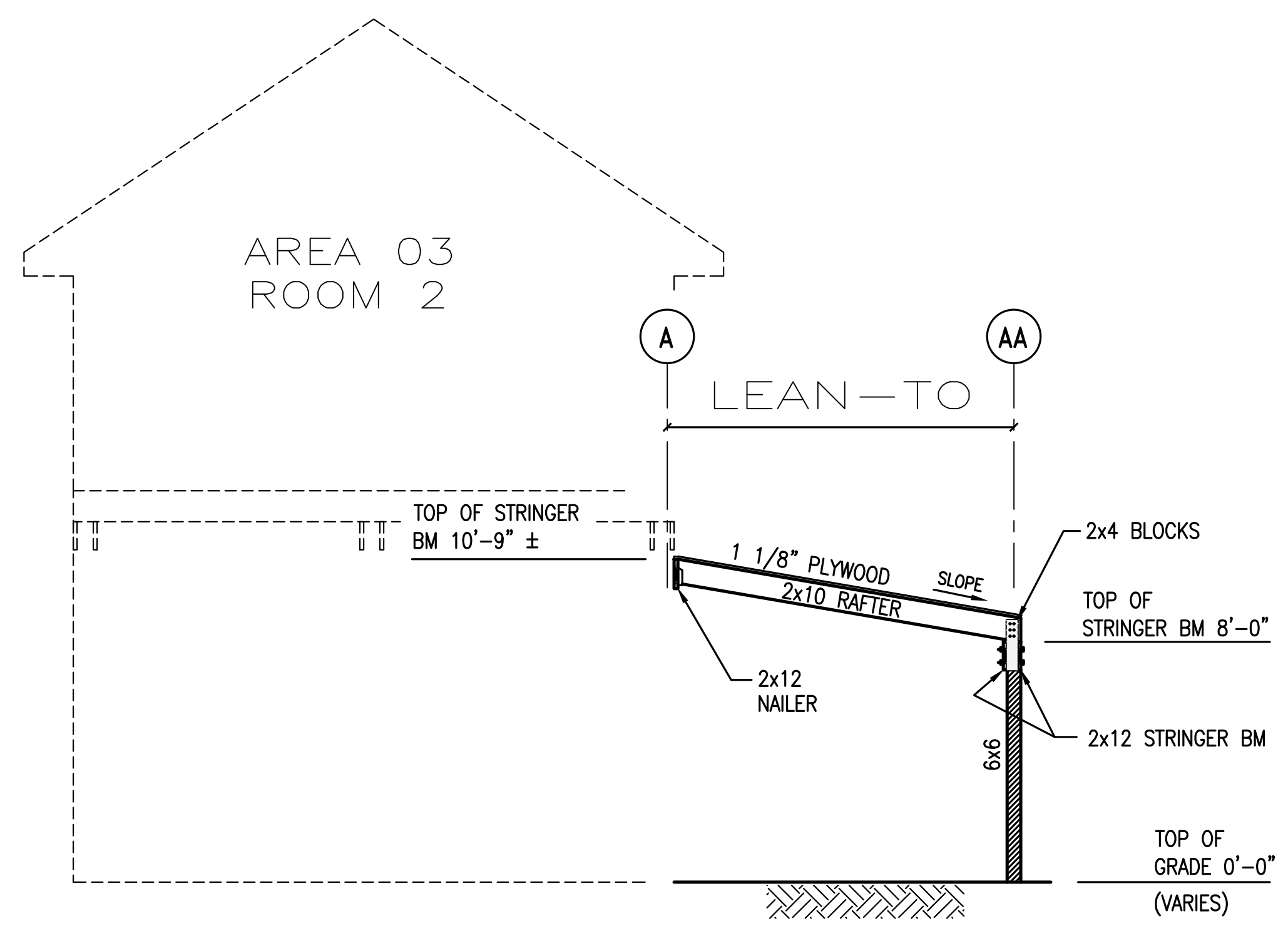
DATE	PLAN:	DRAWN BY:	CHECKED BY:	REVISION:	SCALE:	REV.	DATE	ISSUE
		R. GARCIA		0	1/4" = 1'-0"	0	12/23	CONSTRUCTION

NOTE:
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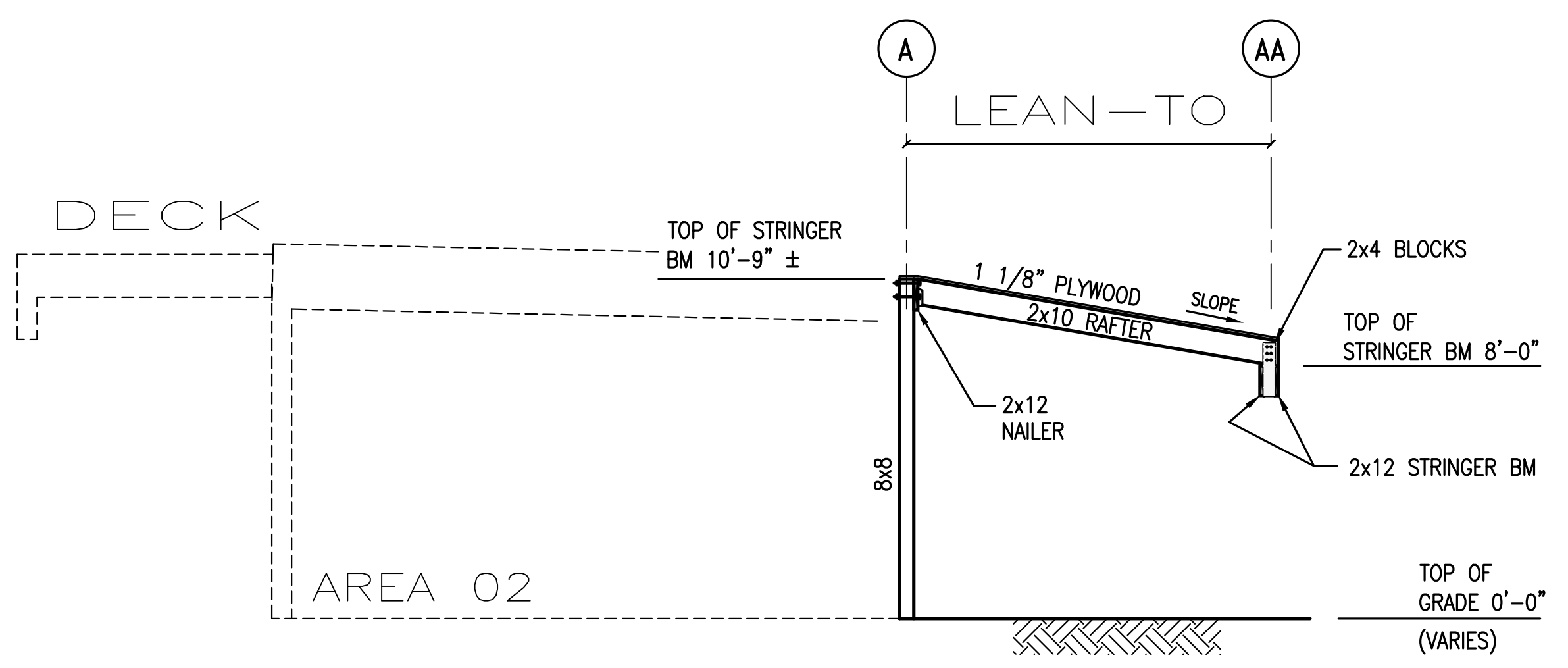
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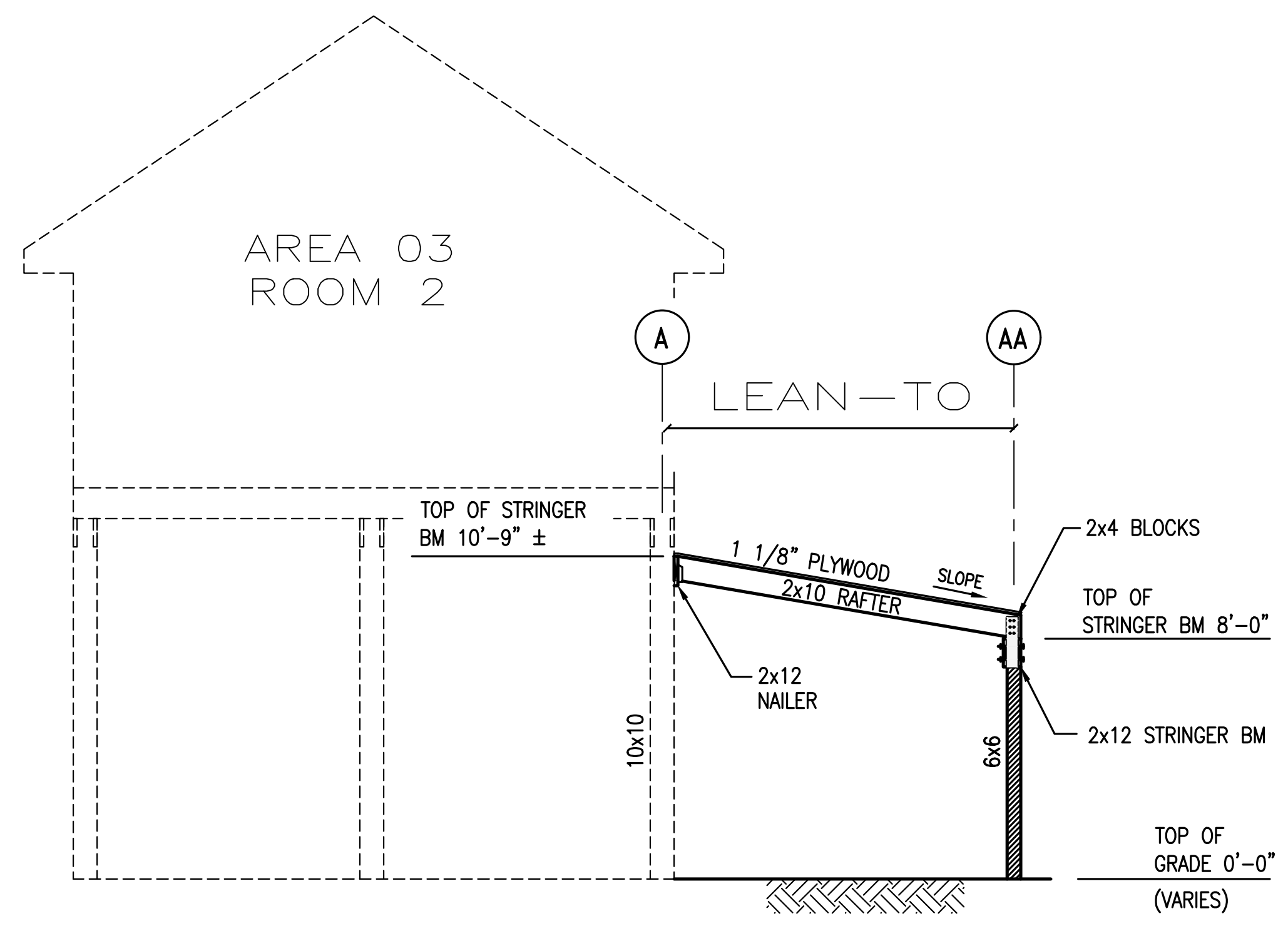
SECTION E-E
LOOKING NORTH-WEST
(SEE DWGS J2314-02 & 03)



