

City Council

200 North Brazil

Regular Meeting

Los Fresnos, TX 78566

<http://citylf.cloudaccess.net/en/>

~ Agenda ~

Tuesday, August 8, 2017

6:00 PM

City Hall

NOTICE IS HEREBY GIVEN THAT THE CITY COUNCIL OF THE CITY OF LOS FRESNOS PURSUANT TO CHAPTER 551, TITLE 5 OF THE TEXAS GOVERNMENT CODE, THE TEXAS OPEN MEETINGS ACT, WILL MEET ON TUESDAY, AUGUST 8, 2017 AT 6:00 PM AT CITY HALL, 200 NORTH BRAZIL ST, LOS FRESNOS, TX 78566.

I. AGENDA

1. Call meeting to order
2. Invocation and Pledge of Allegiance
3. Consent Agenda
 1. Approval or rejection of Minutes from July 11, 2017 meeting.
 2. Approval or rejection to approve the State Plan of Operations (1033 Program) between City of Los Fresnos Police Department and State of Texas.
 3. Approval or rejection to acknowledge expenditures by Los Fresnos Community Development for street lights on West Highway 100 and FM 803 and electrical services for Community Park for baseball and softball fields.
 4. Consideration and ACTION to approve the second and final reading amending Ordinance 482 regulating water and sewer.
 5. Consideration and ACTION to approve the second and final reading amending Ordinance 483 regulating solid waste services.
 6. Consideration and ACTION to approve writing off bad debt for fiscal year 2015/2016.
4. Visitor Remarks - To speak you must sign in with City Secretary prior to the meeting and you have a limit of 3 minutes to speak.
5. Action Items

1. Consideration and ACTION to approve contract with Ambiotec Group for engineering and surveying on Henderson Road Resaca Crossings.
2. Consideration and ACTION to approve or reject any or all bids received for the construction of Montes-Castro Park.
3. Consideration and ACTION to approve moving forward with engineers bidding and construction of wastewater services on Whipple Road.
4. Consideration and ACTION to employ a person as Emergency Management Coordinator for the City of Los Fresnos.
5. Consideration and ACTION to acknowledge Cameron Appraisal District Chief Appraiser's certification of the 2017 tax roll.
6. Consideration and ACTION to acknowledge the Finance Director's certification of the estimated ad valorem tax collection rate for 2016 and the excess debt tax collections for 2016 tax year.
7. Consideration and ACTION to acknowledge the calculations of the City's Effective and Rollback Ad Valorem Tax Rate for tax year 2017 and for fiscal year 2017/2018.
8. Consideration and ACTION to propose a tax rate for tax year 2017, take a record vote, if proposed tax rate exceeds the lower of the effective rate or rollback rate, and set dates for public hearings, if necessary.
9. Consideration and ACTION to appoint a person to the Los Fresnos Housing Authority.
10. Consideration and ACTION to approve the exterior view of the new city hall.
11. Consideration and ACTION to approve paying the Councilmember's \$100.00 per regular meeting and special meeting and to pay the Mayor \$200.00 per regular meeting and special meeting. (By Councilman Juan Munoz)
12. Consideration and ACTION to approve going out for Request for Qualifications for City Attorney who specializes in Municipal work and City Council will review all RFQ's and select attorney. (By Councilman Juan Munoz)
13. Consideration and ACTION to extend the 2011 contract for City Attorney with Enrique Juarez. (By Polo Narvaez)
6. Acknowledgement of City Manager's Report
 1. A. Wastewater Plant Update B. Water Plant Update C. Water & Wastewater Engineering Study D. Whipple Road Wastewater Extension E. Nature Park F. Hike & Bike Trails G. Montes-Castro Park H. TxDot Sidewalk Projects I. Welcome Sign J. TxDot Light at Walmart K. CDBG 2016-2017 Grant L. Memorial Park
7. Acknowledgement of Department Head Reports

1. Financial Report A. Monthly B. Year-to-Date
8. Public Works Report 1. Water and Wastewater Activity 2. Calls for Service 3. Building Permits 4. Recycling
9. Police Department Report 1. Arrests 2. Incidents 3. Accidents
10. Municipal Court Report 1. Monthly Report
11. Library Report 1. Monthly Report
12. Fire Marshal's Report 1. Monthly Report
13. Budget Workshop
 1. Budget Workshop for fiscal year 2017/2018.
14. Adjournment

This is to certify that I, Pam Denny, posted this agenda on the front bulletin board of the City Hall on August 3, 2017 on or before 5:30 p.m. and it shall remain so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Pam Denny, City Secretary

Persons with any disabilities that would like to attend meetings must notify City Secretary 24 hours in advance so that the City can make arrangements for that disabled person.

City Council
200 North Brazil
Los Fresnos, TX 78566

Meeting: 08/08/17 06:00 PM
Department: City Secretary
Category: Minutes
Prepared By: Pam Denny
Initiator: Pam Denny
Sponsors:
DOC ID: 2240 A

SCHEDULED

ACTION ITEM (ID # 2240)

Approval or rejection of Minutes from July 11, 2017 meeting.

I recommend approval.

City Council

200 North Brazil

Los Fresnos, TX 78566

Regular Meeting

<http://citylf.cloudaccess.net/en/>

~ Minutes ~

Tuesday, July 11, 2017

6:00 PM

City Hall

Agenda

1. Call meeting to order
Mayor Narvaez called the meeting to order at 6:00 PM.
2. Invocation and Pledge of Allegiance
Mayor Narvaez gave the invocation and led the audience in the Pledge of Allegiance.

Consent Agenda

Approval or rejection of Minutes from June 13, 2017 and June 20, 2017 meetings.

Motion was made and seconded to approve the Minutes as presented.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Juan Munoz, Councilman
SECONDER:	Javier Mendez, Councilman
AYES:	Garza, Munoz, Narvaez, Cruz, Real, Mendez

Approval or rejection of the Order of Election and Notice of Election for the November 7, 2017 City Election.

Motion was made and seconded to approve the Order of Election and Notice of Election for the November 7, 2017 City Election.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Juan Munoz, Councilman
SECONDER:	Javier Mendez, Councilman
AYES:	Garza, Munoz, Narvaez, Cruz, Real, Mendez

Approval or rejection to contract with Cameron County Election Administration to conduct the early voting and election day voting for November 7, 2017 City Election.

Motion was made and seconded to approve contracting with Cameron County Election Administration to conduct the early voting and election day voting for the November 7, 2017 City Election.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Juan Munoz, Councilman
SECONDER:	Javier Mendez, Councilman
AYES:	Garza, Munoz, Narvaez, Cruz, Real, Mendez

Approval or rejection to approve a Resolution approving the Hazard Mitigation Plan.

Motion was made and seconded to approve a Resolution approving the Hazard Mitigation Plan.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Juan Munoz, Councilman
SECONDER: Javier Mendez, Councilman
AYES: Garza, Munoz, Narvaez, Cruz, Real, Mendez

Approval or rejection to approve a Resolution suspending the July 20, 2017 effective date of the statement of intent of Texas Gas Service Company to increase rates within incorporated areas of its service territory to permit the City time to study the request and to establish reasonable rates, finding that the City's reasonable rate case expenses shall be reimbursed by the Company, authorizing participation with other Rio Grande Valley Texas municipalities, hiring legal and consulting services to negotiate with the Company and direct any necessary litigation and appeals, finding that the meeting at which this Resolution is passed is open to the public as required by law; requiring notice of this Resolution to the Company and legal counsel.

Motion was made and seconded to approve a Resolution suspending the July 20, 2017 effective date of the statement of intent of Texas Gas Service Company to increase rates within incorporated areas of its service territory to permit the City time to study the request and to establish reasonable rates, finding that the City's reasonable rate case expenses shall be reimbursed by the Company, authorizing participation with other Rio Grande Valley Texas municipalities, hiring legal and consulting services to negotiate with the Company and direct any necessary litigation and appeals, finding that the meeting at which this Resolution is passed is open to the public as required by law; requiring notice of this Resolution to the Company and legal counsel.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Juan Munoz, Councilman
SECONDER: Javier Mendez, Councilman
AYES: Garza, Munoz, Narvaez, Cruz, Real, Mendez

Approval or rejection to approve a Memorandum of Understanding between the City of Los Fresnos and Los Fresnos Consolidated Independent School District for Emergency Operations Planning Response.

Mr. Milum stated that the City and the School has had a "gentleman's" agreement when dealing with emergency operations. Much of it was spelled out in our emergency management plan. We felt it was important to have an official document so there were not any questions. The School helps with transportation, shelter, pickup sites, deliveries, and etc. The City has security along with the School.

Mr. Milum answered questions from the Council.

Motion was made and seconded to approve the Memorandum of Understanding between the City of Los Fresnos and Los Fresnos Consolidated Independent School District for Emergency Operations Planning Response.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Polo Narvaez, Mayor
SECONDER: Javier Mendez, Councilman
AYES: Garza, Munoz, Narvaez, Cruz, Real, Mendez

Approval or rejection of a Resolution electing to calculate the City of Los Fresnos' extra-territorial jurisdiction pursuant to Texas Local Government Code 42.021, previous Interlocal agreements as adopted by the City of Los Fresnos and the City of Brownsville, and as permitted by recent legislation enacted by the State of Texas, and dealing with related matters.

Mr. Milum explained that the City and the City of Brownsville have two agreements on ETJ and city limits. The Texas Legislature recently amended a section in the Texas Local Government Code to allow cities in Cameron County to opt out of the restriction by enacting a resolution. By passing the resolution we are confirming these two prior agreements. This will not affect Port Isabel and Laguna Vista on the issues they have with Brownsville. The Town of Bayview and Indian Lake are also doing resolutions.

Mr. Milum answered questions from the Council.

Motion was made and seconded to approve the Resolution electing to calculate the City of Los Fresnos' extra-territorial jurisdiction pursuant to Texas Local Government Code 42.021, previous Interlocal Agreements as adopted by the City of Los Fresnos and the City of Brownsville, and as permitted by recent legislation enacted by the State of Texas, and dealing with related matters.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Polo Narvaez, Mayor
SECONDER: Swain Real, Councilman
AYES: Garza, Munoz, Narvaez, Cruz, Real, Mendez

Consideration and ACTION to authorize the City Manger to dispose of surplus Items.

Mr. Milum stated there were 3 old computers and 2 old printers that needed to be surplusd out.

Councilman Mendez asked how the city disposes of old computers and Mr. Milum stated that the IT person would clean out the computer before we disposed of it.

Mayor Narvaez asked if the City had a policy and Mr. Milum stated no but he would look into it.

Motion was made and seconded to authorize the City Manager to dispose of surplus items.

Regular Meeting

Tuesday, July 11, 2017

6:00 PM

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Polo Narvaez, Mayor
SECONDER:	Juan Munoz, Councilman
AYES:	Garza, Munoz, Narvaez, Cruz, Real, Mendez

Visitor Remarks - To speak you must sign in with City Secretary prior to the meeting and you have a limit of 3 minutes to speak.

There were no comments from the public.

Action Items

Consideration and ACTION to acknowledge Planning & Zoning Commission's approval of final plats for Feather Ridge Subdivision and Valle Alto East Subdivision, Phase 5.

Mr. Milum stated that the Planning and Zoning had approved the final plats for Feather Ridge Subdivision and Valle Alto East Subdivision, Phase 5 at their meeting on June 19. The City Engineer had also approved the plats.

Feather Ridge Subdivision instead of donating land for a park will put in the drainage for their subdivision plus drainage for the new City Hall and Fire Department property. The drainage ditch behind the property will be cleaned once the drainage is put in and the City can use it as a Hike & Bike Trail in the future to connect to other trails.

Councilmember Mendez asked what could be done to make sure in the future that the easement is there for a Hike & Bike Trail. Mr. Milum stated we can tell the developer that when the final plat is recorded it must state on the plat that a 15 foot easement is for a Hike & Bike Trail.

Mr. Milum explained that Valle Alto East Subdivision, Phase 5 has included in their plat a area for a pocket park which the lot will be located by a drainage ditch off of Evergreen Street.

Mr. Milum answered questions from the Council.

Motion was made and seconded to approve the final plats for Feather Ridge Subdivision with the 15 foot easement for a Hike & Bike Trail be added to the plat and the final plat for Valle Alto East Subdivision, Phase 5.

Attachment: minutes July 11 (2240 : Minutes)

RESULT:	ADOPTED [5 TO 0]
MOVER:	Javier Mendez, Councilman
SECONDER:	Juan Munoz, Councilman
AYES:	Garza, Munoz, Narvaez, Cruz, Mendez
ABSTAIN:	Swain Real

Discussion, consideration and ACTION on possible Legislative agenda.

Mr. Milum stated that Governor Abbott called a special legislative session that will begin on July 18th and there are 20 items on his agenda. Mr. Milum went over the items with the Council and explained each one.

Mr. Milum answered questions from the Council.

Motion was made and seconded for Mr. Milum to write a letter addressing the support of the school finance reform commission, to support the property tax reform, to oppose the caps on state and local spending, to support the preventing local governments from changing rules midway through construction projects, to support the speeding up local government permitting process, and to oppose the municipal annexation reform.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Polo Narvaez, Mayor
SECONDER:	Javier Mendez, Councilman
AYES:	Garza, Munoz, Narvaez, Cruz, Real, Mendez

Discussion, consideration and ACTION to approve the grant for Nature Park and detention area.

Mr. Milum explained that this was a 2 part grant with some for the High School and some for the City. The original award was for the school to re-habilitate their parking lot and drainage area to be more environmental friendly. Since their project was quite large they were covering our match. The City would use funds for the bioswale drainage systgem that is part of the parking lot and the rain water harvesting system on the restrooms. The original amount for the City was \$67,100. However, the school could not wait to redo the parking lot and did the work before the grant was approved. In order for the grant to not be lost, we have updated it as presented and hopefully approved. Since the school's project changed, they are requesting that they just utilize \$15,000 to upgrade the area around the drainage area but since they do not have the big paving project they do not have the match and would like us to cover that. We would get an additional \$52,100 to construct additional trails (now totaling \$119,200 with the drainage and rain water harvesting system). Our total match for the entire project would be \$89,467 which they will allow us to use the grant funds from Texas Parks & Wildlife so it will cost the City zero local funds.

Mr. Milum answered questions from the Council.

Motion was made and seconded to approve the grant for Nature park and detention area.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Polo Narvaez, Mayor
SECONDER:	Yolanda H. Cruz, Councilwoman
AYES:	Garza, Munoz, Narvaez, Cruz, Real, Mendez

Consideration and ACTION on the second and final reading of Ordinance 482 fixing the rates to be charged to the consumers of water and sewer.

Councilwoman Garza requested a workshop to discuss this item.

Workshop was scheduled for Tuesday, August 1, 2017 at 6:00 pm.

RESULT:	NO ACTION
----------------	------------------

Consideration and ACTION to approve the second and final reading of Ordinance 483 regulating solid waste services.

Councilwoman Garza requested a workshop on this item.

Workshop will be held on Tuesday, August 1, 2017 at 6:00 pm.

RESULT:	NO ACTION
----------------	------------------

Acknowledgement of City Manager's Report

A. Wastewater Plant Update B. Water Plant Update C. Water & Wastewater Engineering Study D. Whipple Road Wastewater Extension E. Nature Park F. Hike & Bike Trails G. Montes-Castro Park H. TxDot Sidewalk Projects I. Welcome Sign J. Hazardous Mitigation Plan K. TxDot Light at Walmart L. CDBG 2015 - 2016 Grant M. Community Park N. Memorial Park

A. Wastewater Plant Update - We are working to get bid documents ready to begin advertising for the chlorine contact basin and the sludge drying beds. Hopefully we can award a contract in July. The headworks portion will need to be designed first taking about 120 days and then approved by TWDB. Once that is done we can advertise and begin construction in the late summer or early fall.

B. Water Plant Update - Guzman & Munoz Engineering is working on the detailed items that need to be done by a contractor to include as part of the study he is doing so we can hopefully get funding through TWDB. They are also looking to see if there is a less expensive way to install a bypass now that will help. They have been doing some water testing this week to be able to design the plant to meet new requirement and testing that will be in place in the near future.

C. Water & Wastewater Engineering Study - Guzman & Munoz Engineering continues to work on design, surveying, easements or property required for east and west Highway 100 as well as north on FM 1575. They are also studying all the existing water and wastewater lines in the city to determine which need to be replaced for various reasons. City staff is trying to get all the right of entires for possible easements.

D. Whipple Road Wastewater Extension - Naismith/Hanson Engineering is working on that project and will hopefully have some preliminary plans to review soon.

E. Nature Park - Naismith/Hanson Engineering has the Master Plan complete. Now they will begin working on the specific details so we can convert that to a bid package.

F. Hike & Bike Trails - The easement has been signed. Halff Associates is working on the final design, the timeline and a construction estimate. They will be providing plans so we can get final approval from Cameron County Drainage District #1, Bayview Irrigation District #11 and TxDot. We also were awarded \$200,000 trails grant through Texas Parks & Wildlife so we will have \$700,000 to work with.

G. Montes-Castro Park - Final documents are done. Bid opening will be on August 1 and will be on the August 8 Council agend for your approval. Construction can begin after that.