SECTION G-G
LOOKING NORTH-WEST
(SEE DWGS J2314-02 & 03)



SECTION F-F
LOOKING NORTH-WEST
(SEE DWGS J2314-02 & 03)



SECTION H-H
LOOKING NORTH-WEST
(SEE DWGS J2314-02 & 03)

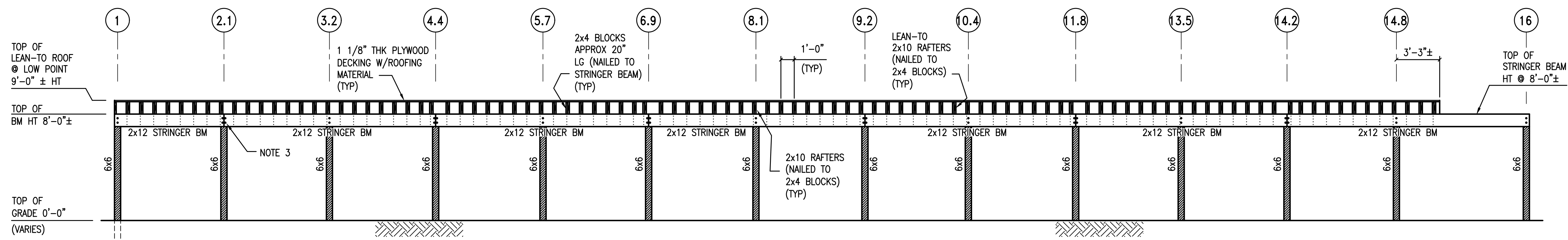
AS BUILT

DWGS4U

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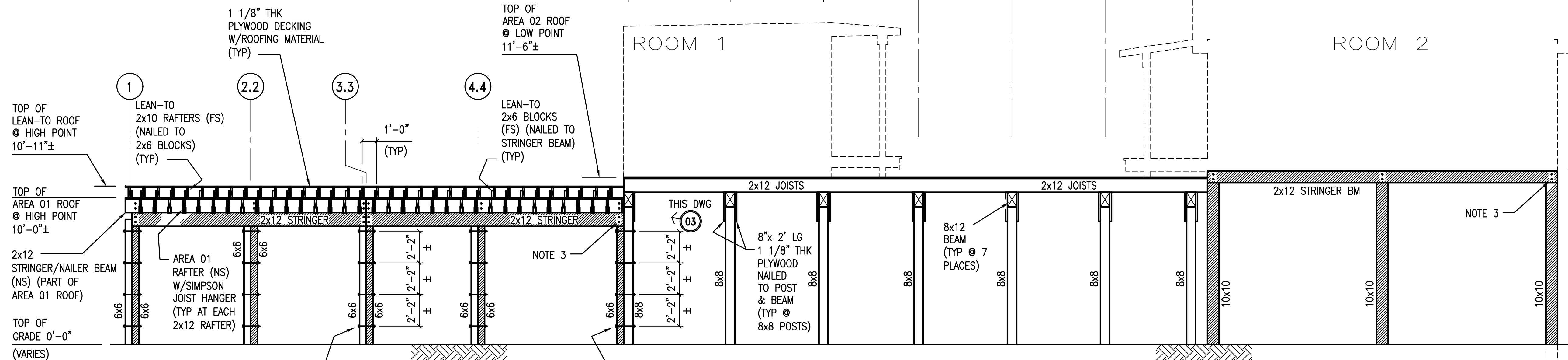
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DWG#: J2314-10	
FOR: BILL WORRELL - NEW BUILDING - AS BUILT	
410 PECAN STREET SWEENEY, TX 77480 LEAN-TO ROOF SECTION E-E THRU SECTION H-H	
DATE:	ISSUE:
DATE:	CONSTRUCTION:
REV.:	DATE:
0	12/23
DATE:	DATE:
R. GARCIA	0
CHECKED BY:	REVISION:
SCALE:	1/4" = 1'-0"



SECTION J-J
ALONG LEAN-TO ROOF
LOOKING NORTH-EAST
(SEE DWG J2314-02)

EXISTING 6x6 TREATED POSTS (TYP) EMBEDMENT DEPTH UNDETERMINED BY DESIGNER (ENGINEER TO CONSULT WITH O.R. FOR FURTHER SPEC'S) (TYP THROUGHOUT)

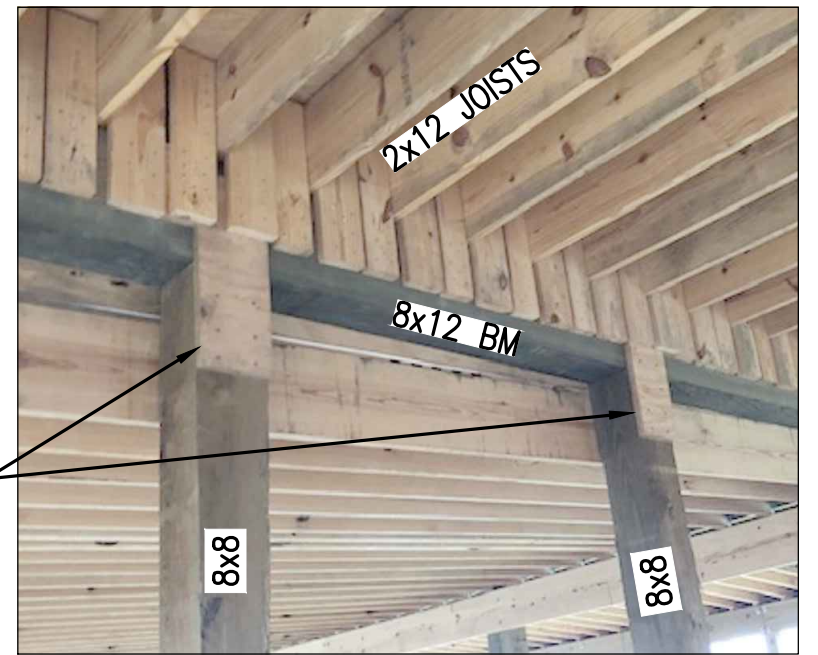


SECTION K-K
LOOKING NORTH-EAST
(SEE DWGS J2314-02 & 03)

(4) 5/8" DIA GALVANIZED THRU BOLTS (EVENLY SPACED & DRILLED AT C.L. OF POST (TYING (2) EXISTING 6x6 TREATED POSTS TOGETHER) (TYP @ (4) PLACES AS SHOWN)

(4) 5/8" DIA GALVANIZED THRU BOLTS (EVENLY SPACED & DRILLED AT C.L. OF POSTS (TYING (1) EXISTING 6x6 TREATED POST & (1) 8x8 TREATED POST TOGETHER)

EXISTING TREATED POSTS (TYP) EMBEDMENT DEPTH UNDETERMINED BY DESIGNER (ENGINEER TO CONSULT WITH O.R. FOR FURTHER SPEC'S) (TYP THROUGHOUT)



PIC 03
LOOKING NORTH-EAST

NOTES

1. COLUMN BUBBLES SHOWN FOR REFERENCE PURPOSES
2. ALL EXISTING STRUCTURAL POSTS ARE PRESSURE TREATED
3. GALVANIZED 5/8" DIA BOLTS

LEGEND

- ⬆️ - REPRESENTS PICTURE ORIENTATION & REFERENCE #
- (NS) - "NEAR SIDE"
- (FS) - "FAR SIDE"
- TOG - "TOP OF GRADE"
- O.R. - "OWNERS REPRESENTATIVE"