H. TxDot Sidewalk Projects - The sidewalk project is almost complete. Looks good.

I. Welcome Sign - The foundation is poured. They will start constructing the blocks and the stone in the next couple of weeks. It is really big and I am sure will look very good.

J. Hazardous Mitigation Plan - The plan has been approved by the State of Texas and FEMA. The resolution for approval by Council is on the agend.

K. TxDot Light at Walmart - Most of the work is complete. We should have operational lights in a few weeks.

L. CDBG 2015/2016 Grant - This is to repave East Sixth and East Ninth Streets, a total of 3 blocks. We will have the pre-construction meeting on July 19. Construction will begin within a couple of weeks after that.

M. Community Park - The lighting work is complete. We will take a few weeks to analyze to determine if we can remove some of the old AEP lights. The lighting looks great. There are folks staying at the park later and they can actually see.

N. Memorial Park - The exercise equipment should arrive in the next few weeks to be installed. The lighting work is complete and looks great. There are folks staying at the park later and they can actually see.

Motion was made and seconded to acknowledge the City Manager's report.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Polo Narvaez, Mayor
SECONDER:	Javier Mendez, Councilman
AYES:	Garza, Munoz, Narvaez, Cruz, Real, Mendez

Acknowledgement of Department Head Reports

Finance Report 1. Monthly 2. Year-to-Date

Motion was made and seconded to acknowledge the financial report.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Polo Narvaez, Mayor
SECONDER:	Swain Real, Councilman
AYES:	Garza, Munoz, Narvaez, Cruz, Real, Mendez

Public Works Report 1. Water and Wastewater Activity 2. Calls for Service 3. Building Permits 4. Recycling

Motion was made and seconded to acknowledge the Public Works report.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Polo Narvaez, Mayor
SECONDER:	Swain Real, Councilman
AYES:	Garza, Munoz, Narvaez, Cruz, Real, Mendez

Police Department Report 1. Arrests 2. Incidents 3. Accidents

Motion was made and seconded to acknowledge the Police Department report.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Polo Narvaez, Mayor
SECONDER:	Swain Real, Councilman
AYES:	Garza, Munoz, Narvaez, Cruz, Real, Mendez

Municipal Court Report 1. Monthly Report

Motion was made and seconded to acknowledge the Municipal Court report.

Regular Meeting

Tuesday, July 11, 2017

6:00 PM

RESULT: ADOPTED [UNANIMOUS]
MOVER: Polo Narvaez, Mayor
SECONDER: Swain Real, Councilman
AYES: Garza, Munoz, Narvaez, Cruz, Real, Mendez

Library Report 1. Monthly Report

Motion was made and seconded to acknowledge the Library Report.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Polo Narvaez, Mayor
SECONDER: Swain Real, Councilman
AYES: Garza, Munoz, Narvaez, Cruz, Real, Mendez

Fire Marshal's Report 1. Monthly Report

Motion was made and seconded to acknowledge the Fire Marshal's report.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Polo Narvaez, Mayor
SECONDER: Swain Real, Councilman
AYES: Garza, Munoz, Narvaez, Cruz, Real, Mendez

8. Adjournment

Mayor Narvaez adjourned the meeting at 7:25 pm.

 Presiding Officer of the Council

 Recorder

Attachment: minutes July 11 (2240 : Minutes)

City Council
200 North Brazil
Los Fresnos, TX 78566

Meeting: 08/08/17 06:00 PM
Department: City Secretary
Category: Agreement
Prepared By: Pam Denny
Initiator: Pam Denny
Sponsors:

SCHEDULED

ACTION ITEM (ID # 2241)

DOC ID: 2241 A

**Approval or rejection to approve the State Plan of Operations
(1033 Program) between City of Los Fresnos Police
Department and State of Texas.**

The city has been part of the 1033 program for a long time. The program showed James as the Chief. Now we need to get it re-approved with Hector as the Chief. We are able to get different items from time to time at no cost to the city. In the past we have gotten guns, generators, vehicles, etc. It is a very good program to have access to. Hector does a great job in tracking the items and determining their need.

I recommend approval.

STATE PLAN OF OPERATIONS
BETWEEN THE STATE OF
TEXAS
AND THE
Los Fresnos Police Department

I. PURPOSE

This State Plan of Operation (SPO) is entered into between the State of Texas and the (*LEA name*) Los Fresnos Police Dept., to set forth the terms and conditions which will be binding on the parties with respect to excess Department of Defense (DOD) personal property transferred pursuant to 10 USC § 2576a in order to promote the efficient and expeditious transfer of property and to ensure accountability of the same.

II. AUTHORITY

The Secretary of Defense is authorized by 10 USC § 2576a to transfer to State Law Enforcement Agencies, personal property that is excess to the needs of the DOD and that the Secretary determines is suitable to be used by such agencies in law enforcement activities, with preferences for counter-drug / counter-terrorism or border security activities, under such terms prescribed by the Secretary. The authorities granted to the Secretary of Defense have been delegated to the Defense Logistics Agency (DLA) in determining whether property is suitable for use by agencies in Law Enforcement Activities (LEAs). DLA defines law enforcement activities as activities performed by governmental agencies whose primary function is the enforcement of applicable Federal, State, and local laws and whose compensated law enforcement officers have powers of arrest and apprehension. This program is also known as the "1033 Program" or the "LESO Program" and is administered by DLA Disposition Services, Law Enforcement Support Office (LESO).

III. GENERAL TERMS AND CONDITIONS

A. OPERATIONAL AUTHORITY

The Governor of the State of Texas has designated in writing with an effective date of August 26, 2015 to implement this program statewide as well as conduct management and oversight of this program. Funding / Budgeting to administer this program are provided by the Texas Department of Public Safety.

The provided funding is used to support assistance to the LEAs with customer service to include

computer / telephone assistance and physical visits to the LEAs to assist with acquiring access to the LESO Program. The staffing to provide the support to the LEAs within the State of Texas is as follows:

State Coordinator (SC): Skylor Hearn

State Point of Contact (SPOC): Rolando Ayala

State Point of Contact (SPOC): Laurie Patterson

State Point of Contact (SPOC): John Riddick

The following is the facility / physical location and business hours to provide customer service to those LEAs currently enrolled, as well as interested participants of the LESO Program:

Agency Address / Location: 5805 N Lamar Blvd Austin, Texas 78752

EMAIL / Contact Phone Numbers: Texas1033Program@dps.texas.gov 512-424-7590

Fax Number: 512-424-7591

Hours of Operation: 7AM – 5PM

B. The DLA LESO has final authority to determine the type, quantity, and location of excess DOD personal property suitable for law enforcement activities, if any, which will be transferred to the (LEA name) Los Fresnos Police Department.

C. This agreement creates no entitlement to the LEA to receive excess DOD personal property.

D. The (LEA name) Los Fresnos Police Department understands that property made available under this agreement is for the use of authorized program participants only. Property may not be obtained for any individual, organization, or agency that has not been approved as a participant in the LESO Program. All requests for property must be based on bona fide law enforcement requirements. Property will not be obtained by any authorized participant for the purpose of sale, lease, loan, personal use, rent, exchange, barter, transfer, or to secure a loan.

E. Controlled property (equipment) includes any property that has a demilitarization (DEMIL) Code of B, C, D, F, G, and Q; and property, regardless of demilitarization code, that was specifically identified in the Law Enforcement Equipment Working Group Report from May 2015, created pursuant to Executive Order 13688 (EO). The Working Group Report mandates that the following items be treated as controlled property:

- 1) Manned Aircraft, fixed or rotary wing
- 2) Unmanned Aerial Vehicles
- 3) Wheeled Armored Vehicles
- 4) Wheeled Tactical Vehicles
- 5) Command and Control Vehicles
- 6) Specialized Firearms and Ammunition Under .50 Cal (excluded firearms and ammunition for service-issued weapons)
- 7) Explosives and Pyrotechnics
- 8) Breaching apparatus

- 9) Riot Batons
- 10) Riot Helmets
- 11) Riot Shields

F. LEAs that request items in Paragraph E above must provide all required information outlined in the Law Enforcement Equipment Working Group Report and all information on the LESO request form. Among other specific requirements identified in these documents, LEAs will be required to certify and submit:

- 1) A detailed written justification with a clear and persuasive explanation of the need for the property and the law enforcement purposes it will serve;
- 2) Evidence of approval or concurrence by the LEA's civilian governing body (city council, mayor, etc.);
- 3) The LEA's policies and protocols on deployment of this type of property;
- 4) Certifications on required training for use of this type of property; and
- 5) Information on whether the LEA has applied, or has pending an application, for this type of property from another Federal agency.

G. The (*LEA name*) Los Fresnos Police Department must maintain and enforce regulations designed to impose adequate security measures for controlled property to mitigate the risk of loss or theft.

H. Under no circumstances will controlled property be sold or otherwise transferred to non-U.S. persons, or exported. All transfers must be approved by the State and DLA Disposition Services LESO.

I. Cannibalization requests for controlled property must be submitted in writing to the State, with final approval by the LESO. The LESO will consider cannibalization requests on a case-by-case basis.

J. The LESO conditionally transfers all excess DOD property to States / LEAs enrolled in the LESO Program. Title or ownership of controlled property will remain with the LESO in perpetuity and will not be relinquished to the LEAs. When the LEA no longer has legitimate law enforcement uses for controlled property, the LEA must notify the State, who will then notify the LESO, and the controlled property must either be transferred to another enrolled LEA (via standard transfer process) or returned to DLA Disposition Services for disposal. The LESO reserves the right to recall controlled and non-controlled property issued through the LESO Program at any time.

K. Property with a DEMIL Code of "A" is also conditionally transferred to the LEA. However, after one year from the Ship Date, the LESO will relinquish ownership and title to the LEA. Prior to this date, the State and LEA remains responsible for the accountability and physical control of the item(s) and the LESO retains the right to recall the property. Title will not be relinquished to any property with DEMIL Code of "A" that is controlled property identified in Paragraph III E.

- 1) Property with DEMIL Code of "A" will automatically be placed in an archived status on the LEAs property book upon meeting the one year mark.
- 2) Once archived, the property is no longer subject to annual inventory requirements and will not be inventoried during a LESO Program Compliance Review (PCR).
- 3) Ownership and title of DEMIL "A" items that have been archived will pass automatically from the LESO to the LEA when they are archived at the one year mark (from Ship Date) without issuance of any further documentation.
- 4) LEAs receive title and ownership of DEMIL "A" items as governmental entities. Title and ownership of DEMIL "A" property does not pass from DOD to any private individual or LEA official in their private capacity. Accordingly, such property should be maintained and ultimately disposed of in accordance with provisions in State and local law that govern public property. Sales or gifting of DEMIL "A" property after the one year mark in a manner inconsistent with State or local law may constitute grounds to deny future participation in the LESO Program.

L. The LEAs are not authorized to transfer controlled property or DEMIL Code "A" property carried on their inventory without LESO notification and approval. Property will not physically move until the State and LESO approval process is complete.

IV. ENROLLMENT

A. An LEA must have at least one full-time law enforcement officer in order to enroll and/or receive property via the LESO Program. Only full-time and part-time law enforcement officers are authorized to receive property. Reserve officers are not authorized to receive property.

- 1) The LEA shall submit an updated Application Packet to the State Coordinator's office no later than December 1 each year and/or any time there is a change in personnel or LEA contact information. Failure to do so may result in suspension and/or termination from the program.
- 2) Once approved for participation in the program, at least one of the LEA's authorized screeners must attend a mandatory training class prior to any requests for property being approved. The class will be conducted free of charge to the LEA and will be held at location determined by the State Coordinator's office.
- 3) LEA transfer of responsibility – program property assigned to the LEA. A change in the Chief Law Enforcement Official (CLEO), due to any reason, will not relinquish responsibility from the LEA for properly maintaining existing program property in the LEA's possession. If the new CLEO does not wish to be responsible for existing property, they shall notify the State Coordinator's office in writing that they wish to return the equipment to the nearest Disposition Site or transfer it to a qualifying LEA. The new CLEO remains responsible for existing property until the property is officially transferred or returned.

B. The State shall:

- 1) Implement LESO Program eligibility criteria in accordance with 10 USC § 2576a, DLA Instructions and Manuals, and the DLA MOA the State signs.
- 2) Receive and process applications for participation from LEAs currently enrolled and those LEAs that wish to participate in the LESO Program.
- 3) Receive and recommend approval or disapprove LEA applications for participation in the LESO Program. The State Coordinators have sole discretion to disapprove LEA applications on behalf of the Governor of their State. The LESO should be notified of any applications disapproved at the State Coordinator level. The State Coordinator will only forward and recommend certified LEAs to the LESO that are government agencies whose primary function is the enforcement of applicable Federal, State, and local laws and whose compensated officers have the powers of arrest and apprehension. The LESO retains final approval / disapproval authority for all LEA applications forwarded by State Coordinators.
- 4) Ensure LEAs enrolled in the LESO Program update the LEAs account information annually (accomplished during the FY Annual Inventory in the Federal Excess Property Management Information System [FEPMIS]).
- 5) Provide a comprehensive overview of the LESO Program to all LEAs once they are approved for enrollment. This comprehensive overview must be done within thirty (30) days and include, verbatim, the information contained in Paragraph III E of this SPO.
- 6) Ensure that screeners of property are employees of the LEA. Contractors may not conduct screening on behalf of the LEA.
- 7) Ensure that at least one person per LEA maintains access to the FEPMIS. Account holders must be employees of the LEA.

V. ANNUAL INVENTORY REQUIREMENTS

A. Per the DLA Instructions and Manuals and the DLA MOA, each State and participating LEA within is required to conduct an annual inventory certification of controlled property, which includes DEMIL "A" for one (1) year from Ship Date. Annual inventories start on October 1 of each year and end December 1 of each year.

B. The State shall:

- 1) Receive, validate, and reconcile incoming certified inventories from the LEAs.
- 2) Ensure LEAs provide serial numbers and photos identified during the annual inventory process for inclusion in the LESO property accounting system for all controlled property identified in Paragraph III E, small arms and other unique

items as required. For equipment that does not contain a serial number, such as riot control or breaching equipment, a photograph will suffice.

- 3) Suspend the LEA as a result of the LEAs failure to properly conduct and/or certify and submit certified inventories, according to the aforementioned requirements.

C. The LEA shall:

- 1) Complete the annual physical inventory as required.
- 2) Provide serial numbers and photos identified in the annual inventory process for inclusion in the LESO property accounting system for all controlled property identified in Paragraph III E, small arms and other unique items, as required. For equipment that does not contain serial number, such as riot control or breaching equipment, a photograph will suffice.
- 3) Certify the accountability of all controlled property received through the LESO Program annually by conducting and certifying the physical inventory. The LEA must adhere to additional annual certification requirements as identified by the LESO.
 - a. The State requires each LEA to submit certified inventories for their Agency by December 1 of each year. The Fiscal Year (FY) is defined as October 1 through September 30 of each year. This gives the LEA two (2) months to physically inventory LESO Program property in their possession and submit their certified inventories to the State Coordinators.
 - (1) The LESO requires a front or side and data plate photo for Aircraft and Tactical Vehicles that are serial number controlled, received through the LESO Program.
 - (2) The LESO requires serial number photos for each small arm received through the LESO Program.
 - b. The LEAs failure to submit the certified annual inventory by December 1 may result in the agency being suspended from operations within the LESO Program. Further failure to submit the certified annual inventory may result in a LEA termination.
- 4) Be aware that High Profile Commodities (Aircraft, Tactical Vehicles and Small Arms) and High Awareness (controlled) property are subject to additional controls.

VI. PROGRAM COMPLIANCE REVIEWS

A. The LESO conducts a Program Compliance Review (PCR) for each State that is enrolled in the LESO Program every two (2) years. The LESO reserves the right to require an annual PCR, or similar inspection on a more frequent basis for any State. The LESO PCRs are performed in order to ensure that State Coordinators, SPOCs and all LEAs within a State are compliant with the terms and conditions of the LESO Program as required by 10 USC § 2576a, DLA Instructions and

Manuals, and the DLA MOA signed by the State.

- 1) If a State and/or LEA fails a PCR, the LESO will immediately suspend their operations and will subsequently issue corrective actions (with suspense dates) to the State Coordinator, which will identify what is needed to rectify the identified deficiencies within the State and/or LEA.
- 2) If a State and/or LEA fails to correct identified deficiencies by the given suspense dates, the LESO will move to terminate the LESO Program operations within the State and/or LEA.

B. The State shall:

- 1) Support the LESO PCR process by:
 - a. Contacting LEAs selected for the PCR review via phone and/or email to ensure they are aware of the PCR schedule and prepared for review.
 - b. Receiving inventory selection from the LESO. The LEA POCs shall gather the selected items in a centralized location to ensure that the LESO can efficiently inventory the items.
 - c. Providing additional assistance to the LESO as required, prior to and during the course of the PCR.
- 2) Conduct internal Program Compliance Reviews of LEAs participating in the LESO Program in order to ensure accountability, program compliance and validate annual inventory submissions are accurate. The State Coordinator must ensure an internal PCR of at least 5% of LEAs that have a property book from the LESO Program within his / her State is completed annually. This may result in a random review of all or selected property at the LEA.
 - a. The internal PCR will include, at minimum:
 - (1) A review of each selected LEAs LESO Program files.
 - (2) A review of the signed State Plan of Operation (SPO).
 - (3) A review of the LEA application and screener's letter.
 - (4) A physical inventory of the LESO Program property at each selected LEA.
 - (5) A specific review of each selected LEAs files for the following: DD Form 1348-1A for each item currently on inventory, small arms documentation, transfer documents, turn-in documents, inventory adjustment documents, exception to policy letters (if any), approved cannibalization requests (if any), and other pertinent documentation as

required.