NOTE:
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DWG#: **J2314-11**

FOR: **BILL WORREL - NEW BUILDING - AS BUILT**

410 PECAN STREET
SWEENEY, TX 77480

LONGITUDINAL SECTIONS ALONG AREA 01 THRU 03
SECTION J-J & SECTION K-K

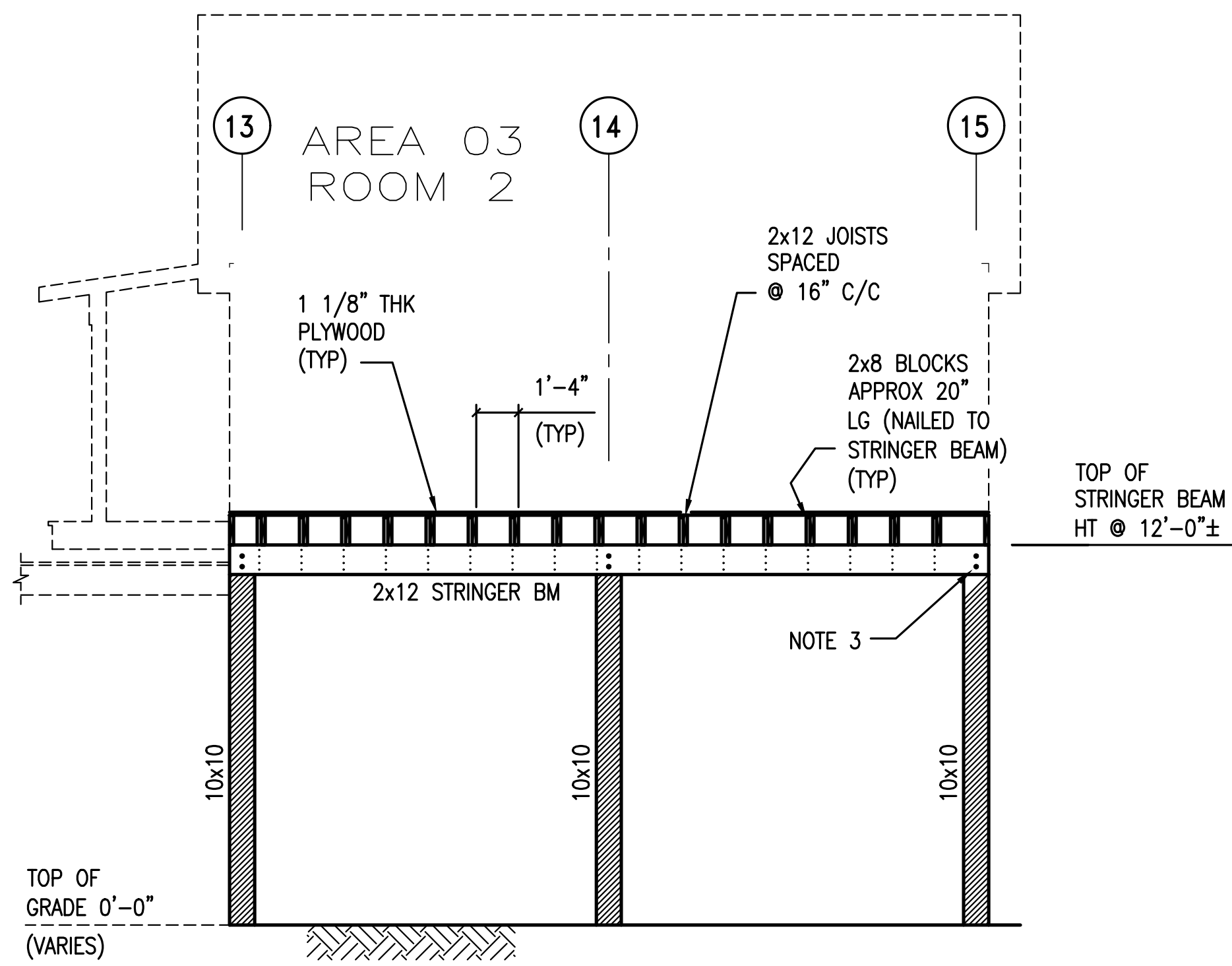
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DATE	PLAN:	DRAWN BY:	CHECKED BY:	REVISION:	SCALE:	REV.	DATE	ISSUE
		R. GARCIA		0	1/4" = 1'-0"	0	12/23	CONSTRUCTION

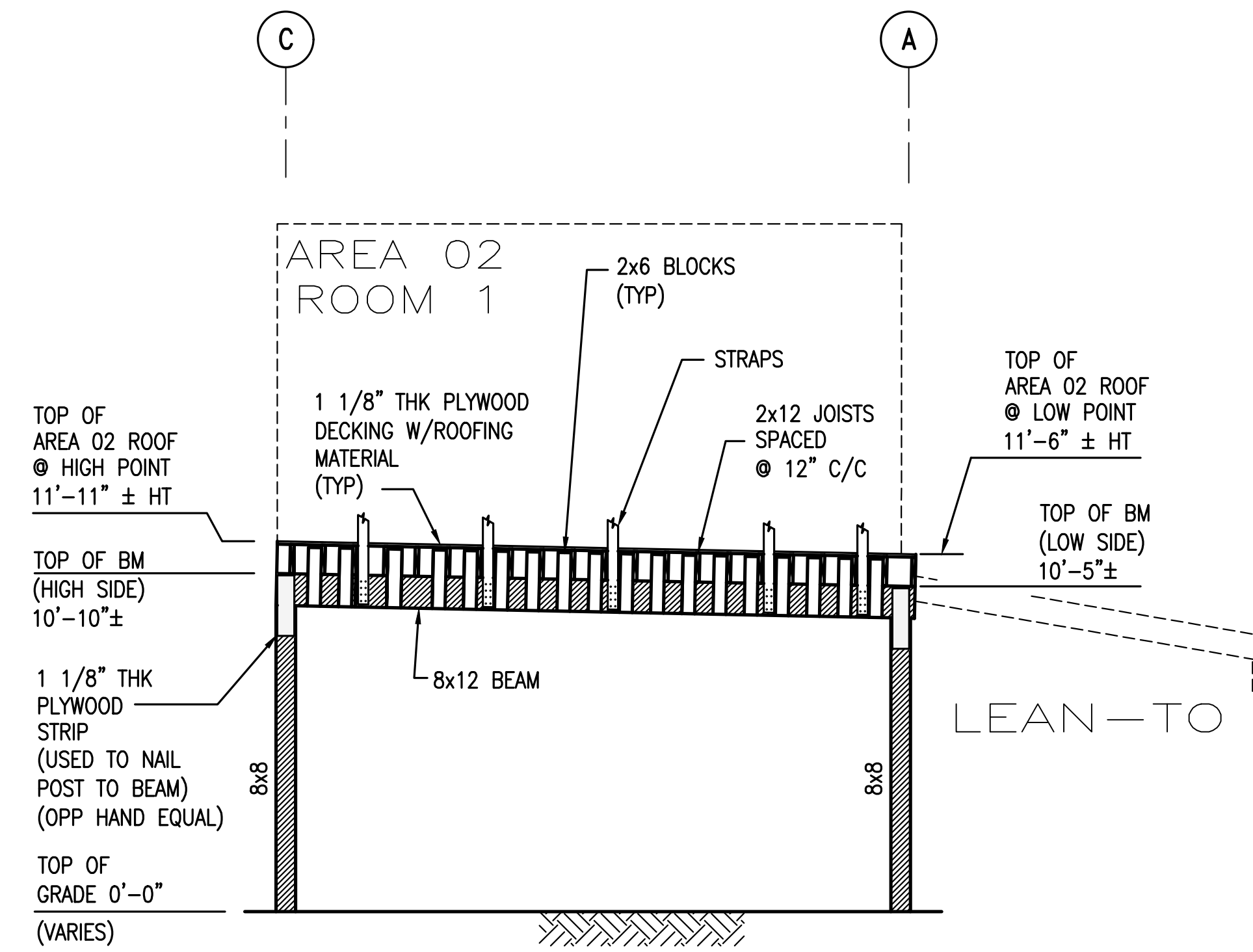
AS BUILT

DWGS4U

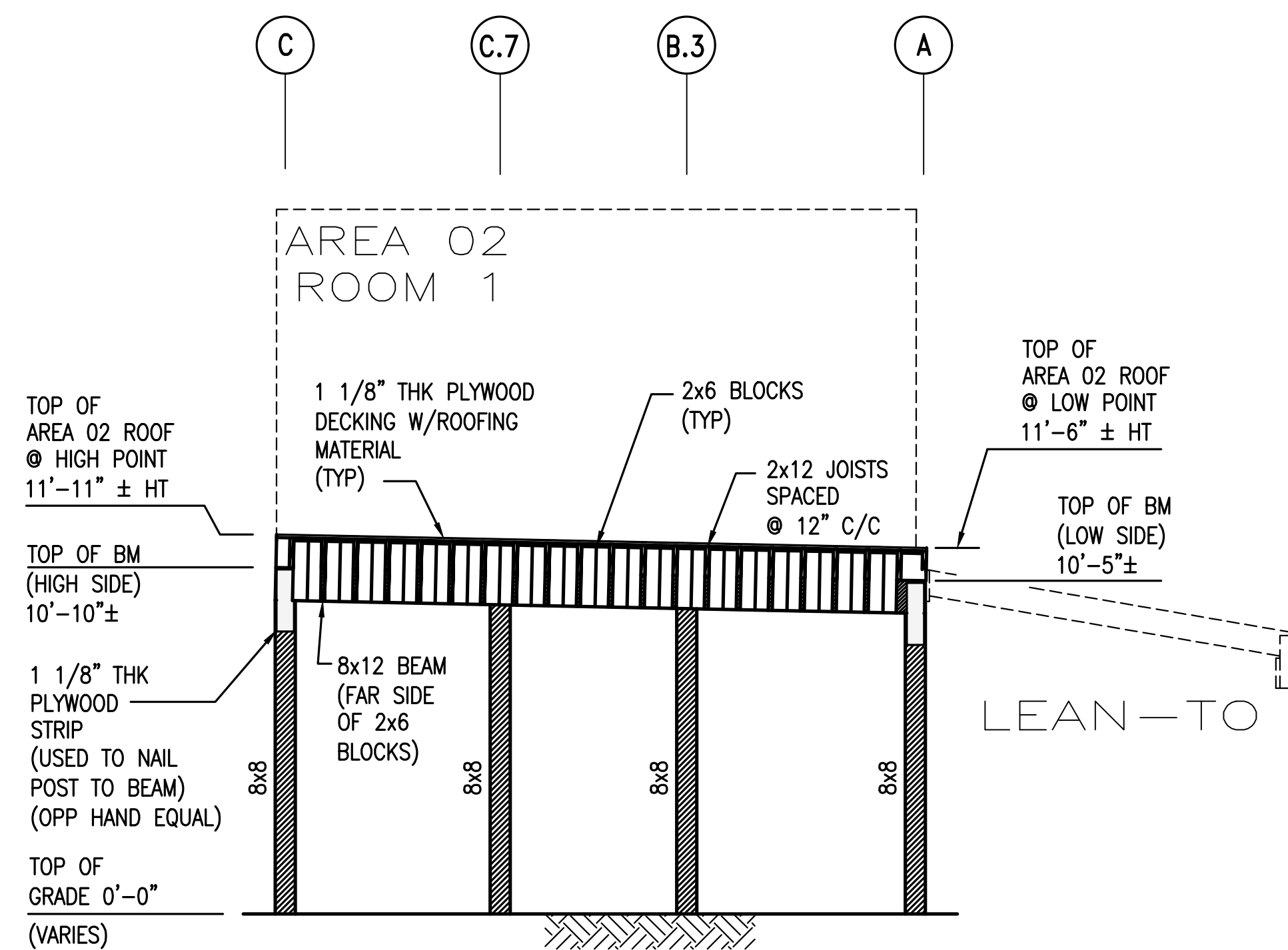
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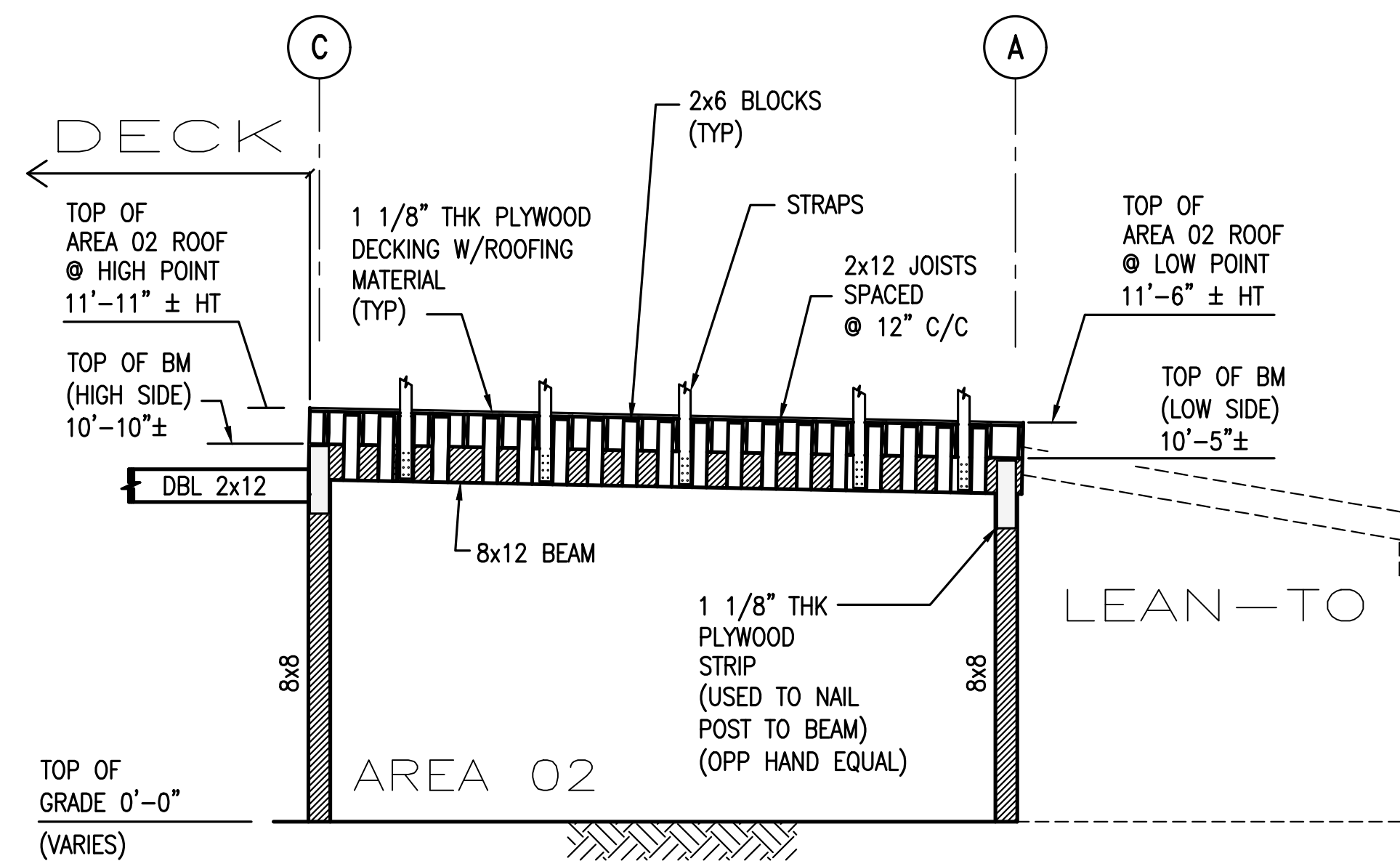
SECTION L-L
LOOKING NORTH-EAST
(SEE DWG J2314-03)



SECTION N-N
LOOKING NORTH-WEST
(SEE DWG J2314-03)



SECTION M-M
LOOKING NORTH-WEST
(SEE DWG J2314-03)



SECTION P-P
LOOKING NORTH-WEST
(SEE DWG J2314-03)

DWG#: **J2314-12**
FOR: **BILL WORREL - NEW BUILDING - AS BUILT**
410 PECAN STREET
SWEENEY, TX 77480
SECTIONS ACROSS AREA 02 & AREA 03
SECTION L-L THRU SECTION P-P

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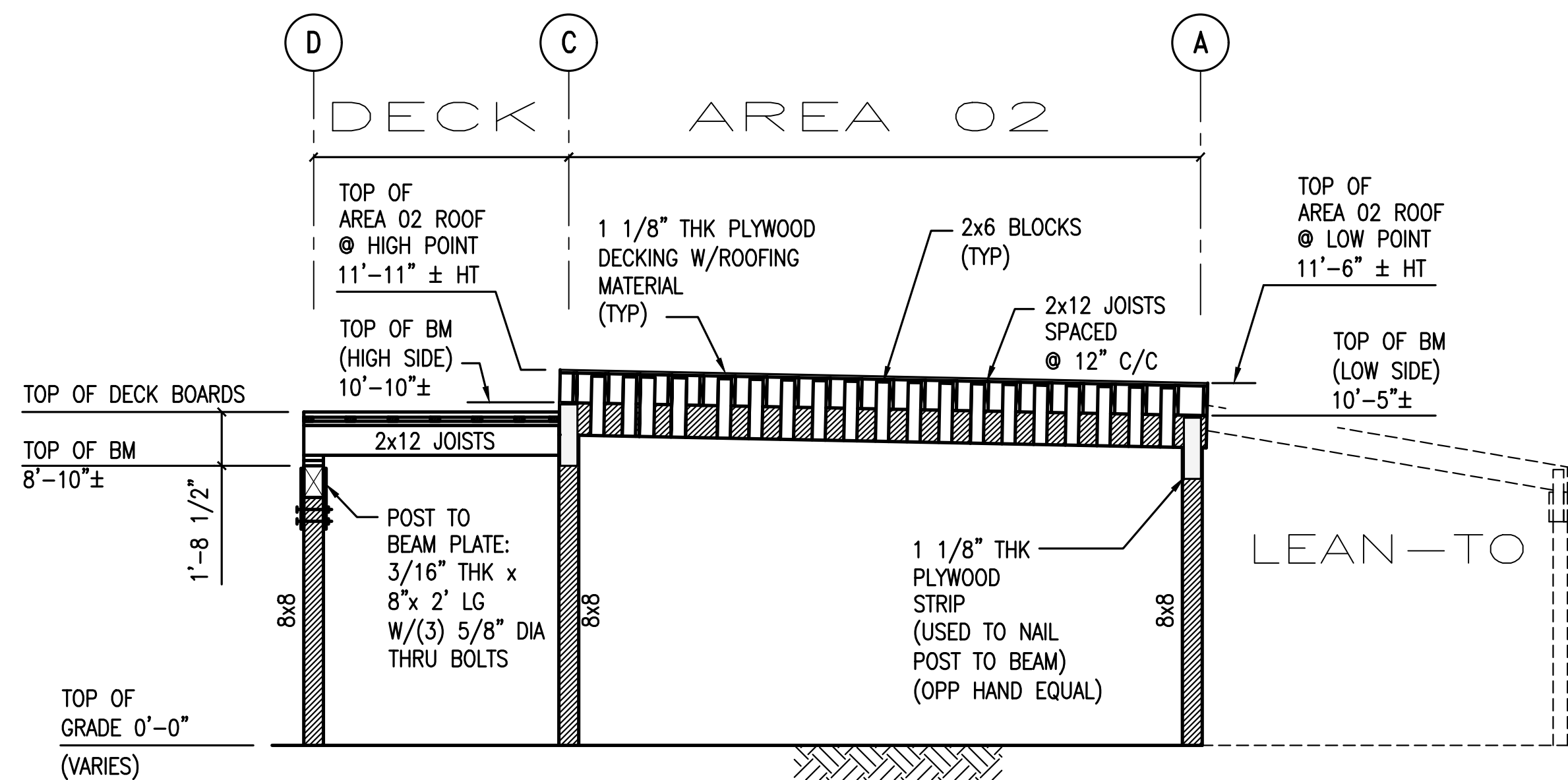
DATE	PLAN:	DRAWN BY:	CHECKED BY:	REVISION:	SCALE:	REV.	DATE	ISSUE
		R. GARCIA		0	1/4" = 1'-0"	0	12/23	CONSTRUCTION