- b. The State and/or LEA will bear all expenses related to the repossession and/or turn-in of LESO Program property to the nearest DLA Disposition Services site.

VII. STATE PLAN OF OPERATION (SPO)

A. The State shall:

- 1) Identify, establish, and issue minimum criteria to be included in the SPO for the State and each participating LEA.
- 2) Establish a State Plan of Operation, developed in accordance with Federal and State law, and conforming (at minimum) to the provisions of the DLA Instruction and Manuals and the DLA MOA.
 - a. The SPO will include detailed organizational and operational authority including: staffing, budget, facilities, and equipment that the State believes is sufficient to manage the LESO Program within their State.
 - b. The SPO must address procedures for making determinations of LEA eligibility, allocation, and equitable distribution of material, accountability and responsibility concerning excess DOD personal property, inventory requirements, training and education, State-level internal Program Compliance Reviews (PCR), and procedures for turn-in, transfer, and disposal.
- 2) Enter into written agreement with each LEA, via the LESO approved State Plan of Operation, to ensure the LEA fully acknowledges the terms, conditions, and limitations applicable to property transferred pursuant to this agreement. The State Plan of Operation must be signed by the Chief Law Enforcement Official (CLEO), or assigned designee of the respective LEA, and the current State Coordinator.
- 3) Request that the LESO Suspend or Terminate an LEA(s) from the LESO Program when an LEA fails to comply with any term of DLA MOA, the DLA Instruction and Manuals, any Federal statute or regulation, or the State Plan of Operation.

VIII. REPORTING REQUIREMENTS FOR LOST, MISSING, STOLEN, DAMAGED OR DESTROYED LESO PROGRAM PROPERTY

A. All property Lost, Missing, Stolen, (LMS) damaged, or destroyed carried on a LEA's current inventory must be reported to the LESO.

- 1) Controlled property must be reported to the State and the LESO within twenty-four (24) hours. The aforementioned property may require a police and National Crime Information Center (NCIC) report submitted to the LESO, to include DEMIL "A" items that are considered controlled items in Paragraph III E.

- 2) Property with a DEMIL Code of "A" must be reported to the State and the LESO within seven (7) days.
- 3) All reports are subject to review by the DLA Office of the Inspector General (OIG).

B. LESO may grant extensions to the reporting requirements listed above on a case-by-case basis.

IX. AIRCRAFT AND SMALL ARMS

A. All aircraft are considered controlled property, regardless of DEMIL Code. Aircraft may not be sold and must be returned to the LESO at the end of their useful life. This State Plan of Operation ensures that all LEAs and all subsequent users are aware of and agree to provide all required controls and documentation in accordance with applicable laws and regulations for these items.

B. LEAs no longer requiring small arms issued through the LESO Program must request authorization to transfer or turn-in small arms. Transfers and turn-ins must be forwarded and endorsed by the State Coordinator's office first, and then approved by the LESO. Small Arms will not physically transfer until the approval process is complete.

C. Small Arms that are issued must have a documented chain of custody, with the chain of custody including a signature of the receiving officer indicating that he / she has received the appropriate small arm(s) with the correct, specific serial number(s). Small Arms that are issued to an officer will be issued utilizing an Equipment Custody Receipt (ECR); this Custody Receipt obtains the signature of the officer responsible for the small arm.

X. RECORDS MANAGEMENT

The LESO, State Coordinator, and LEAs enrolled in the LESO Program must maintain all records in accordance with the DLA Records Schedule. Records for property acquired through the LESO Program have retention controls based on the property's DEMIL Code. All documents concerning a property record must be retained.

- 1) Property records for items with DEMIL Code of "A" must be retained for two (2) calendar years from the date the property is removed from the LEA's property book before being destroyed.
- 2) Property records for controlled property must be retained for five (5) calendar years from the date the property is removed from the LEA's property book before being destroyed.
- 3) Environmental Property records must be retained for fifty (50) years, regardless of DEMIL Code (Chemicals, Batteries, Hazardous Material / Hazardous Waste).
- 4) LESO Program files must be segregated from all other records.

- 5) All property records must be filed, retained, and destroyed in accordance with DLA Records Schedule. These records include, but are not limited to, the following: DD Form 1348-1A, requests for transfer, turn-in, or disposal, approved Bureau of Alcohol, Tobacco, Firearms and Explosives (BATFE) Forms 10 and 5, Certificate of Aircraft Registration (AC Form 8050-3), Aircraft Registration Application (AC 8050-1) and any other pertinent documentation and/or records associated with the LESO Program.

XI. LESO PROGRAM ANNUAL TRAINING

A. 10 USC § 380 provides that the Secretary of Defense, in cooperation with the U.S. Attorney General, shall conduct an annual briefing of law enforcement personnel of each state. The briefing will include information on training, technical support, equipment, and facilities that are available to civilian law enforcement personnel from the Department of Defense.

B. The State shall organize and conduct training pertaining to information, equipment, technical support and training available to LEAs via the LESO Program.

C. The State shall ensure at least one representative (i.e. the State Coordinator or SPOC) attend the annual training that the LESO conducts.

XII. PROPERTY ALLOCATION

A. The State Shall:

- 1) Provide the LEA with a website that will afford timely and accurate guidance, information, and links for all LEAs who work, or have an interest in, the LESO Program.
- 2) Upon receipt of a valid State / LEA request for property through the DLA Disposition Services RTD website, a preference will be given to those applications indicating that the transferred property will be used in the counter-drug, counter-terrorism, or border security activities of the recipient agency. Additionally, to the greatest extent possible, the State will ensure fair and equitable distribution of property based on current LEAs inventory and justification for property.
- 3) The State and the LESO reserve the right to determine and/or adjust allocation limits. Generally, no more than one of any item per officer will be allocated to an LEA. Quantity exceptions may be granted on a case-by-case basis by the LESO. Currently, the following quantity limits apply:
 - a. Small Arms: one (1) type for each qualified officer, full-time / part-time;
 - b. HMMWVs: one (1) vehicle for every three (3) officers;
 - c. MRAPs: one (1) vehicle per LEA.
- 4) The State and the LESO reserve final authority on determining the approval and/or disapproval for requests of specific types and quantities of excess DOD property.

B. The LEA shall:

- 1) Ensure an appropriate justification is submitted when requesting excess DOD property via the LESO Program and will ensure LESO Program property will be used for the law enforcement activity and for law enforcement purposes only within his / her State and agency.
- 2) When requesting property, provide a justification to the State and the LESO on how the requests for property will be used in counter-drug, counter-terrorism, or border security activities of the recipient agency. Additionally, the LEA should be fair and equitable when making requisitions based on current LEA inventory and the justification for property. Generally, no more than one of any item per officer will be allocated.
- 3) Ensure screeners of property are employees of the LEA. Contractors may not conduct screening on behalf of the LEA.
- 4) Obtain access to FEPMIS to ensure the property book is properly maintained, to include but not limited to transfers, turn-ins, and disposal requests and to generate these requests at the LEA level and forward all approvals to the State for action.
- 5) Ensure at least one person per LEA maintains access to FEPMIS. FEPMIS account holders must be employees of the LEA.

XIII. PROGRAM SUSPENSION & TERMINATION

A. The State and LEA are required to abide by the terms and conditions of the DLA MOA in order to maintain active status.

B. The State shall:

- 1) Suspend LEAs for a minimum of sixty (60) days in all situations relating to the suspected or actual abuse of LESO Program property or requirements and/or repeated failure to meet the terms and conditions of the DLA MOA. Suspension may lead to TERMINATION.
- 2) The State and/or the LESO have final discretion on reinstatement requests. Reinstatement to full participation from a suspension and/or termination is not automatic.
- 3) In coordination with the LESO, issue corrective action guidance to the LEA with suspense dates to rectify issues and/or discrepancies that caused suspension and/or termination.
- 4) Require the LEA to submit results regarding all completed police investigations and/or reports regarding lost, missing, stolen and/or damaged LESO Program property, to include the LEAs Corrective Action Plan (CAP).

- 5) Suspend or terminate an LEA from the LESO Program if an LEA fails to comply with any term of the DLA MOA, the DLA Instruction and Manuals, any Federal statute or regulation, or the State Plan of Operation.
 - a. In the event of an LEA termination, the State Coordinator will make every attempt to transfer the LESO Program property of the terminated LEA to an authorized State or LEA, as applicable, prior to requesting a turn-in of the property to the nearest DLA Disposition Services location.
 - b. In cases relating to an LEA termination, the LEA will have ninety (90) days to complete the transfer or turn-in of all LESO Program property in their possession.

C. The LEA shall:

- 1) Notify the State Coordinator's office and initiate an investigation into any questionable activity or actions involving LESO property issued to the LEA that comes to the attention of the CLEO, and is otherwise within the authority of the Governor / State to investigate. LEAs must understand that the State Coordinators, acting on behalf of their Governor, may revoke or terminate their concurrence for LEA participation in the LESO Program at any time, and for any reason.
- 2) Understand that the State may suspend LEA(s) and/or LEA POC(s) from within their State, based upon their findings during internal Program Compliance Reviews and/or spot checks at the State level.
- 3) Initiate corrective action to rectify suspensions and/or terminations placed upon the LEA for failure to meet the terms and conditions of the LESO Program.
- 4) Be required to complete and submit results regarding all completed police investigations and/or reports regarding lost, missing, stolen and/or damaged LESO Program property. The LEA must submit all documentation to the State and the LESO upon receipt.
- 5) Provide documentation to the State and the LESO when actionable items are rectified for the State and/or LEA(s).
- 6) The LEAs Chief Law Enforcement Official must request reinstatement as required, via the State Coordinator or SPOC(s), to full participation status at the conclusion of a suspension period.

XIV. COSTS & FEES

- 1) All costs associated with the transportation, turn-in, transfer, repair, maintenance, insurance, disposal, repossession or other expenses related to property obtained through the LESO Program is the sole responsibility of the LEA. In the event an agency is dissolved or disbanded and no civilian governing body exists, the costs associated with the transportation and turn-in of all property in the possession of the

dissolved or disbanded LEA then becomes responsibility of the State.

XV. NOTICES

Any notices, communications, or correspondence related to this agreement shall be provided by E-mail, the United States Postal Service, express service, or facsimile to the State Coordinators office or cognizant DLA office. The LESO may, from time to time, make unilateral modifications or amendments to the provisions of this SPO. Notice of these changes will be provided to State Coordinators in writing. Unless State Coordinators take immediate action to terminate this SPO in accordance with Section XVIII, such modifications or amendments will become binding. In such cases, reasonable opportunity will, insofar as practicable, be afforded the State Coordinator to conform changes affecting their operations.

XVI. ANTI-DISCRIMINATION

A. By signing this SPO, or accepting excess DOD personal property under this SPO, the State pledges that it and each LEA agrees to comply with applicable provisions of the following national policies prohibiting discrimination:

- 1) On the basis of race, color, or national origin, in Title VI of the Civil Rights Act of 1964 (42 USC 2000d et seq.) as implemented by DOD regulations 32 CR Part 195.
- 2) On the basis of age, in the Age Discrimination Act of 1975 (42 USC 6101, et seq) as implemented by Department of Health and Human Services regulations in 45 CFR Part 90.
- 3) On the basis of handicap, in Section 504 of the Rehabilitation Act of 1973, P.L. 93-112, as amended by the Rehabilitation Act Amendments of 1974, P.L. 93-516 (29 USC 794), as implemented by Department of Justice regulations in 28 CFR Part 41 and DOD regulations at 32 CFR Part 56.

B. These elements are considered the minimum essential ingredients for establishment of a satisfactory business agreement between the State and the DOD.

XVII. INDEMNIFICATION CLAUSE

The LEA is required to maintain adequate insurance to cover damages or injuries to persons or property relating to the use of property issued under the LESO program. Self-insurance by the LEA is considered acceptable. The U.S. Government and the Texas Department of Public Safety assumes no liability for damages or injuries to any person(s) or property arising from the use of property issued under the LESO program. It is recognized that State and local law generally limit or preclude State Coordinators / LEAs from agreeing to open-ended indemnity provisions. However, to the extent permitted by State and local laws, the LEA shall indemnify and hold the U.S. Government and the Texas Department of Public Safety harmless from any and all actions, claims, debts, demands, judgments, liabilities, cost, and attorney's fees arising out of, claimed on account of, or in any manner predicated upon loss of, or damage to property and injuries, illness or disabilities to, or death of any and all persons whatsoever, including members of the general public, or to the property of any legal or political entity including states, local and interstate

bodies, in any manner caused by or contributed to by the LEA, its agents, servants, employees, or any person subject to its control while the property is in the possession of, used by, or subject to the control of the LEA, its agents, servants, or employees after the property has been removed from U.S. Government control.

XVIII. TERMINATION

A. This SPO may be terminated by either party, provided the other party receives thirty (30) days' notice, in writing, or as otherwise stipulated by Public Law.

B. The undersigned State Coordinator and CLEO hereby agree to comply with all provisions set forth herein and acknowledge that any violation of the terms and conditions of this SPO may be grounds for immediate termination and possible legal consequences, to include pursuit of criminal prosecution if so warranted.

XIX. IN WITNESS THEREOF, the parties hereto have executed this agreement as of the last date written below.

Hector Gonzalez

Type / Print Chief Law Enforcement Official Name

Chief Law Enforcement Official Signature

Date (MM/DD/YYYY)

Mark Milum

Type/Print Civilian Governing Body Authorized Official

CGB Authorized Official Signature

Date (MM/DD/YYYY)

Type / Print State Coordinator Name

State Coordinator Signature

Date (MM/DD/YYYY)

City Council
200 North Brazil
Los Fresnos, TX 78566

Meeting: 08/08/17 06:00 PM
Department: City Secretary
Category: Acknowledgments
Prepared By: Pam Denny

SCHEDULED

Initiator: Pam Denny
Sponsors:

ACTION ITEM (ID # 2267)

DOC ID: 2267 A

Approval or rejection to acknowledge expenditures by Los Fresnos Community Development for street lights on West Highway 100 and FM 803 and electrical services for Community Park for baseball and softball fields.

Monday night the CDC will consider funding street lights to the west end of the city limits on Highway 100 and on FM 803 in front of the United Campus for \$9,966.68 as well as funding electrical service upgrades for Community Park for the baseball and softball fields for \$15,500. There are old electrical services, boxes, wires from many years ago with some not active any more. They will remove all the old and inactive boxes and wires making it safe.

I recommend approval.

City Council
200 North Brazil
Los Fresnos, TX 78566

Meeting: 08/08/17 06:00 PM
Department: City Secretary
Category: Ordinances
Prepared By: Pam Denny
Initiator: Pam Denny
Sponsors:
DOC ID: 2242 B

SCHEDULED

ACTION ITEM (ID # 2242)

Consideration and ACTION to approve the second and final reading amending Ordinance 482 regulating water and sewer.

Attached are the documents as was discussed at the workshop on August 1. The first document is the changes to be made. All the other documents are the existing ordinance before the changes.

I recommend approval.

Deleted items are in **red**
 Added items are in **yellow**

ORDINANCE NO. 482

PROVIDING FOR AN AMENDMENT TO CHAPTER 44, ARTICLE I, SECTIONS 44.4, 44.6, 44.12, 44.13, 44.14 and 44.16 FIXING THE RATES TO BE CHARGED BY THE CITY OF LOS FRESNOS, TEXAS, TO THE CONSUMERS OF WATER AND SEWER SERVICE, BOTH INSIDE AND OUTSIDE THE CITY LIMITS; PROVIDING RULES REGULATIONS UNDER WHICH SAME SHALL BE FURNISHED, OR ALLOWED TO BE USED OR FORFEITED; PRESCRIBING A PENALTY FOR THE VIOLATIONS OF ANY OF THE PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

This ordinance was introduced and submitted to the City Council for passage and adoption after the second reading of the Ordinance. After presentation and discussion of the Ordinance, a motion was made by _____ that the Ordinance be finally passed and adopted in accordance with the City's Home Rule Charter. The motion was seconded by _____ and carried by the following voted:

Mayor Polo Narvaez	___	For	___	Against	___	Abstained
Councilmember Yolanda H. Cruz	___	For	___	Against	___	Abstained
Councilmember Swain Real	___	For	___	Against	___	Abstained
Mayor Pro-tern Javier Mendez	___	For	___	Against	___	Abstained
Councilmember Bibi Garza	___	For	___	Against	___	Abstained
Councilmember Juan Munoz	___	For	___	Against	___	Abstained

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOS FRESNOS, TEXAS:

That Chapter 44 of the Code of Ordinances, City of Los Fresnos, Texas is hereby amended to read as follows:

ARTICLE I.