AS BUILT

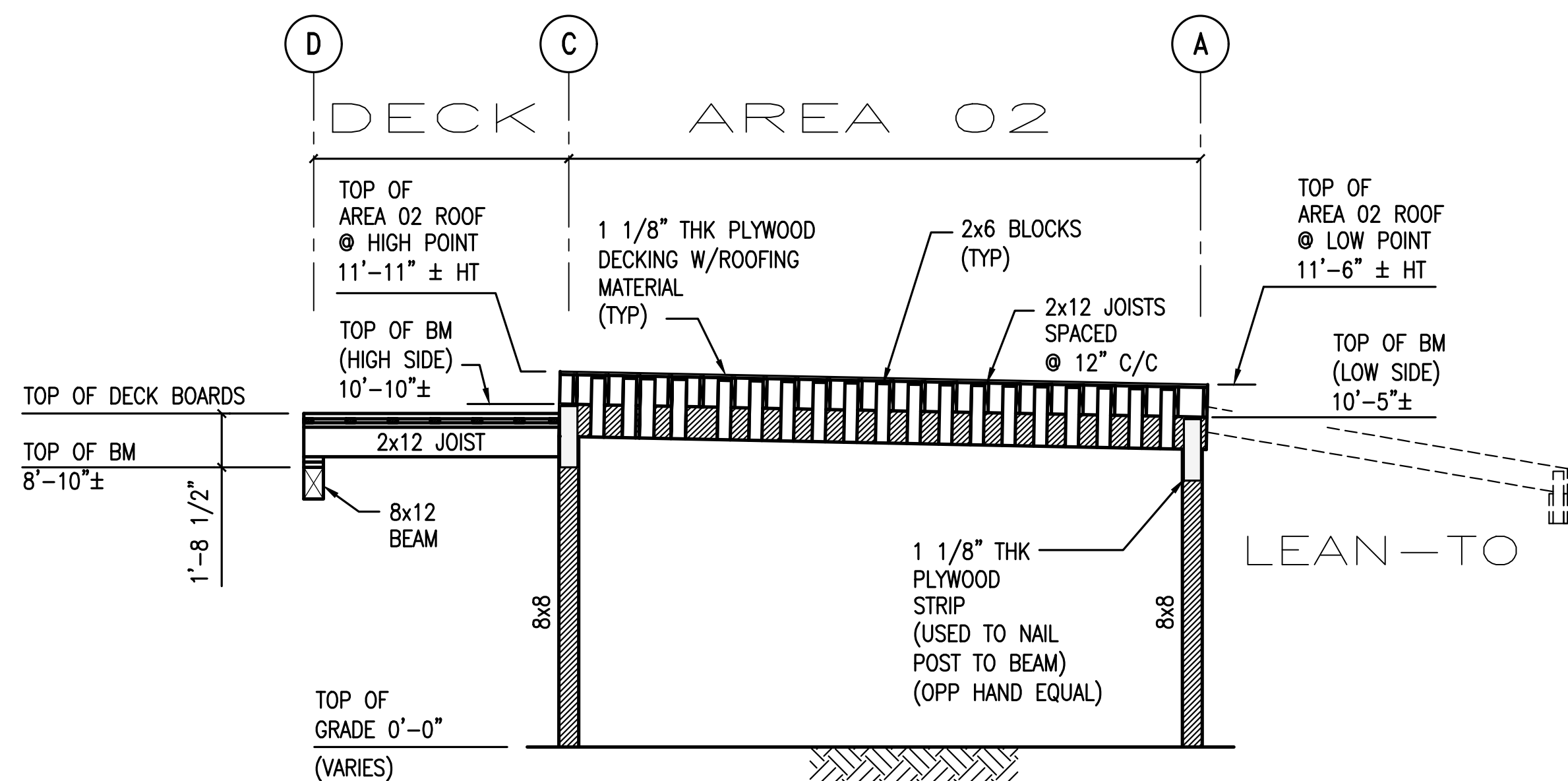
DWGS4U

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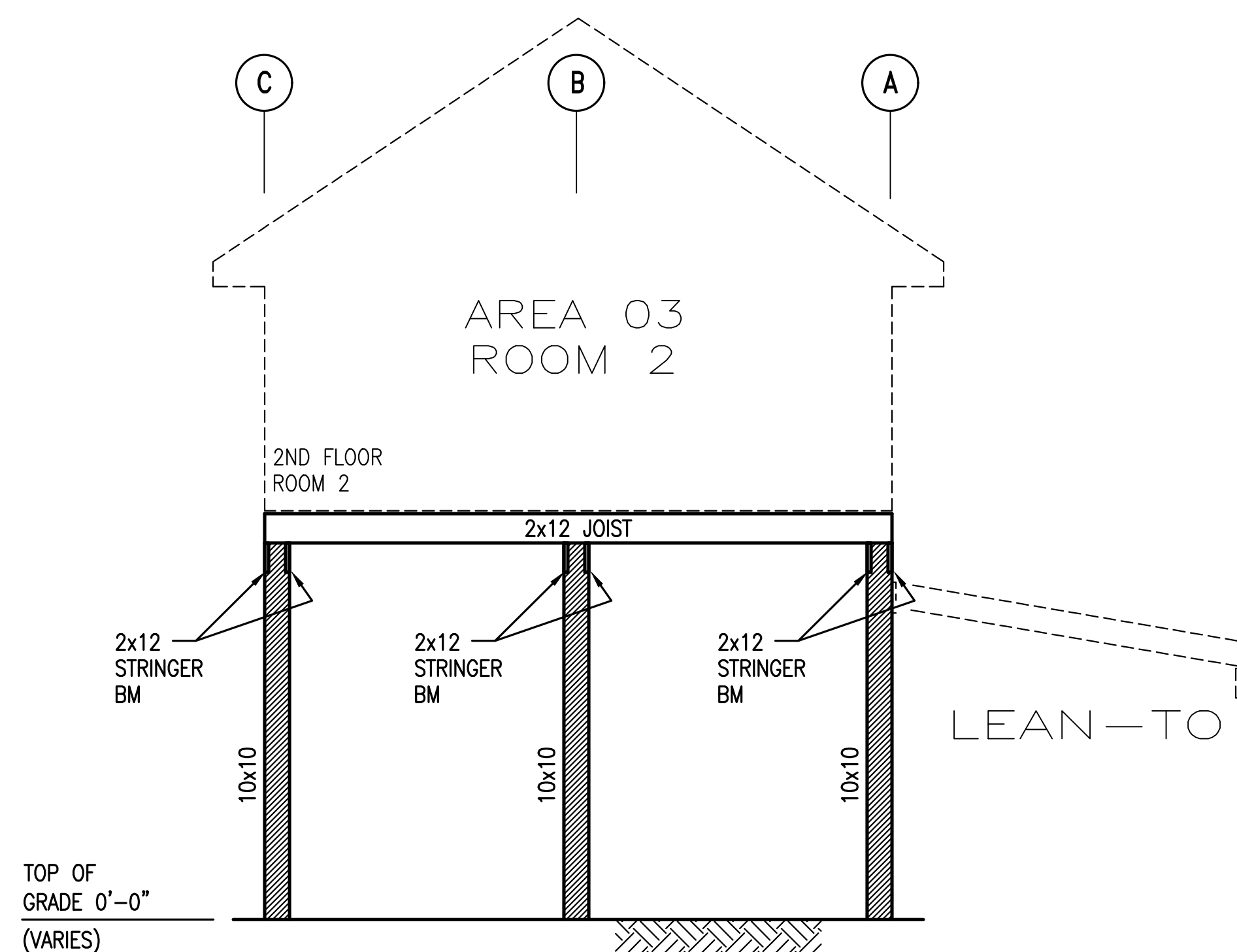
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SECTION Q-Q
LOOKING NORTH-WEST
(SEE DWG J2314-03)



SECTION R-R
LOOKING NORTH-WEST
(SEE DWG J2314-03)



SECTION T-T
LOOKING NORTH-WEST
(SEE DWG J2314-03)

AS BUILT

DWG#: **J2314-13**

FOR: BILL WORREL - NEW BUILDING - AS BUILT

410 PECAN STREET
SWEENEY, TX 77480

SECTIONS ACROSS AREA 02 & AREA 03
SECTION Q-Q THRU SECTION T-T

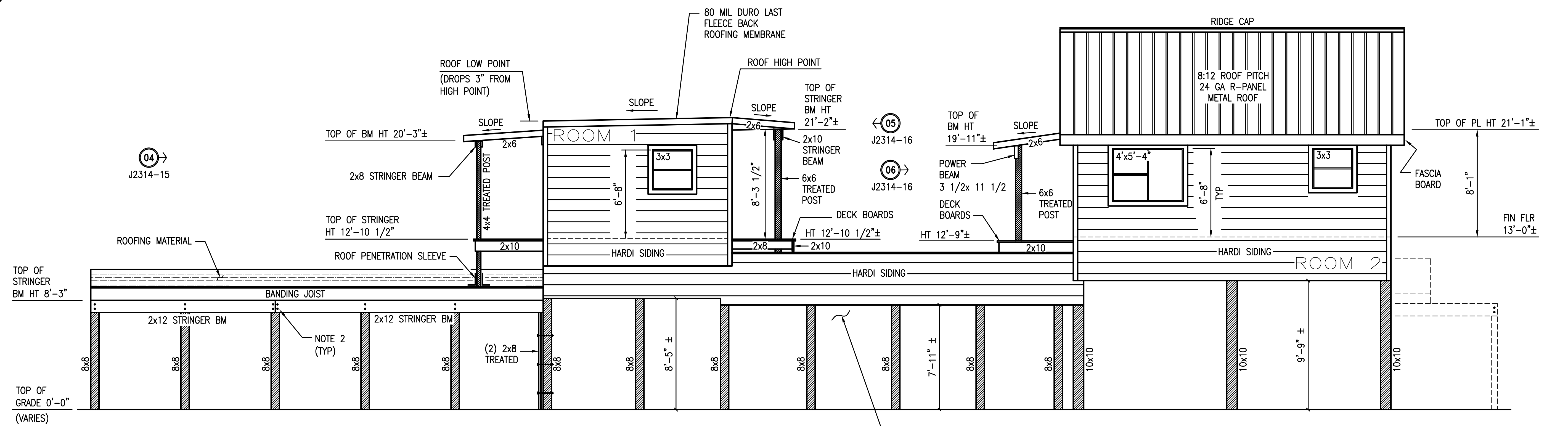
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		R. GARCIA		0	1/4" = 1'-0"	0	12/23	CONSTRUCTION

DWGS4U

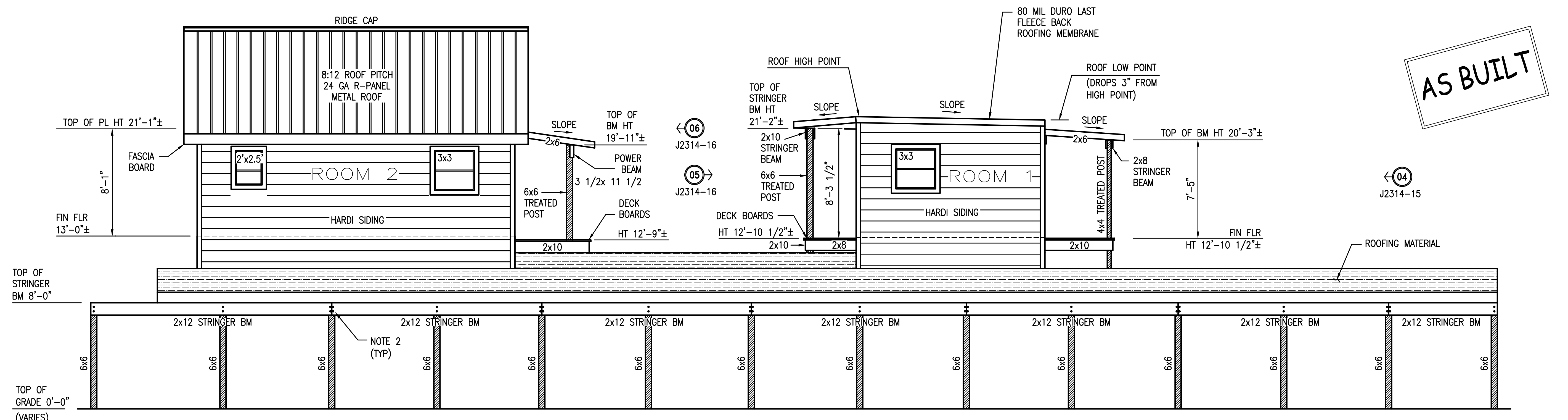
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FRONT ELEVATION
LOOKING NORTH-EAST

NOTE
"DECK" NOT SHOWN FOR ELEVATION CLARITY PURPOSES



BACK ELEVATION
LOOKING SOUTH-WEST

NOTES

1. FOR STRUCTURAL LAYOUT DIMENSIONS SEE DWGS J2314-01 THRU 08
2. (2) GALVANIZED 5/8" DIA BOLTS (TYP AT EACH STRINGER BEAM TO POST CONNECTION)
3. EXISTING POSTS/BUILDING IS OUT OF SQUARE

LEGEND

⊗ - REPRESENTS PICTURE ORIENTATION & REFERENCE #

AS BUILT

DWG#: **J2314-14**

BILL WORREL - NEW BUILDING - AS BUILT

FOR: **410 PECAN STREET
SWEENEY, TX 77480
FRONT & BACK ELEVATIONS**

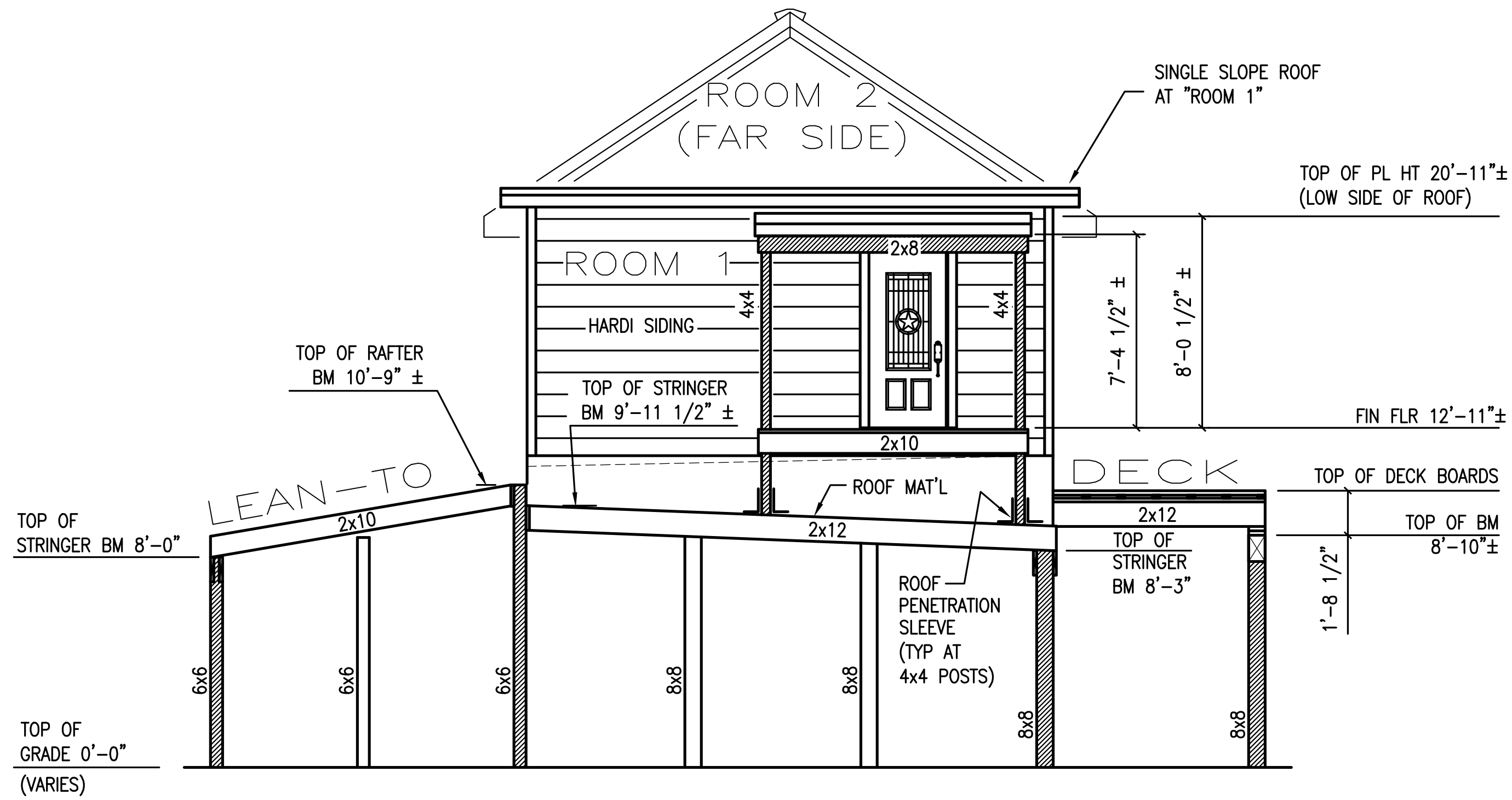
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	DRAWN BY: R. GARCIA	CHECKED BY: 0	DATE: 12/23	CONSTRUCTION
	SCALE: 1/4" = 1'-0"			