SECTION 44.4 PENALTY

(b). Further, as a civil penalty, the city **secretary**, in its sole discretion, not based on the outcome of any criminal proceeding, and as a completely separate action, may require the water to be cut off from the premises of the offending person until such person shall give the city **secretary** sufficient security against further violations of said rules and regulations and the provisions of this chapter, and, in case of persistent violation, the city **secretary** may forbid any further service to the party so offending.

SECTION 44.6 CONNECTION OF WATER AND WASTEWATER SERVICES REQUIRED

- (a). Water service will begin to be charged when the water tap is completed and the water meter is installed.
- (b). Sewer service will begin to be charged when the sewer tap is completed.

SECTION 44.12 ESTABLISHING SERVICE CONNECTIONS; UNLAWFUL CONNECTIONS ; UNLAWFUL USE AND SALE OF WATER

- (a). *Required.* Connection for any utility service furnished by the city shall be made only under the supervision of the City public works director, and every building, structure or consumer in the city shall have a separate utility service connection.
- (b). *Application .* Any person desiring to be connected with the water or sewer system shall make application in writing to the city secretary upon a form furnished by the city secretary for such purpose, and shall furnish all such information relative to the quantity of water likely to be consumed. The completed application shall be a part of the consideration for such water or sewer service. The application shall be submitted together with tap and connection fees, as applicable, and the service deposit required under this chapter.

SECTION 44.13 SERVICE RATES AND OTHER CHARGES; BILLING AND COLLECTION

- (d). *EDAP areas outside city limits.* The areas outside the corporate city limits that are recognized as EDAP are to be furnished water and sewer services under that program at the rates provided in the city fee schedule.
- (g). *Water connection fees and service deposit.* In addition to all other charges, each applicant is required to pay a non-refundable water connection fee and to make a water deposit in the amount of not less than the amount provided in the city fee schedule and no more than the consumption of water to be used by the applicant for two months, depending upon the class or character of the

residence or business or other class of user, as determined by the city **secretary**. The water service deposit shall be returned to the applicant or credited to the amount due for water by the applicant at the time service has been discontinued. The city **secretary** is authorized to increase the water service deposit at any time to an amount equal two months water usage. Deposits shall bear no interest.

(h). *Sewer connection and extension fees.* All sewer connections will be made by city crews or contractors under the supervision of the **City public works director or his designated representative** or at the city's option by any person licensed by the state board of plumbing examiners as a master plumber or journeyman plumber. A sewer connection fee in the amount provided in the city fee schedule shall be paid for each single-family dwelling. A sewer connection charge is required for each dwelling unit within an apartment building or multifamily dwelling unit and commercial or industrial connections. Any cost to the city of making a sewer connection that exceeds the rates provided in the city fee schedule will be paid by requester of sewer services. Any cost to extend sewer lines or increase capacity will be paid by the requester of sewer services.

(i). *Billing; delinquencies and late fees; water shut-off and reconnection.* Bills for water and wastewater service shall be paid to the city **secretary** on or before the 15th day of each month. If a bill is unpaid by the due date, the city **secretary** shall apply a 15 percent late penalty to the amount unpaid. If the delinquent amount plus late penalty is not paid by the 3rd of the month, the city **secretary** shall cause the water service to be shut off and a processing fee assessed in the amount provided in the city fee schedule. Upon payment of all amounts due and a reconnection fee in the amount provided in the city fee schedule, service shall be re-established.

SECTION 44.14. METER INSTALLATION, MAINTENANCE, TESTING AND REPAIR; REPAIR COSTS.

(c). Should a consumer desire that his water meter be tested, he shall make application therefore to the city **secretary**, and with such application, he shall deposit a meter testing fee in the amount specified in the city fee schedule. Within ten days after such application, the city **secretary** shall cause such meter to be tested. If the testing shows that the meter so tested registers normal or correctly, or registers below normal, or less than the water actually used, the deposit shall be forfeited to the city and the consumer shall pay to the city the amount due because of such incorrect registering; but, if the testing shows that the meter so tested registers above normal, or more than the amount of water actually used, the meter testing fee shall be returned to such consumer and the city shall repay to such consumer the excess amount of three prior months therefore paid by such consumer to the city, because of such incorrect registering of the meter.

SECTION 44.16. EFFECTIVE DATE

This Ordinance shall take effect immediately from and after its passage and the publication of the caption as per the City Charter.

PASSED AND APPROVED this 20th day of June, 2017.

PASSED AND ADOPTED this ____ day of _____, 2017.

Polo Narvaez, Mayor

ATTEST:

Pam Denny, City Secretary

Chapter 44 - UTILITIES^[1]

Footnotes:

--- (1) ---

State Law reference— Municipal water and utilities generally, V.T.C.A., Local Government Code § 551.001 et seq.; municipal utility systems, V.T.C.A., Local Government Code § 552.001 et seq.; agreement with conservation and reclamation districts, V.T.C.A., Local Government Code § 552.903; Texas Water Quality Act, V.T.C.A., Water Code § 21.001 et seq.

ARTICLE I. - IN GENERAL

Sec. 44-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

EDAP means the Economically Distressed Areas Program.

Utility means and includes water, sewer or any other utility service furnished by the city to consumers thereof.

(Ord. No. 288, art. I, § 2, 8-24-1999)

Sec. 44-2. - Scope of provisions.

All pertinent provisions of this chapter are hereby made a part of the terms and conditions whereby the city shall furnish any utility service to any person, or whereby the city shall make any utility connections, or perform any work of any kind in connection with the furnishing of any utility service pursuant to the rules and regulations of the city council.

(Ord. No. 288, art. I, § 3, 8-24-1999)

Sec. 44-3. - Enforcement; additional rules and regulations.

- (a) It shall be the duty of the mayor or his designated officer to enforce this chapter in accordance with V.T.C.A., Local Government Code ch. 54, and any other relevant statutes. If such violation is not corrected within the statutory period, the mayor or his designated officer is hereby authorized and directed to cause any utility service to be disconnected.
- (b) The city council shall have the authority to establish by rule or regulations such standards and specifications as may be deemed necessary for the installation, construction and maintenance of any utility service system owned and operated by the city within or without the city and under the

management of the city council. Such rules, regulations, standards and specifications shall be filed in the office of the city secretary. Violation of such rules, regulations, standards and specifications shall be deemed a misdemeanor.

(Ord. No. 288, arts. I, § 5, III, 8-24-1999)

Sec. 44-4. - Penalty.

- (a) Except as otherwise specifically provided in this chapter, any consumer of water or sewer services violating or permitting others to violate from their attachments to city water or sewer connection any provision of this chapter shall be charged with a Class C misdemeanor for each day the violation shall continue as a complete and separate offense, and, upon conviction, shall be punished by a fine of not more than \$500.00 per violation. Original jurisdiction shall be in the city municipal court.
- (b) Further, as a civil penalty, the city secretary, in his sole discretion, not based on the outcome of any criminal proceeding, and as a completely separate action, may require the water to be cut off from the premises of the offending person until such person shall give the city secretary sufficient security against further violations of said rules and regulations and the provisions of this chapter, and, in case of persistent violation, the city secretary may forbid any further service to the party so offending.

(Ord. No. 288, art. IV, 8-24-1999; Ord. No. 439, §§ 20, 21, 4-9-2013)

Sec. 44-5. - Service to comply with technical provisions.

Any utility service furnished under the provision of this chapter shall be in accordance with and in compliance with all applicable technical provisions of this Code, state law and city ordinances, rules and regulations.

(Ord. No. 288, art. I, § 4, 8-24-1999)

Sec. 44-6. - Connection of water and wastewater services required.

All dwellings and businesses within the boundaries of the city's corporate limits or extraterritorial jurisdiction (ETJ), the owners or occupants of which require water and wastewater services for ordinary and customary use and which are approximately located to water and wastewater facilities of the city such that water and wastewater services may be reasonably provided therefrom, shall be connected to the city's facilities unless it is provided otherwise in writing by the city. When water or wastewater services become available to a dwelling or business from facilities of the city in accordance with this rule, the dwelling or business must connect to the city's facilities within a reasonable time, not to exceed 90 days after service becomes available. The city shall give notice of the mandatory connection requirement set forth in this chapter to owners and occupants when service become available.

(Ord. No. 288, art. I, § 1, 8-24-1999)

Sec. 44-7. - Pre-connection inspection required for water or sewer taps outside the city.

In order to protect the utility service supply, the city will not make any water or sewer taps outside the city limits until the premises involved have been inspected and approved by the plumbing inspector.

(Ord. No. 288, art. I, § 6, 8-24-1999)

Sec. 44-8. - Right of entry.

Every consumer taking water or sewer service from the city shall permit authorized agents to enter into the building or premises of such consumer at all reasonable times to examine the water pipes, sewer fixtures, or any other thing in connection therewith, and the manner in which the water and sewer systems are used, and any person or consumer refusing to allow authorized city personnel to enter such premises, shall have their water and sewer service cut off; and the same shall not again be turned on until such entry is permitted and inspection is allowed.

(Ord. No. 288, art. I, § 7, 8-24-1999; Ord. No. 439, § 16, 4-9-2013)

Sec. 44-9. - Quantity and discontinuance of service; emergency service interruptions.

- (a) The city shall have the right and privilege of refusing to provide service or shutting off water or sewer service, or both, at any time, without notice, for:
- (1) Nonpayment of any amount due the city for water or sewer service.
 - (2) Interference with meters, fixtures or other appliances used in connection with the water or sewer service.
 - (3) Waste of water or the use thereof for any purpose other than that provided for in the application for service, regardless of whether paid for by the user.
 - (4) Violation of or noncompliance with any rule or regulation applicable to city water and sewer service.
 - (5) Failure to meet the applicable provisions of the law.
 - (6) Willful or negligent waste of service due to improper or imperfect pipes, fixtures, appliances or otherwise.
 - (7) Theft or diversion or use of service without payment therefor.
 - (8) Vacancy of premises.
- (b) In addition, the city may decline to furnish utility service to any person who may be in debt to the city for any reason, except ad valorem taxes and special assessments.
- (c) In addition, the city reserves the right to cut off any utility service without notice in case of emergencies. When an interruption in service is necessary for the maintenance and improvement of the utility system, affected customers will be notified as circumstances permit.

(d)

The city shall at all times have the right and privilege of shutting off the water in the mains for the purpose of repairing, cleaning or making extensions to the water or sewer lines in the city, and whenever it is necessary for such purpose to shut off the water service, the city shall not be liable for any damage of any kind or character, whatsoever, during such temporary cessation of service because thereof, or in case of breakage, or repair to the pumping station, the city shall have the right to shut down the water services until such repairs shall have been made.

- (e) Water consumers are not guaranteed a specific quantity of water for any purpose whatever, but the city will attempt to furnish to the consumer such quantity of water as applied for and paid for by the consumer.

(Ord. No. 288, art. I, §§ 8, 11, 13, 14, 8-24-1999; Ord. No. 439, §§ 14, 17, 19, 4-9-2013)

Sec. 44-10. - Liability of city for damage.

The city shall not be liable for any damage to any customer of any utility service furnished by the city due to backflow of the sewage system, failure of supply, interruption of service or for any other cause outside the direct control of the city.

(Ord. No. 288, art. I, § 9, 8-24-1999)

Sec. 44-11. - Damage; trespass of equipment.

- (a) No person, other than employees of the city, shall be authorized to connect, turn off or disconnect any utility service offered by the city, or remove, replace or repair any equipment connected to any such utility service.
- (b) It shall be unlawful for any person, excepting the employees of the water and sewer departments of the city, to in any manner interfere with the pipes, hydrants, or appliances of the water or sewer systems of the city, unless a written permit therefor shall have been first obtained from the city secretary; provided that, in case of a fire, the firefighters of the city shall have the right to open the fire hydrants of the city.

(Ord. No. 288, art. I, §§ 12, 19, 8-24-1999; Ord. No. 439, § 11, 4-9-2013)

Sec. 44-12. - Establishing service connections; unlawful connections; unlawful use and sale of water.

- (a) *Required.* Connection for any utility service furnished by the city shall be made only under the supervision of the public works director, and every building, structure or consumer in the city shall have a separate utility service connection.
- (b) *Application.* Any person desiring to be connected with the water or sewer systems shall make application in writing to the city secretary upon a form furnished by the city secretary for such purpose, and shall furnish all such information relative to the quantity of water likely to be consumed. The

completed application shall be a part of the consideration for such water or sewer service. The application shall be submitted together with tap and connection fees, as applicable, and the service deposit required under this chapter.

- (c) *Connection.* Upon receipt of a completed application and payment of all sums required, the connection shall be made within 20 days for residential connections and within 30 days for commercial connections and connections to schools and churches.
- (d) *Unlawful connection.* Any person who shall make or attempt to make any connection with the city water or sewer mains in any manner other than as provided in this section shall be deemed guilty of a misdemeanor, punishable as provided in this chapter.
- (e) *Furnishing or selling service to others prohibited.* It is unlawful for any consumer of water or sewer service to furnish water or sewer service to other houses or families, or businesses, or offer or permit other houses or families, or businesses, to take or use it. It shall be unlawful for any person to resell to others any utility service obtained from the city except only by special arrangement with the city council.
- (f) *Use of private water supply prohibited.* For reasons of public health, no person shall build, establish, expand or maintain a private water supply system within the city unless there shall be no public water supply operational, due to a natural event. No person shall provide water to a residence in jugs, barrels or any other containers for reasons of consumption or bathing.

(Ord. No. 288, art. I, §§ 10, 15—18, 8-24-1999; Ord. No. 439, §§ 1, 15, 4-9-2013)

Sec. 44-13. - Service rates and other charges; billing and collection.

- (a) *Generally; exceptions.* The rates for furnishing water and sewer service inside and outside the city limits shall be calculated, charged, billed and collected as provided in the city fee schedule.
- (b) *Free service prohibited.* No free service shall be allowed, and to the extent that the city or any of its agencies or instrumentalities shall avail themselves of the services and facilities afforded by the systems, they shall pay therefor the same rates and charges prescribed in the city fee schedule.
- (c) *Service outside city limits.* Water and sewer service may be furnished outside the corporate limits of the city only in the event the city is able to do so without detriment to consumers within the city limits, upon terms and conditions as may be determined by the city council in the best interests of the city.
- (d) *EDAP areas outside city limits.* The areas outside the corporate city limits that are recognized as EDAP are to be furnished water and sewer services under that program at the rates provided in the city fee schedule.
- (e) *Water taps.* Rates for water taps are as provided in the city fee schedule. All taps for water will be made by city crews or contractors where the water main is in the street or alley, in front or alongside of the property with which the connection is desired, and the city will put the tap in the water main and extend the service line from the tap to the street curblin or alley property line or nearest property line

to the water main and install a meter. If a developer has installed all water lines, put the tap in the water main and installed a meter box, then the rates to be paid will be as provided for contractor installed taps.

- (f) *Extension of water lines.* Any cost to extend water lines will be paid by the requestor of water services. In addition, when an application for a connection is made, the applicant shall pay a water utility expansion fee as provided in the city fee schedule for each single-family dwelling and for each dwelling unit within a multifamily dwelling or apartment building, and for each commercial or industrial connection. Water utility expansion fees obtained by the city will be placed in an interest bearing account and said fees will be used only for the purpose of obtaining additional water acre feet, or improvements to the water plant or water system as the city council deems appropriate.
- (g) *Water connection fees and service deposit.* In addition to all other charges, each applicant is required to pay a nonrefundable water connection fee and to make a water deposit in the amount of not less than the amount provided in the city fee schedule and no more than the consumption of water to be used by the applicant for two months, depending upon the class or character of the residence or business or other class of user, as determined by the city secretary. The water service deposit shall be returned to the applicant or credited to the amount due for water by the applicant at the time service has been discontinued. The city secretary is authorized to increase the water service deposit at any time to an amount equal two months water usage. Deposits shall bear no interest.
- (h) *Sewer connection and extension fees.* All sewer connections will be made by city crews or contractors under the supervision of the public works director or his designated representative or at the city's option by any person licensed by the state board of plumbing examiners as a master plumber or journeyman plumber. A sewer connection fee in the amount provided in the city fee schedule shall be paid for each single-family dwelling. A sewer connection charge is required for each dwelling unit within an apartment building or multifamily dwelling unit and commercial or industrial connections. Any cost to the city of making a sewer connection that exceeds the rates provided in the city fee schedule will be paid by requestor of sewer services. Any cost to extend sewer lines or increase capacity will be paid by the requestor of sewer services.
- (i) *Billing; delinquencies and late fees; water shut-off and reconnection.* Bills for water and wastewater service shall be paid to the city secretary or before the 15th day of each month. If a bill is unpaid by the due date, the city secretary shall apply a 15 percent late penalty to the amount unpaid. If the delinquent amount plus late penalty is not paid by the 30th day of the month, the city secretary shall cause the water service to be shut off and a processing fee assessed in the amount provided in the city fee schedule. Upon payment of all amounts due and a reconnection fee in the amount provided in the city fee schedule, service shall be re-established.
- (j) *Lien for services provided.* All unpaid water and sewer bills shall be secured and held by the city as a lien upon the property to which said water and sewer has been furnished, and in addition thereto, such delinquent customer of water or sewer shall not be furnished with water or sewer service at any other location until such delinquency is fully paid, together with all accrued penalties and other charges.