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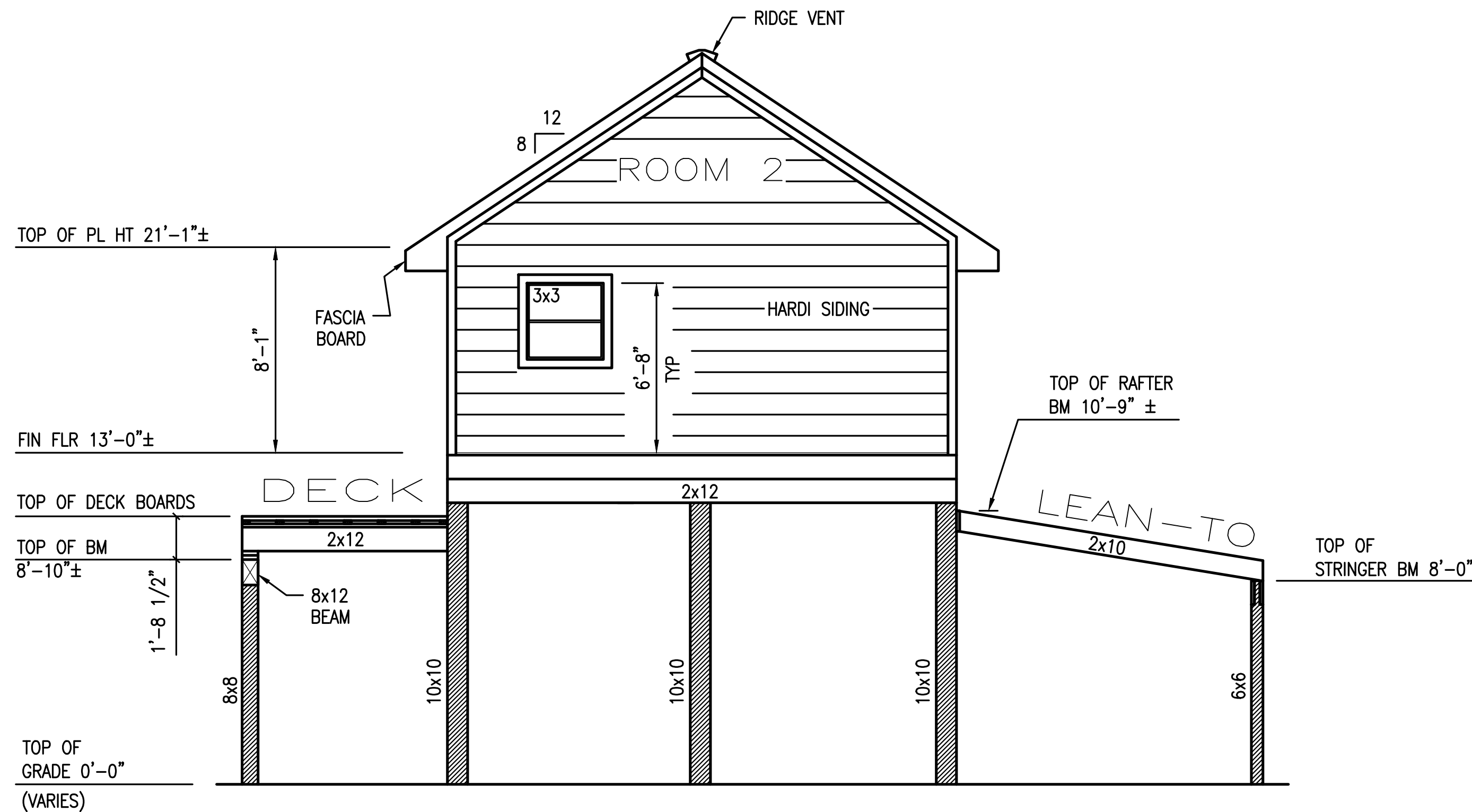
DWGS4U



LEFT ELEVATION
LOOKING SOUTH-EAST



PIC 04
LOOKING SOUTH-EAST
(SEE DWG J2314-08 & 14)



RIGHT ELEVATION
LOOKING NORTH-WEST

NOTES

1. FOR STRUCTURAL LAYOUT DIMENSIONS SEE DWGS J2314-01 THRU 08
2. EXISTING POSTS/BUILDING IS OUT OF SQUARE - DIMENSIONS & ELEVATIONS ARE +/-

AS BUILT

DWGS4U

DWG#: **J2314-15**

FOR: **BILL WORREL - NEW BUILDING - AS BUILT**

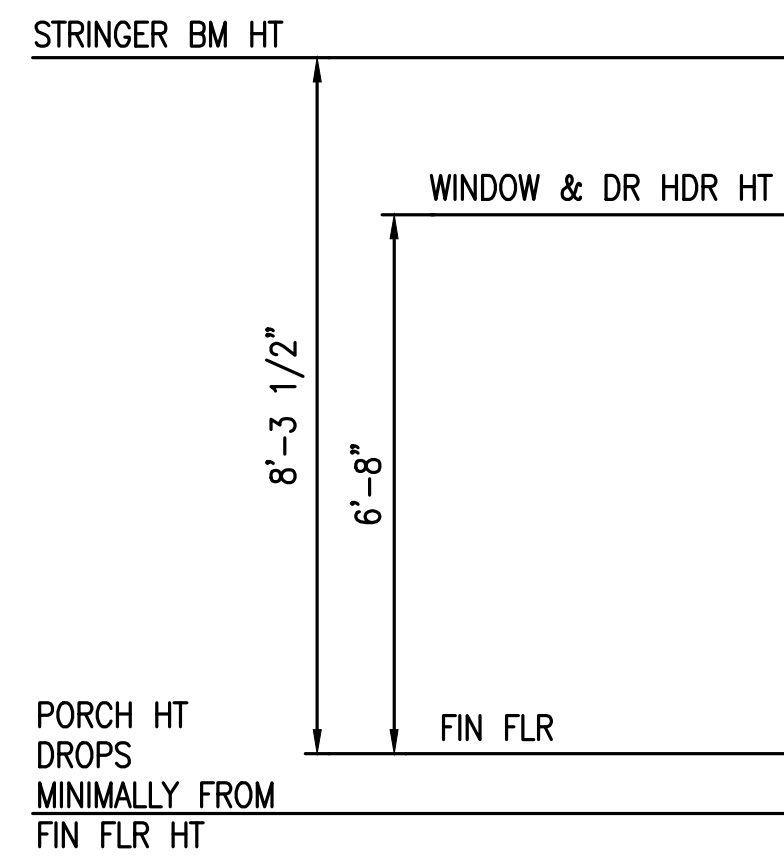
**410 PECAN STREET
SWEENEY, TX 77480
LEFT, RIGHT ELEVATIONS & PICTURE 04**

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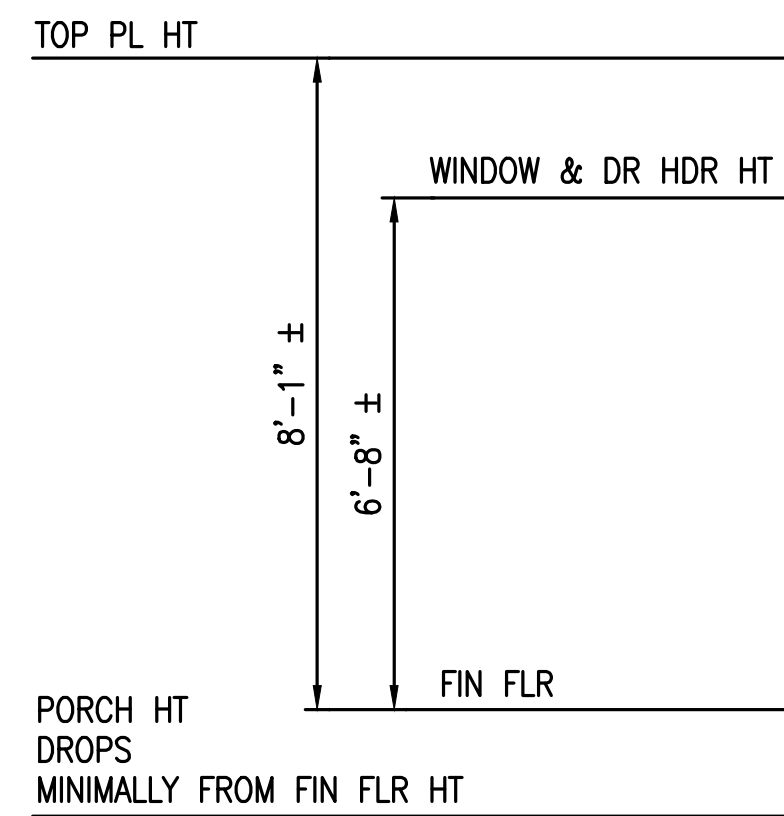
DATE	PLAN:	DRAWN BY:	CHECKED BY:	REVISION:	SCALE:	REV.	DATE	ISSUE
		R. GARCIA		0	1/4" = 1'-0"	0	12/23	CONSTRUCTION

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PIC 05
LOOKING NORTH-WEST
(SEE DWG J2314-08 & 14)



PIC 06
LOOKING SOUTH-EAST
(SEE DWG J2314-08 & 14)