- (k) *Table of rates and charges.* The table of rates and charges is provided in the city fee schedule.
(Ord. No. 439, §§ 2—6, 13, 4-9-2013)

Sec. 44-14. - Meter installation, maintenance, testing and repair; repair costs.

- (a) All persons using meters owned by the city shall be responsible for the safety and care thereof and shall notify the city of any damage to the meters. The city shall direct, in its sole discretion, who is to repair the damage to the meter and the person using the meter shall be responsible to the city and or its repair designee for the cost of repairs.
- (b) The height of water meters need not be uniform and need not be at ground level and the consumer is responsible for all lines leading from the meter to the place of use. The consumer shall not obstruct or allow anything to grow up, around, or in any way obstruct the meter or access thereto by city employees or authorized agents. For repair of lines coming from the meter onto the consumer's land, the consumer shall hire only a plumber licensed by the state board of plumbing examiners as a master plumber or journeyman plumber.
- (c) Should a consumer desire that his water meter be tested, he shall make application therefor to the city secretary, and with such application, he shall deposit a meter testing fee in the amount specified in the city fee schedule. Within ten days after such application, the city secretary shall cause such meter to be tested. If the testing shows that the meter so tested registers normal or correctly, or registers below normal, or less than the water actually used, the deposit shall be forfeited to the city and the consumer shall pay to the city the amount due because of such incorrect registering; but, if the testing shows that the meter so tested registers above normal, or more than the amount of water actually used, the meter testing fee shall be returned to such consumer and the city shall repay to such consumer the excess amount of three prior months therefor paid by such consumer to the city, because of such incorrect registering of the meter.

(Ord. No. 439, §§ 12, 18, 20, 4-9-2013)

Sec. 44-15. - Hose connections and slot boxes.

All hose attachments when located on the sidewalk, as well as all slot boxes, shall have suitable iron covers, the tops of which shall be flush with the surface of the sidewalk, and the consumer who owns or controls same shall be responsible for all damages which may arise by reason thereof.

(Ord. No. 439, § 18, 4-9-2013)

Secs. 44-16—44-33. - Reserved.

ARTICLE II. - WATER

DIVISION 1. - GENERALLY

Secs. 44-34—44-54. - Reserved.

DIVISION 2. - WATER CONSERVATION^[2]

Footnotes:

--- (2) ---

Editor's note— By Ord. No. 455, dated April 8, 2014, the city adopted a water conservation and drought plan. This division includes only the administrative and procedural drought response aspects of the plan. Copies of Ord. No. 455 and the complete Water Conservation and Drought Contingency Plan are available for inspection in the office of the city secretary.

Sec. 44-55. - Authorization.

The city manager, or his designee, is hereby authorized and directed to implement the applicable provisions of the Water Conservation and Drought Contingency Plan (the plan) upon determination that such implementation is necessary to protect public health, safety, and welfare. The city manager, or his designee, shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this plan.

(Ord. No. 455, § V, 4-8-2014)

Sec. 44-56. - Application.

The provisions of this plan shall apply to all persons, customers, and property utilizing water provided by the city.

(Ord. No. 455, § VI, 4-8-2014)

Sec. 44-57. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Aesthetic water use means water use for ornamental or decorative purposes, such as fountains, reflecting pools, and water gardens.

Commercial and institutional water use means water use which is integral to the operations of commercial and nonprofit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.

Conservation means 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 means any person, company, or organization using water supplied by the city.

Domestic water use means 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.

Industrial water use means the use of water in processes designed to convert materials of lower value into forms having greater usability and value.

Landscape irrigation use means 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 means water uses that are not essential or required for the protection of public, health, safety, and welfare, including:

- (1) Irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this plan;
- (2) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- (3) Use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- (4) Use of water to wash down buildings or structures for purposes other than immediate fire protection;
- (5) Flushing gutters or permitting water to run or accumulate in any gutter or street;
- (6) Use of water to fill, refill, or add to any indoor or outdoor swimming pools or jacuzzi-type pools;
- (7) Use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- (8) Failure to repair a controllable leak within a reasonable period after having been given notice directing the repair of such leak; and
- (9) Use of water from hydrants for construction purposes or any other purposes other than firefighting.

Plan means the Water Conservation and Drought Contingency Plan, as codified in this division.

(Ord. No. 455, § VII, 4-8-2014)

- (a) The city manager, or his designee, shall monitor water supply and/or demand conditions on a monthly basis and shall determine when conditions warrant initiation or termination of each stage of the plan, that is, when the specified "triggers" are reached.
- (b) The triggering criteria described in this section are based on the following:
 - (1) The city's current treatment facilities' capacity is rated at 700 gallons per minute (gpm) or 1.0 million gallons per day (mgd). Total water storage capacity is 0.567 million gallons, of which 0.3 million gallons are elevated storage.
 - (2) Daily water demand will be monitored for impending emergency conditions by city staff. Trigger conditions will be based on an emergency situation caused by a natural disaster, equipment, or system failure, or extended high daily water demands.

(Ord. No. 455, § VIII, 4-8-2014)

Sec. 44-59. - Stage 1 triggers; normal conditions.

- (a) *Goal.* The goal of stage 1 is to achieve a voluntary reduction in water use in the city.
- (b) *Guidelines for initiation.* Voluntary conservation is the first phase of the plan. It is always in effect unless a higher phase is required and enacted.
- (c) *Guidelines for restrictions.*
 - (1) Recommend that all landscape areas be irrigated no more than three times per week and that such irrigation occur from 5:00 a.m. to 9:00 a.m. and 7:00 p.m. to 11:00 p.m.
 - (2) Recommend water customers to limit water use for non-essential purposes, such as washing any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard surface areas by using an automatic water cut-off nozzle.

(Ord. No. 455, § VIII, 4-8-2014)

Sec. 44-60. - Stage 2 triggers; mild water shortage conditions.

- (a) *Goal.* The goal for stage 2 is a three percent reduction in average daily water demands. This goal will be measured based on the average water use for 30 days prior to the initiation of the stage.
- (b) *Guidelines for initiation.*
 - (1) When the level of U.S. water stored in Amistad and Falcon Reservoirs reaches 35 percent.
 - (2) Average daily water use is approaching 90 percent of system capacity.
 - (3) Net storage in the city's raw water reservoirs is at 50 percent and is continually decreasing on a daily basis such that a more serious problem may develop.
 - (4) The availability of raw water is low.
 - (5) The availability of water rights based on quarterly capacity:

First quarter	25%
Second quarter	50%
Third quarter	75%

(6) The capacity to transport and/or treat raw water has been affected.

(7) The distribution capacity to customers is approaching maximum availability.

(c) *Guidelines for restrictions.* Customers are asked to conserve water.

(1) Landscape irrigation will be permitted from 5:00 a.m. to 9:00 a.m. and 7:00 p.m. to 11:00 p.m. on designated watering days.

a. Monday, Wednesday, and Friday: water customers on the southside of Ocean Boulevard (Highway 100).

b. Tuesday, Thursday, and Saturday: water customers on the northside of Ocean Boulevard (Highway 100).

c. No landscape irrigation allowed on Sunday.

(2) Use of water to wash any motor vehicle, trucks, trailers, boats, airplanes, and other mobile equipment will be prohibited except on the landscape watering days and times described in subsection (c)(1) of this section.

(3) Water use for non-essential purposes is prohibited.

(4) Commercial car wash businesses are exempt.

(5) Fundraising car washes are prohibited.

(d) *Guidelines for termination.* Stage 2 of the drought contingency plan may be rescinded when the conditions listed as triggering situation have ceased to exist for a period of three consecutive days.

(Ord. No. 455, § VIII, 4-8-2014)

Sec. 44-61. - Stage 3 triggers; moderate water shortage conditions.

(a) *Goal.* The goal for stage 3 is a five percent reduction in average daily water demands. This goal will be measured based on the average water use for 30 days prior to the initiation of the stage.

(b) *Guidelines for initiation.*

(1) When the level of U.S. water stored in Amistad and Falcons Reservoirs reaches 25 percent.

(2) Average daily water use reaches 90 percent of the system capacity for three consecutive days.

(3) Net storage in the city's raw reservoir is at 25 percent and is continually decreasing on a daily basis such that a more serious problem may develop.

(4) The availability of raw water is low.

(5) The availability of water rights based on quarterly capacity:

First quarter	30%
Second quarter	55%
Third quarter	80%

(6) Water pressure approaching 40 psi in the distribution system as measured by the pressure gauges in the system.

(c) *Guidelines for restrictions.*

(1) Landscape irrigation will be permitted from 5:00 a.m. to 9:00 a.m. and 7:00 p.m. to 11:00 p.m. on designated watering days.

- Monday and Friday: water customers on the southside of Ocean Boulevard (Highway 100).
- Tuesday and Saturday: water customers on the northside of Ocean Boulevard (Highway 100).
- Landscape irrigation with a hand-held garden hose with automatic water cut-off nozzle, soaker hose, hand-held bucket or water can, no more than five gallons capacity or drip irrigation.
- No watering on Wednesday, Thursday, or Sunday.

(2) Commercial nurseries and other similar establishments use these water restrictions:

- With hand-held buckets or water cans from 5:00 a.m. to 9:00 a.m. and 7:00 p.m. to 11:00 p.m.
- Drip or sprinkler irrigation systems from 5:00 a.m. to 9:00 a.m. and 7:00 p.m. to 11:00 p.m.

(3) Water use for non-essential purposes is prohibited except for landscape irrigation as specified in subsection (c)(1) of this section.

(4) Defective plumbing in a home or business is prohibited.

(5) Operation of any outdoor ornamental fountain or pond for aesthetic or scenic purposes is prohibited, except where necessary to support aquatic life or where such fountain or ponds are equipped with a water recirculation system.

(6) Landscape irrigation variances are available but customers need to apply in person, mail, facsimile, or email with their name, address, where the new landscape is to be installed, and the date of installation.

(d) *Guidelines 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, the restrictions imposed under stage 2 remains in effect.

Sec. 44-62. - Stage 4 triggers; critical water shortage conditions.

(a) *Goal.* The goal for stage 4 is to restrict water usage to allow the city's system to recover from the critical condition.

(b) *Guidelines for initiation.*

- (1) When the level of U.S. water stored in Amistad and Falcon Reservoirs reaches 15 percent.
- (2) When a condition related to unexpected circumstances, such as a major problem on the water system due to natural disaster or unanticipated restriction on the raw water delivery system that immediately diminishes the city's ability to deliver a normal water level.
- (3) Net storage in the city's raw water reservoirs is at 15 percent and is continually decreasing on a daily basis such that a more serious problem may develop.
- (4) Water demand is exceeding the system's capacity on a regular basis.
- (5) Rio Grande River level is so low that the river pumps cannot pump the daily raw water demand.
- (6) All raw water is being pumped from city's storage reservoirs and all replenishment of raw water reservoirs has stopped.
- (7) The availability of water rights based on quarterly capacity:

First quarter	35%
Second quarter	60%
Third quarter	85%

- (8) Contamination of the water supply and/or transmission and distribution system due to hurricanes, freezes, and/or other natural disaster or manmade cause may result in extraordinary loss of capability to provide service.

(c) *Guidelines for restrictions.*

- (1) Water use for non-essential purposes is prohibited. Washing of commercial or noncommercial automobiles, trucks, boats, airplanes, and other mobile equipment.
- (2) The use of fire hydrants for any purpose other than firefighting is prohibited. The city manager may permit use of metered fire hydrant water to clear or clean sanitary or storm sewers.
- (3) The use of water by golf courses for landscape irrigation is prohibited except:
 - a. Areas designated as tees and greens.
 - b. Between 5:00 a.m. to 9:00 a.m. and 7:00 p.m. to 11:00 p.m. on Monday and Friday only.

(4)

Industrial customers are required to implement an individual water conservation plan. Water conservation plans are subject to approval by the city manager and/or his designee.

- (5) If the customer already has a water connection, a new water service connection is prohibited.
 - (6) Restaurants will be prohibited from serving water to customers except when requested by the customers.
 - (7) The use of water for the expansion of commercial nursery facilities is prohibited.
 - (8) Applications for new, additional, expanded or increased-in-size water service connections, meters, service lines, or other water service facilities shall not be allowed, approved or installed except as directed by the city manager.
 - (9) Maximum amounts of monthly water usage and surcharge may be implemented during the emergency as directed by the city manager with approval of the city council.
 - (10) The city manager is authorized to take any actions deemed necessary to meet conditions resulting from the emergency.
- (d) *Guidelines for termination.* Stage 4 of the drought contingency plan may be rescinded when the conditions listed as triggering situation have ceased to exist for a period of three consecutive days. Upon termination of stage 4, the restrictions imposed under stage 3 and stage 2 remain in effect.
- (Ord. No. 455, § VIII, 4-8-2014)

Sec. 44-63. - Drought response stages.

The city manager, or his designee, shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in this division, shall determine that a mild, moderate, severe, critical, emergency or water shortage condition exists and shall implement the following notification procedures:

- (1) *Notification of the public.* The city manager or his designee shall notify the public by means of:
 - a. Posting the notice of drought conditions at the city waterworks building, city hall, post office, and library.
 - b. At any time that the plan is activated or the drought stage changes, the city will notify local media of the issues, the drought response stage, and the specific actions required of the public.
 - c. Inform the public through the news media that a trigger condition has been reached, and that they should look for ways to voluntarily reduce water use. Specific steps which can be taken will be provided through the news media.
- (2) *Additional notification.* The city manager or his designee shall notify directly, or cause to be notified directly, the following individuals and entities, as appropriate:
 - a. Mayor/chairperson and members of the city council.
 - b. Fire chief.

- c. City and/or county emergency management coordinator.
- d. County judge and commissioners.
- e. State disaster district/department of public safety.
- f. TCEQ (required when mandatory restrictions are imposed).
- g. Major water users.
- h. Critical water users, i.e., hospitals.

(Ord. No. 455, § IX, 4-8-2014)

Sec. 44-64. - 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 the city manager, or his 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 more than \$2,000.00. 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 city manager 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 processing fee in the amount provided in the city fee schedule and any other costs incurred by the city in discontinuing service. In addition, suitable assurance must be given to the city manager 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 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 proves that he 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 city employee designated by the city manager may issue a citation to a person he reasonably believes to be in violation of this division. 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 to appear in the municipal court on the date shown on

citation for which the date shall not be less than three days nor more than five 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 arrest may be issued. A summons to appear may be issued in lieu of an arrest warrant.

(Ord. No. 455, § X, 4-8-2014)

Sec. 44-65. - Variances.

- (a) The city manager, or his 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:
 - (1) 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.
 - (2) Alternative methods can be implemented which will achieve the same level of reduction in water use.
- (b) The city council may consider granting customer specific variances from the provisions of this plan in cases of hardship or special conditions. Persons requesting an exemption or variance from the provisions of this division shall file a petition for variance with the city manager within five days after the plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the city manager, or his designee, and shall include the following:
 - (1) Name and address of the petitioner.
 - (2) Purpose of water use.
 - (3) Specific provision of the plan from which the petitioner is requesting relief.
 - (4) 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 division.
 - (5) Description of the relief requested.
 - (6) Period of time for which the variance is sought.
 - (7) 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.
 - (8) Other pertinent information.
- (c) After recommendation by the city manager, the city council shall consider hardship or special cases to determine whether a particular circumstance warrants a variance. A variance shall be granted only for reasons of severe economic hardship, medical hardship or for a legitimate public health concern.

findings of the city council, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the city council meeting at which such variance is recommended. A fee in the amount provided in the city fee schedule shall be assessed per application to defray administrative costs. The fee may be waived upon the execution of an affidavit stating that applicant for variance is unable to pay the fee.

- (d) Variances granted by the city council shall be subject to the following conditions, unless waived or modified by the city manager or his designee:
 - (1) Variances granted shall include a timetable for compliance.
 - (2) Variances granted shall expire when the plan is no longer in effect, unless the petitioner has failed to meet specified requirements.
 - (e) No variance shall be retroactive or otherwise justify any violation of this plan occurring prior to the issuance of the variance.
- (Ord. No. 455, § XI, 4-8-2014)

Secs. 44-66—44-88. - Reserved.

DIVISION 3. - CROSS CONNECTION CONTROL AND BACKFLOW PREVENTION

Sec. 44-89. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. If a word or term used in this division is not contained in the following list, its definition, or other technical terms used, shall have the meanings or definitions listed in the most recent edition of the Manual of Cross Connection Control published by the Foundation for Cross Connection Control and Hydraulic Research, University of Southern California.

Air gap means a physical separation between the free-flowing discharge end of a potable water supply piping and/or appurtenance and an open or non-pressure receiving vessel, plumbing fixture, or other device. An approved air gap separation shall be at least twice the diameter of the supply pipe measured vertically above the overflow rim of the vessel, plumbing fixture, or other device, in no case less than one inch.

Approved backflow prevention assembly or backflow assembly or assembly means an assembly to counteract backpressure or prevent backsiphonage.

Atmospheric vacuum breaker backflow prevention device or atmospheric vacuum breaker or AVB means a device used to prevent backsiphonage in non-health hazard conditions. This device cannot be tested and cannot prevent backpressure backflow.

Auxiliary supply means any water source or system other than the public water system that may be available in the building or on the property, including groundwater or surface water used for industrial, irrigation, or any other purpose.

Backflow means the flow in the direction opposite to the normal flow or the introduction of any foreign liquids, gases, or substances into the water system of the city's water.

Backpressure means any elevation of pressure in the downstream piping system (by any means) above the supply pressure at the point of consideration which would cause, or tend to cause, a reversal of the normal direction of flow and the introduction of fluids, mixtures, or substances from any source other than the intended source.

Boresight or boresight to daylight means providing adequate drainage for backflow prevention assemblies installed in vaults through the use of an unobstructed drainpipe.

Commercial establishment means any property or location which is used primarily for the manufacture, production, storage, wholesaling, or retailing of any good or ware which is or may be placed in the flow of commerce or any property or location which is used primarily for the provision of any service.

Commission means the Texas Commission on Environmental Quality (TCEQ).

Contaminants means any foreign material, solid or liquid, not common to the potable water supply which makes or may make the water unfit or undesirable for human or animal consumption.

Contamination means the admission of contaminants into the potable water supply system.

Cross connection means any connection, physical or otherwise, between a potable water supply system and any plumbing fixture, or any tank, receptacle, equipment or device, through which it may be possible for any non-potable used, unclean, polluted, and contaminated water, or other substances, to enter into any part of such potable water system under any condition or set of conditions.

Cross connection control device means any device placed upon any connection, physical or otherwise, between potable water supply system and any plumbing fixture, or any tank, receptacle, equipment or device, which is designed to prevent non-potable used, unclean, polluted, and contaminated water, or other substances, from entering into any part of such potable water system under any condition or set of conditions.

Degree of hazard means the low or high hazard classification that shall be attached to all actual or potential cross connections.

Health hazard means an actual or potential threat of contamination of a physical or toxic nature to the public potable water system or the consumer's potable water system that would be a danger to health.

High hazard means the classification assigned to an actual or potential cross connection that potentially could allow a substance that may cause illness or death to backflow into the potable water supply.

Low hazard means the classification assigned to an actual or potential cross connection that potentially could allow a substance that may be objectionable but not hazardous to one's health to backflow into the potable water supply.

Plumbing hazard means an internal or plumbing-type cross connection in a consumer's potable water system that may be either a polluttional or a contamination-type hazard.

Polluttional hazard means an actual or potential threat to the physical properties of the water system or the potability of the public or the consumer's potable water system but which would not constitute a health or system hazard, as defined. The maximum degree of intensity of pollution which the potable water system could be degraded under this definition would cause a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances.

System hazard means an actual or potential threat of severe danger to the physical properties of the public or consumer's potable water supply or of a pollution or contamination that would have a detrimental effect on the quality of the potable water in the system.

Director means the director of the department who is vested with the authority and responsibility for the implementation of an effective cross connection control program and for the enforcement of the provisions of this division.

Double check detector backflow prevention assembly or double check detector or DCDA means an assembly composed of a line-size approved double check assembly with a bypass containing a specific water meter and an approved double check valve assembly. The meter shall register accurately for very low rates of flow.

Double check valve backflow prevention assembly or double check assembly or double check or DC means an assembly which consists of two independently acting approved check valves, including tightly-closing resilient seated shutoff valves attached at each end of the assembly and fitted with properly located resilient seated test cocks.

Fireline tester means a tester who is employed by a state-approved fireline contractor and is qualified to test backflow prevention assemblies on firelines only.

General tester means a tester who is qualified to test backflow prevention assemblies on any domestic, commercial, industrial or irrigation service, except fireline.

Mobile unit means any operation which may have the potential to introduce contaminants into a potable water system from a mobile source. These include, but are not limited to, carpet-cleaning vehicles, water-hauling vehicles, street-cleaning vehicles, liquid-waste vehicles, power-wash operations and pest-control vehicles.

Nonresidential means water used by any person other than a residential customer of the water supply and includes all uses not specifically included in residential uses.

Point-of-use isolation means the appropriate backflow prevention within the consumer's water system at the point at which the actual or potential cross connection exists.

Potable water supply means any water supply intended or used for human consumption or other domestic use.

Premises means any piece of property to which water is provided, including all improvements, mobile structures, and structures located on it.

Premises isolation means the appropriate backflow prevention at the service connection between the public water system and the water user.

Pressure vacuum breaker backflow prevention assembly or pressure vacuum breaker or PVC means an assembly which provides protection against backsiphonage, but does not provide adequate protection against backpressure backflow. The assembly is a combination of a single check valve with an AVB and can be used with downstream resilient seated shutoff valves. In addition, the assembly has suction and discharge gate valves and resilient seated test cocks which allow the full testing of the assembly.

Public water system or system means any public or privately owned water system which supplies water for public domestic use. The system will include all services, reservoirs, facilities, and any equipment used in the process of producing treating, storing, or conveying water for public consumption.

Reduced pressure principle backflow prevention assembly or reduced pressure principle assembly or RP assembly or RP means an assembly containing two independently acting approved check valves together with a hydraulically operated, mechanically independent pressure differential relief valve located between the check valves and at the same time below the first check valve. The assembly shall include properly located resilient seated test cocks and a tightly closing resilient seated shutoff valve at the end of the assembly.

Reduced pressure principle detector backflow prevention assembly or reduced pressure detector or RPDA means an assembly composed of a line-size approved reduced pressure principle assembly with a bypass containing a specific water meter and an approved reduced pressure principle backflow prevention assembly. The meter shall register accurately for very low rates of flow.

Regulatory authority means any municipal officer or department of the city appointed by the city manager to administer the regulations of this division.

Representative of the water system means a person designated by the city to perform cross connection control duties that shall include, but are not limited to, cross connection inspections and water use surveys.

Residential use means water used by any residential customer of the water supply and includes single-family dwellings, duplexes, multiplexes, housing and apartments where the individual units are each on a separate meter or, in cases where two or more units are served by one meter, the units are full-time dwellings.

Service connection means the point of delivery at which the water purveyor loses control of the water.

Spill-resistant pressure vacuum breaker or *SVB* means an assembly containing an independently operating, internally loaded check valve and independently operating, loaded air inlet valve located on the discharge side of the check valve. This assembly is to be equipped with a properly located resilient seated test cock and tightly closing resilient seated shutoff valves attached at each end of the assembly.

TCEQ means the Texas Commission on Environmental Quality.

Tester means a person that is a certified backflow prevention assembly technician approved by and registered with the city and the TCEQ.

Thermal expansion means heated water that does not have the space to expand.

Used water means water supplied by a public water system to a water user's system after it has passed through the service connection.

(Ord. No. 439, § 7, 4-9-2013)

Sec. 44-90. - Protection device required.

Every source of contamination or possible contamination from any contaminant which originates from or is located at a residential or commercial establishment, which is connected to any public water supply, or which provides water to the public, shall be equipped with the protection required under the provisions of this division.

(Ord. No. 439, § 7, 4-9-2013)

Sec. 44-91. - Right-of-way encroachment.

No person shall install or maintain a backflow prevention assembly upon or within any city right-of-way.

(Ord. No. 439, § 7, 4-9-2013)

Sec. 44-92. - Multiple connections.

Any premises requiring multiple service connections for adequacy of supply or fire protection will be required to install a backflow assembly on each of the additional service lines to the premises. The type of assembly will be determined by the degree of hazard that could occur in the event of an interconnect between any of the buildings on the premises.

(Ord. No. 439, § 7, 4-9-2013)

Sec. 44-93. - Protection required; installation.

- (a) The backflow prevention assembly protection which is required under this division shall be any of the duly authorized backflow prevention assemblies listed in the International Plumbing Code, or as determined by the regulator authority. Each backflow prevention assembly must have been approved by the regulatory authority or his chosen representative in conjunction with the chief plumbing inspector of the city of the use contemplated by the commercial establishment prior to installation. Failure to obtain such approval prior to installation of the backflow prevention assembly may result in the backflow prevention assembly failing to meet final approval by the regulatory authority. The regulatory authority shall determine the type and location of backflow assembly to be installed within the area served by the city. The assembly will be required in each of the following circumstances, but the representative is in no way limited to the following circumstances:
- (1) The nature and extent of any activity of the premises, or the materials used in connection with any activity or the premises, or materials stored on the premises could contaminate or pollute the potable water supply.
 - (2) Premises having any one or more cross connections that are identified or are present.
 - (3) Premises having any one or more cross connections and the cross connection is protected by an atmospheric vacuum breaker device (AVB).
 - (4) Internal cross connections are present that are not correctable.
 - (5) Intricate plumbing arrangements are present which make it impractical to ascertain whether cross connections exist.
 - (6) There is a repeated history of cross connections being established or re-established.
 - (7) There is unduly restricted entry so that inspections for cross connections cannot be made with sufficient frequency to ensure that cross connections do not exist.
 - (8) Materials are being used such that if backflow should occur, a health hazard could result.
 - (9) Installation of an approved backflow prevention assembly is deemed to be necessary to accomplish the purpose of these regulations in the judgment of the city.
 - (10) An appropriate cross connection survey report form has not been filed with the environmental services department of the city upon request of the city.
 - (11) A fire sprinkler system is connected to the city's water system.

- (12) All new construction, if deemed necessary in the customer service inspection. The type of assembly will be commensurate with the degree of hazard as determined by the regulatory authority.
- (13) When a building is constructed on commercial premises, and the end use of such building is not determined or could change, a reduced pressure principle backflow prevention assembly may be installed at the service connection that supplies water for public domestic use.
- (14) Any used water return system.
- (15) In the event a point-of-use assembly has not had the testing or repair done as required by this division, a premises isolation assembly will be required.
- (16) If it is determined that additions or alterations have been made to the plumbing system without obtaining proper permits, premises isolation may be required.
- (17) All multi-story buildings or any building with a booster pump or elevated storage tank.
- (18) Retrofitting will be required on all high hazard connections and wherever else the city deems necessary to retrofit.
- (b) All backflow prevention assemblies installed after September 3, 1996, shall be installed in a manner designed to facilitate ease of inspection by the regulatory authority of the city or his chosen representative. Any currently installed backflow prevention assemblies which, in the opinion of the regulatory authority, are located in inaccessible locations, or where the tester is subject to physical danger, shall be relocated to an approved location.

(Ord. No. 439, § 7, 4-9-2013)

Sec. 44-94. - Testing of assemblies.

- (a) The regulatory authority shall inspect and test, or cause to be inspected and tested, all assemblies in each of the following circumstances:
 - (1) Immediately after installations;
 - (2) Whenever the assembly is moved;
 - (3) A minimum of once a year;
 - (4) Premises that have been vacated and unoccupied for one year, prior to re-occupancy;
 - (5) Immediately after repairs.
- (b) All assembly testing shall be performed by a certified backflow prevention assembly tester, approved by the regulatory authority.
- (c) Duly authorized employees of the city bearing proper credentials and identification are entitled to enter any public or private property at any reasonable time for the purpose of enforcing this division. Persons and occupants of premises which are provided water service by the city, either directly or indirectly, shall allow the city or their representative's ready access at all reasonable times to all parts of the premises for the purposes of inspection, testing, records examination, or in the performance of any

of their duties. Where persons or occupants of premises have security measures in force which would require proper identification and clearance before entry into their premises, the persons and occupants of the premises shall make necessary arrangements with their security guards so that, upon presentation of suitable identification, personnel from the city will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

- (d) The city shall not be liable for damage to a backflow prevention assembly that occurs during testing.
- (e) The regulatory authority may cause a water use survey to be conducted at any commercial establishment located in the city which is served by a public water supply or which provides water to the public. Upon determination by the regulatory authority that the commercial establishment falls under the provisions of this division and requires a backflow prevention assembly, the regulatory authority shall issue a notice to abate the condition or order the commercial establishment to install the proper backflow prevention assembly.
- (f) It is the responsibility of any person who owns or controls property to have all assemblies tested in accordance with this division. Assemblies may be required to be tested more frequently if the regulatory authority deems necessary.
- (g) Results from assembly testing by a certified backflow prevention assembly tester are available from the tester.

(Ord. No. 439, § 7, 4-9-2013)

Sec. 44-95. - Thermal expansion.

It is the responsibility of any person who owns or controls property to eliminate the possibility of thermal expansion if a closed system has been created by the installation of a backflow assembly.

(Ord. No. 439, § 7, 4-9-2013)

Sec. 44-96. - Pressure loss.

Any reduction in water pressure caused by the installation of a backflow assembly is not the responsibility of the city.

(Ord. No. 439, § 7, 4-9-2013)

Sec. 44-97. - Residential service connections.

Any person who owns or controls any residential property which has been determined to have an actual or potential cross connection will be required to eliminate the actual or potential cross connection or have an approved backflow assembly installed in accordance with this division.

(Ord. No. 439, § 7, 4-9-2013)

Sec. 44-98. - Responsibility of property owner or controller.

Any person who owns or controls property is responsible for the installation, testing and repair of all backflow assemblies on their property.

(Ord. No. 439, § 7, 4-9-2013)

Sec. 44-99. - Customer service inspection.

- (a) Pursuant to TCEQ water system regulations, a customer service inspection for cross connection control shall be completed by the regulatory authority prior to providing continuous water service in each of the following circumstances:
- (1) Water service to a newly constructed facility or previously non-existing premises.
 - (2) After any material improvement to buildings or premises.
 - (3) Any correction or addition to the plumbing of any facility or premises served by the city.
 - (4) The regulatory authority deems it necessary.
- (b) Permanent water service shall not be supplied to a new construction facility until after the customer service inspection is completed.

(Ord. No. 439, § 7, 4-9-2013)

Sec. 44-100. - Installation requirements for backflow prevention assemblies—Generally.

To ensure proper operation and accessibility of all backflow prevention assemblies, the following requirements shall apply to the installation of these assemblies:

- (1) Backflow prevention assemblies shall be installed in accordance with the current TCEQ rules and these regulations. The assembly installer must obtain the required plumbing permits and have the installation inspected by a representative of the regulatory authority.
- (2) At those facilities where the regulatory authority requires a backflow prevention assembly be installed at the point of delivery of the water supply, such installation of the assembly must be before any branch in the line and on private property located just inside the boundary between the city right-of-way and the landowner's property. The regulatory authority may specify other areas for installation of the assembly. Assemblies that must be installed or are located on city rights-of-way are the responsibilities of the business or entity that the water line is serving.
- (3) The assembly must be protected from freezing and other severe weather conditions.
- (4) All backflow prevention assemblies shall be of a type and model approved by the regulatory authority.
- (5) All vertical installations of backflow assemblies must have prior approval by the regulatory authority.

(6)

Assemblies that are larger than four inches and installed more than five feet above the floor level must have a suitable platform for use by testing or maintenance personnel.

- (7) Bypass lines are prohibited. Pipe fittings which could be used for connecting a bypass line must not be installed.
- (8) Premises where an uninterrupted water supply is critical should be provided with two assemblies installed in parallel. They should be sized in such a manner that either assembly will provide the maximum flow required.
- (9) Lines should be thoroughly flushed prior to installation. A strainer with blowout tapping may be required ahead of the assembly.
- (10) All facilities that require continuous, uninterrupted water service and are required to have a backflow assembly must make provisions for the parallel installation of assemblies of the same type so that testing, repair, and maintenance can be performed.
- (11) The property owner assumes all responsibility for any damages resulting from installation, operation, and/or maintenance of a backflow assembly. The owner shall be responsible for keeping all backflow prevention assembly valves reasonably free of silt and debris.
- (12) Upon completion of installation, the regulatory authority shall be notified and all assemblies must be inspected and tested. All assemblies must be registered with the regulatory authority and shall provide the date of installation, manufacturer, model, type, size, serial number of the backflow assembly, and initial test report.

(Ord. No. 439, § 7, 4-9-2013)

Sec. 44-101. - Same—Reduced pressure principle backflow prevention assemblies.

Reduced pressure principle backflow prevention assemblies (RPs) may be utilized at premises where a substance is handled that would be hazardous to health if introduced into the potable water system. The RP is normally used in locations where an air gap is impractical. The RP is effective against both backsiphonage and backpressure.

- (1) RPs must be sized to provide an adequate supply of water and pressure for the premises being served. Flow characteristics are not standard. Consult manufacturer's specifications for specific performance data.
- (2) The assembly must be readily accessible for testing and maintenance and must be located in an area where water damage to building or furnishing would not occur from relief valve discharge. The property owner assumes all responsibility for any damage caused by water discharge from an RP assembly. An approved air gap shall be located at the relief valve orifice of RP assemblies. This air gap shall be at least twice the inside diameter of the incoming supply line as measure vertically above the top rim of the drain, and in no case less than one inch. An approved air gap funnel

assembly may be used to direct minor discharges away from the assembly; this assembly will not control flow in a continuous relief situation. Drain lines to accommodate full relief valve discharge flow should be considered.