AS BUILT

DWGS4U

DWG#: **J2314-16**

FOR: **BILL WORREL - NEW BUILDING - AS BUILT**
410 PECAN STREET
SWEENEY, TX 77480
PICTURES 05 & 06

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DATE	PLAN:	DRAWN BY:	CHECKED BY:	REVISION:	SCALE:	REV.	DATE	ISSUE
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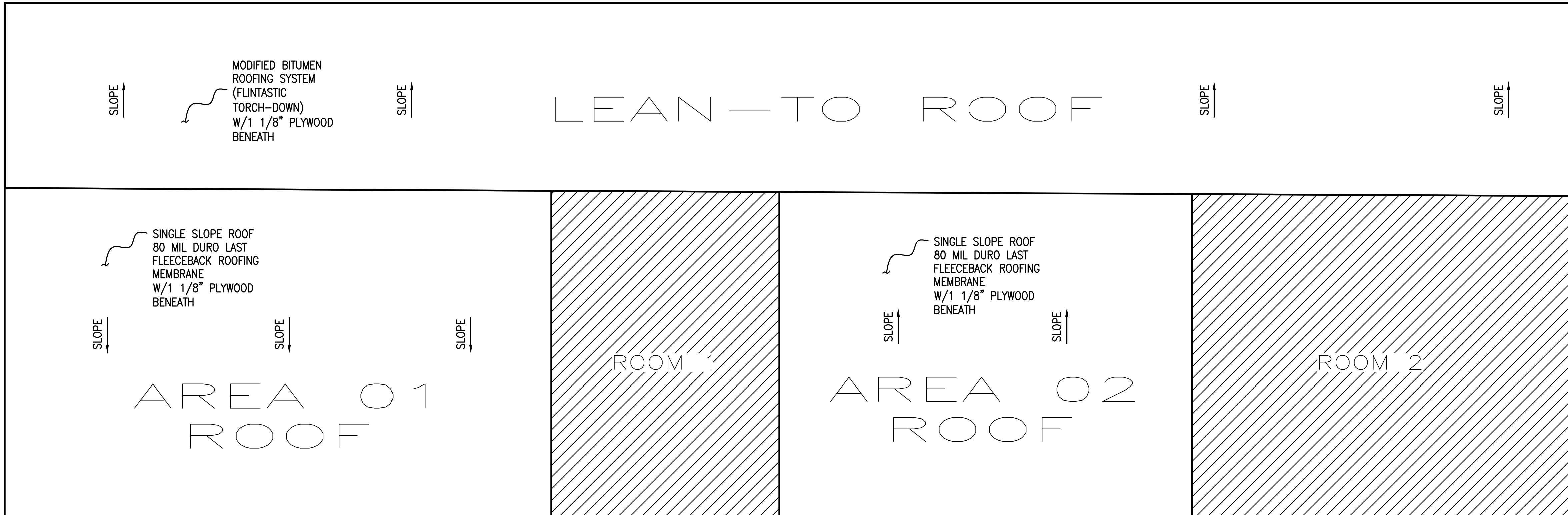
DWG#: J2314-17

FOR: BILL WORREL - NEW BUILDING - AS BUILT

410 PECAN STREET
SWEENEY, TX 77480
LOWER ROOF OVERALL LAYOUT PLAN

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LEAN-TO ROOF

AREA 01 ROOF

AREA 02 ROOF

ROOM 1

ROOM 2

LOWER ROOF OVERALL LAYOUT PLAN

NOTES

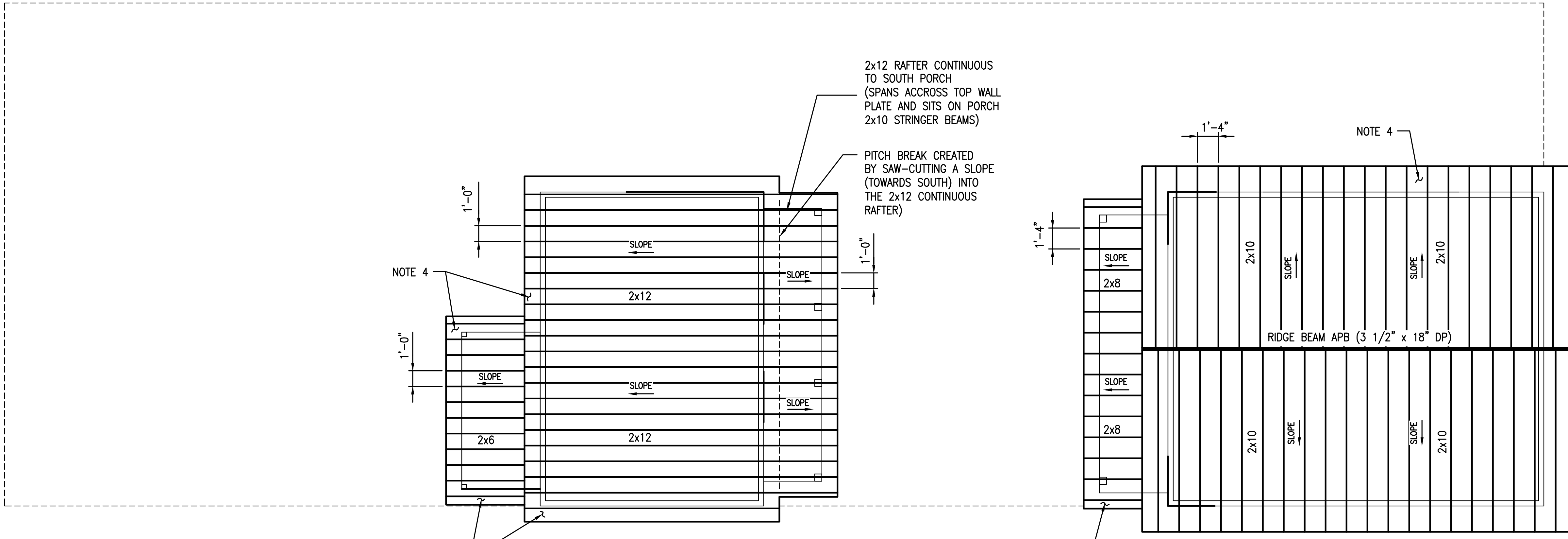
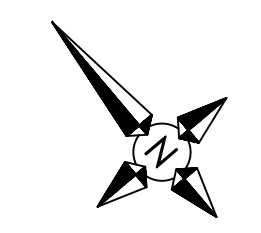
1. FOR STRUCTURAL FRAMING LAYOUT PLANS SEE DWGS J2314-01 THRU 08
2. FOR ELEVATIONS & REFERENCE PICTURES SEE DWGS J2314-09 THRU 16
3. ROOFING MATERIAL VARIES THROUGHOUT
4. FOR ROOF & RAFTER LAYOUT PLANS FOR ROOMS 1 & 2 SEE DWG J2314-18

AS BUILT

DWGS4U

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SINGLE SLOPE ROOF
80 MIL DURO LAST
FLEECEBACK ROOFING
MEMBRANE
W/1 1/8" PLYWOOD
BENEATH

2ND FLOOR (ROOF TOP)
ROOMS 1 & 2 ROOF LAYOUT PLAN

- NOTES**
1. FOR STRUCTURAL FRAMING LAYOUT PLANS SEE DWGS J2314-01 THRU 08
 2. FOR ELEVATIONS & REFERENCE PICTURES SEE DWGS J2314-09 THRU 16
 3. ROOFING MATERIAL VARIES THROUGHOUT
 4. 1 1/8" THK PLYWOOD DECKING OVER RAFTERS
 5. FOR LOWER ROOF LAYOUT PLAN SEE DWG J2314-17

AS BUILT

DWGS4U

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DWG#: **J2314-18**

FOR: **BILL WORREL - NEW BUILDING - AS BUILT**

410 PECAN STREET
SWEENEY, TX 77480
2ND FLOOR (ROOF TOP)
ROOM 1 & 2 - ROOF LAYOUT PLAN

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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 are 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 that 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 of 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.

Kenel 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

Meeting Date	03/19/2024	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	Zoning Ordinance Exhibit A		
Financial Information	Expenditure Required:	Approx. \$200.00; Advertisement	
	Amount Budgeted:		
	Account Number:		
	Additional Appropriation Required:		
	Additional Account Number:		

Executive Summary

Council approved for the City to move forward in drafting a mixed use zone within the zoning ordinance at the Regular November Council Meeting; 11/15/2024. 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.

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. It has been updated to include Business Light Industrial; BLIMXU.

If approved, the ordinance would be amended/modified and brought before Council for approvals along with a Public Hearing prior to the amendment. Cost to advertise is approx. \$200.00.

- *Staff is requesting Council's feedback on additionally adding a secondary Mixed Zone Use to include Commercial/Residential as per a request.*



AGENDA MEMO

Business of the City Council

City of Sweeny, Texas

Sec. 110- 86 BLIMXU, Business Industrial Mixed Use Zone.

The following regulations shall be applicable to the BLIMXU, Business Light Industrial Mixed Use Zone, zoning district:

- (1) *Description and Purpose:* A zone to allow several types of allowable zone uses within a specified area; Residential development prohibited
- (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 (3,000) 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 BLIMXU lot line is within sixty (60) feet of single family residential area lot line.

Also would need to Update:

Sec. 110-86 from Reserved to the BLIMXU

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

Recommended Action

To amend Section 110 of the City’s Code of Ordinances, adding a business light industrial mixed use zone within Exhibit A.

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 are 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 that 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 of 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.

Kenel 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