- (3) No part of a reduced pressure principle backflow prevention assembly shall be submerged in water or installed in a location subject to flooding. RPs are typically installed above grade in well-drained areas, but may be installed below grade (ground level) if a boresight drain to daylight is provided. The drain shall be of adequate capacity to carry the full rated flow of the assembly and shall be screened on both ends.
- (4) Enclosures shall be designed for ready access and sized to allow for the minimum clearances established in subsection (5) of this section. Removable protective enclosures are typically installed on the smaller assemblies. Daylight drain ports must be provided to accommodate full pressure discharge from the assembly.
- (5) Assemblies two inches and smaller shall have at least six inches clearance on both sides and on top of the assembly, and 12 inches below and behind the assembly. All assemblies larger than two inches shall have a minimum of 12 inches on the backside, 24 inches on the test cock side, and the relief valve opening shall be at least 12 inches plus nominal size of assembly above the floor or highest possible water level. Headroom of six feet is required in vaults without a fully removable top. A minimum access opening of 36 inches is required on all vault lids.
- (6) Vertical installation is prohibited.
- (7) Assemblies must be tested in accordance with this division. Tests are the responsibility of the assembly owner. The owner must notify the regulatory authority upon installation of any backflow prevention assembly.
- (8) Variances from these specifications will be evaluated on a case-by-case basis. Any deviations must have a prior written approval of the regulatory authority.

(Ord. No. 439, § 7, 4-9-2013)

Sec. 44-102. - Same—Reduced pressure principle detector backflow prevention assemblies.

Reduced pressure principle detector backflow prevention assemblies (RPDAs) may be utilized in all installations requiring a reduced pressure principle backflow prevention assembly and detector metering.

- (1) RPDAs shall comply with the installation requirements applicable for reduced pressure principle backflow assemblies (RPs).
- (2) The line size RP assembly and the bypass RP assembly must each be tested. A separate test report for each assembly must be completed by the certified tester.

(Ord. No. 439, § 7, 4-9-2013)

Sec. 44-103. - Same—Double check valve backflow prevention assemblies.

Double check valve backflow prevention assemblies (DCs) may be utilized at premises where a substance is handled that would be objectionable but not hazardous to health if introduced into the potable water system.

- (1) DCs must be sized to provide an adequate supply of water and pressure for the premises being served. Consult manufacturer's specifications for specific performance data.
- (2) Premises where an uninterrupted water supply is critical should be provided with two assemblies installed in parallel. Assemblies should be sized in such a manner that either assembly will provide the minimum water requirements which the two together will provide the maximum flow required.
- (3) The assembly shall be readily accessible with adequate room for testing and maintenance. DCs may be installed below grade, providing all test cocks are fitted with brass pipe plugs. All vaults shall be well-drained, constructed of suitable materials, and sized to allow for the minimum clearances established below.
- (4) Assemblies two inches and smaller shall have at least six inches clearance below and on both sides of the assembly and, if located in a vault, the bottom of the assembly shall be not more than 24 inches below grade. All assemblies larger than two inches shall have a minimum clearance of 12 inches on the back side, 24 inches on the test cock side, and 12 inches below the assembly. Headroom of six feet is required in vaults without a fully removable top. A minimum access opening of 36 inches is required on all vault lids. "Y" pattern double check valve assemblies shall be installed so that the checks are horizontal and the test cocks face upward. These clearance standards apply to all assemblies installed in vaults, enclosures, and meter boxes.
- (5) Vertical installations of DCs are allowed only on sizes up to and including four inches that meet the following requirements:
 - a. Internally spring-loaded check valves;
 - b. Flow is upward through assembly;
 - c. Manufacturer states their assembly can be used in a vertical position;
 - d. Approved by director.
- (6) All DCs must be tested in accordance with this division. Tests are the responsibility of the assembly owner. The owner must notify the regulatory authority upon installation of any backflow prevention assembly.
- (7) Variances from these specifications will be evaluated on a case-by-case basis. Any deviations must have prior written approval of the regulatory authority.

(Ord. No. 439, § 7, 4-9-2013)

Sec. 44-104. - Same—Double check detector backflow prevention assemblies.

Double check detector backflow prevention assemblies (DCDAs) may be utilized in all installations requiring a double check valve assembly and detector metering.

- (1) DCDAs shall comply with the installation requirements applicable for double check valve assemblies (DCs).
- (2) The line size DC assembly and the bypass DC assembly must each be tested. A separate test report for each assembly must be completed by the certified tester.

(Ord. No. 439, § 7, 4-9-2013)

Sec. 44-105. - Same—Pressure vacuum breaker backflow prevention assemblies.

Pressure vacuum breaker backflow prevention assemblies (PVBs) may be utilized at point-of-use protection only and where a substance is handled that would be objectionable but not hazardous to health if introduced into the potable water system. PVBs protect against backsiphonage only and shall not be installed where there is potential for backpressure.

- (1) The assembly shall be installed a minimum of 12 inches above the highest downstream piping.
- (2) PVBs shall not be installed in an area subject to flooding or where damage would occur from water discharge.
- (3) The assembly shall be readily accessible for testing and maintenance, with a minimum clearance of 12 inches all around the assembly.
- (4) All PVBs must be tested in compliance with this division. Tests are the responsibility of the assembly owner. The owner must notify the regulatory authority of installation of any backflow prevention assembly.
- (5) Variances from these specifications will be evaluated on a case-by-case basis. Any deviations must have prior written approval of the regulatory authority.

(Ord. No. 439, § 7, 4-9-2013)

Sec. 44-106. - Same—Spill resistant pressure vacuum breaker backflow prevention assemblies.

Spill resistant pressure vacuum breaker backflow prevention assemblies (SVBs) may be utilized in all installations requiring a pressure vacuum breaker. SVBs shall comply with the installation requirements applicable for pressure vacuum breaker backflow prevention assemblies in section 44-105.

(Ord. No. 439, § 7, 4-9-2013)

Sec. 44-107. - Air gap separation.

Air gap separations provide maximum protection from backflow hazards and may be utilized at premises where a substance is handled that would be hazardous to health if introduced into the potable water system.

- (1) An air gap separation shall be at least twice the diameter of the supply pipeline measured vertically above the top rim of the receiving vessel, and in no case less than one inch. If splashing is a problem, tubular screens may be attached or the supply line may be cut at a 45 degree angle. The air gap distance is measured from the bottom of the angle. Hoses are not allowed.
- (2) Air gap separations shall not be altered in any way without prior approval from the regulatory authority and must be available for inspection at all reasonable times.
- (3) Side walls, ribs or similar obstructions do not affect air gaps when spaced from the inside edge of the spout opening a distance greater than three times the diameter of the effective opening for a single, or a distance greater than four times the effective opening for two intersecting walls.
- (4) Side walls, ribs or similar obstructions, spaced other than as provided in subsection (3) of this section, require measurement of the air gap from the top of the wall
- (5) The effective opening shall be the minimum cross-sectional area at the seat of the control valve or the supply pipe or tubing which feeds the assembly or outlet. If two or more lines supply one outlet, the effective opening shall be the sum of the cross-sectional areas of the individual supply lines or the area of the single outlet, whichever is smaller.

(Ord. No. 439, § 7, 4-9-2013)

Sec. 44-108. - Fire systems.

- (a) An approved double check detector backflow prevention assembly (DCDA) or reduced pressure detector assemblies (RPDAs) shall be the minimum protection for fire sprinkler systems using piping material that is not approved for potable water use and/or that does not provide for periodic flow-through during each 24-hour period, unless a variance has been issued in writing from the regulatory authority. An RPDA must be installed if any solution other than the potable water can be introduced into the sprinkler system.
- (b) It is the responsibility of all property owners and persons in charge of any premises to abide by the conditions of this division. In the event of any changes to the plumbing system, it is the responsibility of the property owners to notify the regulatory authority. All costs associated with this division and the purchase, installation, testing, and repair of RPDA devices is the responsibility of the property owner and persons in charge of any premises.
- (c) Upon the approved installation of the RPDA or approved device, a cross connection test report completed by a licensed fireline tester must be sent to the attention of the regulatory authority or his representative and include the information required by this division.

(Ord. No. 439, § 7, 4-9-2013)

Sec. 44-109. - Responsibilities.

- (a) *Property owner.* It is the responsibility of all property owners and/or persons in charge of any premises to abide by the conditions of this division. In the event of any changes to the plumbing system, it is the responsibility of the property owners and/or persons in charge of any premises to comply with the following:
- (1) Payment of all costs associated with this division and the purchase, installation, testing and repair of backflow prevention assemblies.
 - (2) Install and maintain all backflow prevention assemblies in accordance with this division and acceptable industry practice.
 - (3) Have all backflow prevention assemblies on their premises tested annually. Such testing must be conducted by a certified cross connection tester who is registered with the city.
 - (4) Maintain all backflow prevention assemblies in proper working order at all times, including repair, as required.
 - (5) Maintain all backflow prevention assemblies in a manner which allow them to be tested by a method that has been approved by the regulatory authority.
 - (6) All records related to backflow prevention assembly installation, testing, and repair shall be maintained on the premises for a minimum of three years.
- (b) *Certified backflow prevention assembly tester.* A certified backflow prevention assembly tester shall comply with the following requirements:
- (1) Annually register with the regulatory authority.
 - (2) Maintain testing equipment in proper working conditions/calibration.
 - (3) Maintain the design or operation characteristics of an assembly.
 - (4) Ensure that devices are tested according to accepted industry practice and TCEQ regulations.
 - (5) Enter required testing data, including test gauge serial numbers, on cross connection test forms obtained from the regulatory authority.
 - (6) Report test results to the regulatory authority within 30 days of testing according to city procedures.
 - (7) Provide a copy of the completed test report to the property owners and/or persons in charge of any premises.
 - (8) Maintain testing and/or repair records for a minimum of three years.
- (c) *Regulatory authority.* The regulatory authority shall have the authority and responsibility to enforce the provisions of this division and the state statutes, when applicable, regarding cross connections. The regulatory authority shall inspect and initially test, or cause to be tested, all backflow prevention assemblies installed pursuant to the requirements of this division. For new facilities, permanent water service shall not be provided until all backflow prevention assemblies have been tested and are operational. Except in cases where the testing of backflow prevention assemblies must be d

the installation of internal production or auxiliary equipment, the regulatory authority shall not approve a certificate of occupancy until all backflow prevention assemblies have been tested and are operational. The city shall not be liable for damage caused to any backflow prevention assembly as a result of the inspection or testing.

(Ord. No. 439, § 7, 4-9-2013)

Sec. 44-110. - Backflow prevention assembly tester certification-registration required.

To be an approved backflow prevention assembly tester within the city, an individual must register annually with the regulatory authority, provide proof of TCEQ certification, provide proof that testing equipment is able to maintain a calibration of plus or minimum 0.2 psid accuracy. The regulatory authority will maintain a current list of licensed testers which will be made available to facilities which may need testers to perform their annual testing.

(Ord. No. 439, § 7, 4-9-2013)

Sec. 44-111. - Lawn irrigation system installations.

All commercial and residential lawn irrigation system installations shall obtain a permit issued by the building inspection department for such installations. The installation requirements must comply with guidelines for the appropriate device found in this division. Interconnections of the potable water supply with an alternate water source is prohibited. Appropriate backflow protection devices must be installed if any mechanical injection stations are used with the irrigation system.

(Ord. No. 439, § 7, 4-9-2013)

Sec. 44-112. - Connection of mobile units.

The connection of a mobile unit to any potable water system is prohibited unless such connection is protected by an air gap or an approved backflow prevention assembly. Prior approval and annual device testing of any backflow prevention assembly must be received from the regulatory authority before connection to any potable water system.

(Ord. No. 439, § 7, 4-9-2013)

Sec. 44-113. - Enforcement.

(a) *Violations.* A person commits an offense if:

- (1) He fails to maintain backflow prevention assemblies in compliance with this division.
- (2) He fails to comply with the repair order issued by the regulatory authority.
- (3) Backflow from premises he owns, operates, or manages enters the public water supply system.

- (4) He fails to pay any fees required by this division.
 - (5) He violates any section of this division.
 - (6) He reinstates water service to premises discontinued or disconnected under this division, except as directed by the regulatory authority.
 - (7) Said person is in charge of any facility and allows an unregistered tester to perform testing work at their establishment.
 - (8) He tests a backflow prevention assembly within the city without being registered with the regulatory authority.
 - (9) He tests a backflow prevention assembly within the city without being certified by TCEQ.
 - (b) *Penalties.* A person who violates any provision of this division is guilty of a misdemeanor and, upon conviction, is punishable by a fine up to \$2,000.00 for violations of public health for each act of violation and for each day of violation.
 - (c) *Other remedies.* In addition to proceeding under the authority of subsection (b) of this section, the city is entitled to pursue all other criminal and civil remedies to which is entitled under authority of statutes or other ordinances.
- (Ord. No. 439, § 7, 4-9-2013)

Sec. 44-114. - Revocation of certified tester's registration.

A certified tester's registration may be reviewed and revoked by the city if the regulatory authority determines that the tester:

- (1) Has falsely, incompletely, or inaccurately reported assembly reports;
- (2) Has used inaccurate gauges;
- (3) Has used improper testing procedures; or
- (4) Has created a threat to public health or the environment.

(Ord. No. 439, § 7, 4-9-2013)

Secs. 44-115—44-139. - Reserved.

ARTICLE III. - SEWER

DIVISION 1. - GENERALLY

Secs. 44-140—44-161. - Reserved.

DIVISION 2. - DISCHARGE RESTRICTIONS AND SPECIFICATIONS

Sec. 44-162. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Approving authority means the city manager or his duly authorized representative.

B.O.D. (biochemical oxygen demand) means the quantity of oxygen by weight, expressed in mg/l, utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five days at a temperature of 20 degrees centigrade.

Building sewer means the extension from the building drain to the public sewer or other place of disposal (also called house lateral and house connection).

C.O.D. (chemical oxygen demand) means measure of the oxygen consuming capacity of inorganic and organic matter present in the water or wastewater expressed in mg/l as the amount of oxygen consumed from a chemical oxidant in a specific test, but not differentiating between stable and unstable organic matter and thus not necessarily correlating with biochemical oxygen demand.

Control manhole means a manhole giving access to a building sewer at some point before the building sewer discharge mixes with other discharges in the public sewer.

Control point means a point of access to a course of discharge before the discharge mixes with other discharges in the public sewer.

Garbage means animal and vegetable wastes and residue from preparation, cooking, and dispensing of food; and from the handling, processing, storage and sale of food products and produce.

Industrial waste means waste resulting from any process of industry, manufacturing, trade, or business from the development of any natural resource, or any mixture of the waste with water or normal wastewater, or distinct from normal wastewater.

Industrial waste charge means the charge made on those persons who discharge industrial wastes into the city's sewerage system.

Milligrams per liter (mg/l) means the same as parts per million and is a weight-to-volume ratio; the milligram-per-liter value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.

Natural outlet means any outlet into a watercourse, ditch, lake, or other body of surface water or groundwater.

Normal domestic wastewater means wastewater excluding industrial wastewater discharged by a person into sanitary sewers and in which the average concentration of total suspended solids and five day B.O.D. is not more than 200 mg/l each by weight, based upon the normal contribution of 0.17 pounds per capita.

Overload means the imposition of organic or hydraulic loading on a treatment facility in excess of its engineered design capacity.

pH means the logarithm (Base 10) of the reciprocal of the hydrogen ion concentration.

Public sewer means pipe or conduit carrying wastewater or unpolluted drainage in which owners of abutting properties shall have the use, subject to control by the city.

Sanitary sewer means a public sewer that conveys domestic wastewater or industrial wastes or a combination of both, and into which stormwater, surface water, groundwater, and other unpolluted wastes are not intentionally passed.

Slug means any discharge of water, wastewater, or industrial waste, which in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation.

Standard methods means the examination and analytical procedures set forth in the latest edition, at the time of analysis, of Standard Methods for the Examination of Water and Wastewater, as prepared, approved, and published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.

Storm sewer means a public sewer which carries stormwaters and surface waters and drainage and into which domestic wastewater or industrial wastes are not intentionally passed.

Stormwater means rainfall or any other forms of precipitation.

Superintendent means the water and wastewater superintendent of the city or his duly authorized deputy, agent, or representative.

Suspended solids means solids measured in mg/l that either float on the surface of, or are in suspension in, water, wastewater, or other liquids, and which are largely removable by a laboratory filtration device.

To discharge includes to deposit, conduct, drain, emit, throw, run, allow to seep, or otherwise release or dispose of, or to allow, permit, or suffer any of these acts or omissions.

Trap means a device designed to skim, settle, or otherwise remove grease, oil, sand, flammable wastes or other harmful substances.

Unpolluted wastewater means water containing:

- (1) No free or emulsified grease or oil;
- (2) No acids or alkalis;
- (3) No phenols or other substances producing taste or odor in receiving water;
- (4) No toxic or poisonous substances in suspension, colloidal state, or solution;
- (5) No noxious or otherwise obnoxious or odorous gases;
- (6) Not more than an insignificant amount in mg/l each of suspended solids and BOD, as determined by the state water quality board; and
- (7) Color not exceeding 50 units as measured by the platinum-cobalt method of determination as specified in standard methods.

Waste means rejected, unutilized or superfluous substances in liquid, gaseous, or solid form resulting from domestic, agricultural, or industrial activities.

Wastewater means a combination of the water-carried waste from residences, business buildings, institutions, and industrial establishments, together with any groundwater, surface water, and stormwater that may be present.

Wastewater facilities includes all facilities for collection, pumping, treating, and disposing of wastewater and industrial wastes.

Wastewater service charge means the charge on all users of the public sewer system whose wastes do not exceed in strength the concentration values established as representative of normal wastewater.

Wastewater treatment plant means any city owned facilities, devices, and structures used for receiving, processing and treating wastewater, industrial waste, and sludges from the sanitary sewers.

Watercourse means a natural or manmade channel in which a flow of water occurs, either continuously or intermittently.

(Ord. No. 138, § 1, 4-30-1981)

Sec. 44-163. - Prohibited discharges.

- (a) No person may discharge to public sewers any waste which by itself or by interaction with other wastes may:
 - (1) Injure or interfere with wastewater treatment processes or facilities;
 - (2) Constitute a hazard to humans or animals; or
 - (3) Create a hazard in receiving waters of the wastewater treatment plant effluent.
- (b) All discharges shall conform to requirements of this division.

(Ord. No. 138, § 2, 4-30-1981)

Sec. 44-164. - Chemical discharges.

(a) No discharge to public sewers may contain:

- (1) Cyanide greater than 1.0 mg/l;
- (2) Fluoride other than that contained in the public water supply;
- (3) Chlorides in concentrations greater than 250 mg/l;
- (4) Gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas; or
- (5) Substances causing an excessive chemical oxygen demand (C.O.D.).

(b) No waste or wastewater discharged to public waters may contain:

- (1) Strong acid, iron pickling wastes, or concentrated plating solutions, whether neutralized or not;
- (2) Fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit (zero and 65 degrees Centigrade);
- (3) Objectionable or toxic substances, exerting an excessive chlorine requirement, to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the approving authority for such materials; or
- (4) Obnoxious, toxic, or poisonous solids, liquids, or gases in quantities sufficient to violate the provisions of section 44-163(a).

(c) No waste, wastewater, or other substance may be discharged into public sewers which has a pH lower than 5.5 or higher than 9.5, or any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel at the wastewater facilities.

(d) All waste, wastewater, or other substance containing phenols, hydrogen sulfide, or other taste- and odor-producing substances, shall conform to concentration limits established by the approving authority. After treatment of the composite wastewater, concentration limits may not exceed the requirements established by state, federal, or other agencies with jurisdiction over discharges to receiving waters.

(Ord. No. 138, § 3, 4-30-1981)

Sec. 44-165. - Heavy metals and toxic materials.

(a) No discharges may contain concentrations of heavy metals greater than amounts specified in subsection (b) of this section.

(b) The maximum allowable concentrations of heavy metals stated in terms of milligrams per liter (mg/l), determined on the basis of individual sampling in accordance with standard methods are:

Arsenic	0.05 mg/l
---------	-----------

Barium	5.0 mg/l
Boron	1.0 mg/l
Cadmium	0.02 mg/l
Chromium (total)	5.0 mg/l
Copper	1.0 mg/l
Lead	0.1 mg/l
Manganese	1.0 mg/l
Mercury	0.005 mg/l
Nickel	1.0 mg/l
Selenium	0.02 mg/l
Silver	0.1 mg/l
Zinc	5.0 mg/l

Note: In determining the concentration parameters to be included in the division, current state, federal, and other appropriate agency rules, regulations, and orders should be consulted, including Texas Department of Water Resources (Texas Water Quality Board) Order 70-0828-5 regulating the discharge of hazardous metals into or adjacent to state waters.

- (c) No other heavy metals or toxic materials may be discharged into public sewers without a permit from the approving authority specifying conditions of pretreatment, concentrations, volumes, and other applicable provisions.
- (d) Prohibited heavy metals and toxic materials include, but are not limited to:
 - (1) Antimony;
 - (2) Beryllium;
 - (3) Bismuth;

- (4) Cobalt;
- (5) Molybdenum;
- (6) Uranyl ion;
- (7) Rhenium;
- (8) Strontium;
- (9) Tellurium;
- (10) Herbicides;
- (11) Fungicides; and
- (12) Pesticides.

(Ord. No. 138, § 4, 4-30-1981)

Sec. 44-166. - Garbage.

- (a) No person may discharge garbage into public sewers unless it is shredded to a degree that all particles can be carried freely under the flow conditions normally prevailing in public sewers. Particles greater than one-half inch in any dimension are prohibited.
- (b) The approving authority is entitled to review and approve the installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater.

(Ord. No. 138, § 5, 4-30-1981)

Sec. 44-167. - Stormwater and other unpolluted drainage.

- (a) No person may discharge to public sanitary sewers:
 - (1) Unpolluted stormwater, surface water, groundwater, roof runoff or subsurface drainage;
 - (2) Unpolluted cooling water;
 - (3) Unpolluted industrial process waters; or
 - (4) Other unpolluted drainage.
- (b) In compliance with state law, the approving authority may designate storm sewers and other watercourses into which unpolluted drainage described in subsection (a) of this section may be discharged.

(Ord. No. 138, § 6, 4-30-1981)

Sec. 44-168. - Temperature.

No person may discharge liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65 degrees Centigrade), or any substance which causes the temperature of the total wastewater treatment plant influent to increase at a rate of ten degrees Fahrenheit or more per hour, or a combined total increase of plant influent temperature to 110 degrees Fahrenheit.

(Ord. No. 138, § 7, 4-30-1981)

Sec. 44-169. - Radioactive wastes.

- (a) No person may discharge radioactive wastes or isotopes into public sewers without the permission of the approving authority.
- (b) The approving authority may establish, in compliance with applicable state and federal regulations, regulations for discharge of radioactive wastes into public sewers.

(Ord. No. 138, § 8, 4-30-1981)

Sec. 44-170. - Impairment of facilities.

- (a) No person may discharge into public sewers any substance capable of causing:
 - (1) Obstruction to the flow in sewers;
 - (2) Interference with the operation of treatment processes of facilities; or
 - (3) Excessive loading of treatment facilities.
- (b) Discharges prohibited by subsection (a) of this section include, but are not limited to, materials which exert or cause concentrations of:
 - (1) Inert suspended solids greater than 250 mg/l, including, but not limited to:
 - a. Fuller's earth;
 - b. Lime slurries; and
 - c. Lime residues;
 - (2) Dissolved solids greater than 1,000 mg/l, including, but not limited to:
 - a. Sodium chloride; and
 - b. Sodium sulfate;
 - (3) Excessive discoloration, including, but not limited to:
 - a. Dye wastes; and
 - b. Vegetable tanning solutions; or
 - (4) BOD, COD, or chlorine demand in excess of normal plant capacity.
- (c) No person may discharge into public sewers any substance that may:
 - (1) Deposit grease or oil in the sewer lines in such a manner as to clog the sewers;
 - (2) Overload skimming and grease handling equipment;
 - (3) Pass to the receiving waters without being effectively treated by normal wastewater treatment processes due to the non-amenability of the substance to bacterial action; or
 - (4) Deleteriously affect the treatment process due to excessive quantities.
- (d) No person may discharge any substance into public sewers which:
 - (1) Is not amenable to treatment or reduction by the processes and facilities employed; or

- (2) Is amenable to treatment only to such a degree that the treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (e) The approving authority shall regulate the flow and concentration of slugs when they may:
- (1) Impair the treatment process;
 - (2) Cause damage to collection facilities;
 - (3) Incur treatment costs exceeding those for normal wastewater; or
 - (4) Render the waste unfit for stream disposal or industrial use.
- (f) No person may discharge into public sewers solid or viscous substances which may violate subsection (a) of this section if present in sufficient quantity or size, including, but not limited to:
- (1) Ashes;
 - (2) Cinders;
 - (3) Sand;
 - (4) Mud;
 - (5) Straw;
 - (6) Shavings;
 - (7) Metal;
 - (8) Glass;
 - (9) Rags;
 - (10) Feathers;
 - (11) Tar;
 - (12) Plastics;
 - (13) Wood;
 - (14) Unground garbage;
 - (15) Whole blood;
 - (16) Paunch manure;
 - (17) Hair and fleshings;
 - (18) Entrails;
 - (19) Paper products, either whole or ground by garbage grinders;
 - (20) Slops;
 - (21) Chemical residues;
 - (22) Paint residues; or
 - (23) Bulk solids.

(Ord. No. 138, § 9, 4-30-1981)

- (a) Unless exception is granted by the approving authority, the public sanitary sewer system shall be used by all persons discharging:
 - (1) Wastewater;
 - (2) Industrial waste;
 - (3) Polluted liquids.
 - (b) Unless authorized by the state water quality board, no person may deposit or discharge any waste included in subsection (a) of this section on public or private property into or adjacent to any:
 - (1) Natural outlet;
 - (2) Watercourse;
 - (3) Storm sewer;
 - (4) Other area within the jurisdiction of the city.
 - (c) The approving authority shall verify prior to discharge that wastes authorized to be discharged will receive suitable treatment within the provisions of laws, regulations, ordinances, rules and orders of federal, state and local governments.
- (Ord. No. 138, § 10, 4-30-1981)

Sec. 44-172. - Approving authority requirements.

- (a) If discharges or proposed discharges to public sewers may deleteriously affect wastewater facilities, processes, equipment, or receiving waters; create a hazard to life or health; or create a public nuisance, the approving authority shall require:
 - (1) Pretreatment to an acceptable condition for discharge to the public sewers;
 - (2) Control over the quantities and rates of discharge; and
 - (3) Payment to cover the cost of handling and treating the wastes.
 - (b) The approving authority is entitled to determine whether a discharge or proposed discharge is included under subsection (a) of this section.
 - (c) The approving authority shall reject wastes when:
 - (1) It determines that a discharge or proposed discharge is included under subsection (a) of this section; and
 - (2) The discharger does not meet the requirements of subsection (a) of this section.
- (Ord. No. 138, § 11, 4-30-1981)

Sec. 44-173. - Approving authority review and approval.

- (a) If pretreatment or control is required, the approving authority shall review and approve design and installation of equipment and processes.

(b)

The design and installation of equipment and processes must conform to all applicable statutes, codes, ordinances and other laws.

- (c) Any person responsible for discharges requiring pretreatment, flow-equalizing, or other facilities shall provide and maintain the facilities in effective operating condition at his own expense.

(Ord. No. 138, § 12, 4-30-1981)

Sec. 44-174. - Requirements for traps.

- (a) Discharges requiring a trap include:

- (1) Grease or waste containing grease in excessive amounts;
- (2) Oil;
- (3) Sand;
- (4) Flammable wastes; and
- (5) Other harmful ingredients.

- (b) Any person responsible for discharges requiring a trap shall, at his own expense and as required by the approving authority:

- (1) Provide equipment and facilities of a type and capacity approved by the approving authority;
- (2) Locate the trap in a manner that provides ready and easy accessibility for cleaning and inspection; and
- (3) Maintain the trap in effective operating condition.

(Ord. No. 138, § 13, 4-30-1981)

Sec. 44-175. - Requirements for building sewers.

Any person responsible for discharges through a building sewer carrying industrial wastes shall, at his own expense and as required by the approving authority:

- (1) Install an accessible and safely located control manhole;
- (2) Install meters and other appurtenances to facilitate observation sampling and measurement of the waste; and
- (3) Maintain the equipment and facilities.

(Ord. No. 138, § 14, 4-30-1981)

Sec. 44-176. - Sampling and testing.

- (a) Sampling shall be conducted according to customarily accepted methods, reflecting the effect of constituents upon the sewage works and determining the existence of hazards to health, life, limb, and property.

(Note: The particular analyses involved will determine whether a 24-hour composite sample from all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls. Where applicable, 16-hour, eight-hour or some other period may be required. Periodic grab samples are used to determine pH.)

- (b) Examination and analyses of the characteristics of waters and wastes required by this division shall be:
- (1) Conducted in accordance with the latest edition of standard methods; and
 - (2) Determined from suitable samples taken at the control manhole provided or other control point authorized by the approving authority.
- (c) BOD and suspended solids shall be determined from composite sampling, except to detect unauthorized discharges.
- (d) The city may select an independent firm or laboratory to determine flow, B.O.D., and suspended solids.
- (e) The city is entitled to select the time of sampling at its sole discretion so long as at least annual samples are taken.

(Ord. No. 138, § 15, 4-30-1981)

Sec. 44-177. - Payment and agreement required.

- (a) Persons making discharges of industrial waste shall pay a charge to cover the cost of collection and treatment.
- (b) When discharges of industrial waste are approved by the approving authority, the city or its authorized representative shall enter into an agreement or arrangement providing:
- (1) Terms of acceptance by the city; and
 - (2) Payment by the person making the discharge.

(Ord. No. 138, § 16, 4-30-1981)

Sec. 44-178. - Industrial cost recovery system.

See "Instructions," Special Notice and Federal Regulations for development of this section for industrial cost recovery.

(Ord. No. 138, § 17, 4-30-1981)

Sec. 44-179. - Continuation of nonconforming discharges.

A person discharging industrial wastes into public sewers prior to the effective date of the ordinance from which this division is derived may continue without penalty so long as he:

- (1)

Does not increase the quantity or quality of discharge without permission of the approving authority;

- (2) Has discharged the industrial waste at least 12 months prior to the effective date of the ordinance from which this division is derived; and
- (3) Applies for and is granted a permit no later than 60 days after the effective date of the ordinance from which this division is derived.

(Ord. No. 138, § 18, 4-30-1981)

Sec. 44-180. - Conditions or permits.

- (a) The city may grant a permit to discharge to persons meeting all requirements of the savings clause, provided that the person:
 - (1) Submits an application within 60 days after the effective date of the ordinance from which this division is derived on forms supplied by the approving authority;
 - (2) Secures approval by the approving authority of plans and specifications for pretreatment facilities when required;
 - (3) Has complied with all requirements for agreements or arrangements, including, but not limited to, provisions for:
 - a. Payment of charges;
 - b. Installation and operation of pretreatment facilities; and
 - c. Sampling and analysis to determine quantity and strength; and
 - (4) Provides a sampling point subject to the provisions of this division and approval of the approving authority.
- (b) A person applying for a new discharge shall:
 - (1) Meet all conditions of subsection (a) of this section; and
 - (2) Secure a permit prior to discharging any waste.

(Ord. No. 138, § 19, 4-30-1981)

Sec. 44-181. - Power to enter property.

- (a) The superintendent and other duly authorized employees of the city bearing proper credentials and identification are entitled to enter any public or private property at any reasonable time for the purpose of enforcing this division.
- (b) Anyone acting under this authority shall observe the establishment's rules and regulations concerning safety, internal security, and fire protection.
- (c)

Except when caused by negligence or failure of the company to maintain safe conditions, the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the sampling operation.

- (d) The superintendent and other duly authorized employees of the city bearing proper credentials and identification are entitled to enter all private properties through which the city holds a negotiated easement for the purposes of:
- (1) Inspection, observation, measurement, sampling, or repair;
 - (2) Maintenance of any portion of the sewerage system lying within the easements; and
 - (3) Conducting any other authorized activity. All activities shall be conducted in full accordance with the terms of the negotiated easement pertaining to the private property involved.
- (e) No person acting under authority of this provision may inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the public sewers.

(Ord. No. 138, § 20, 4-30-1981)

Sec. 44-182. - Authority to disconnect service.

- (a) The city may terminate water and wastewater disposal service and disconnect an industrial customer from the system when:
- (1) Acids or chemicals damaging to sewer lines or treatment process are released to the sewer causing rapid deterioration of these structures or interfering with proper conveyance and treatment of wastewater;
 - (2) A governmental agency informs the city that the effluent from the wastewater treatment plant is no longer of a quality permitted for discharge to a watercourse, and it is found that the customer is delivering wastewater to the city's system that cannot be sufficiently treated or requires treatment that is not provided by the city as normal domestic treatment; or
 - (3) The industrial customer:
 - a. Discharges industrial waste or wastewater that is in violation of the permit issued by the approving authority;
 - b. Discharges wastewater at an uncontrolled, variable rate in sufficient quantity to cause an imbalance in the wastewater treatment system;
 - c. Fails to pay monthly bills for water and sanitary sewer services when due; or
 - d. Repeats a discharge of prohibited wastes to public sewers.
- (b) If service is discontinued pursuant to subsection (a)(2) of this section, the city shall:
- (1) Disconnect the customer;
 - (2)

Supply the customer with the governmental agency's report and provide the customer with all pertinent information; and

- (3) Continue disconnection until such time as the industrial customer provides additional pretreatment or other facilities designed to remove the objectionable characteristics from his industrial wastes.

(Ord. No. 138, § 21, 4-30-1981)

Sec. 44-183. - Notice.

The city shall serve persons discharging in violation of this division with written notice stating the nature of the violation and providing a reasonable time limit for satisfactory compliance.

(Ord. No. 138, § 22, 4-30-1981)

Sec. 44-184. - Continuing prohibited discharges.

No person may continue discharging in violation of this division beyond the time limit provided in the notice.

(Ord. No. 138, § 23, 4-30-1981)

Sec. 44-185. - Failure to pay.

In addition to sanctions provided by this division, the city is entitled to exercise sanctions provided for by the other ordinances of the city for failure to pay the bill for water and sanitary sewer service when due.

(Ord. No. 138, § 25, 4-30-1981)

Secs. 44-186—44-208. - Reserved.

DIVISION 3. - STORM SEWER SYSTEM DISCHARGE RESTRICTIONS

Subdivision I. - In General

Sec. 44-209. - General provisions.

It is the policy of the city, and the intent of this division, to reduce pollution and contamination entering the city's separate stormwater sewer system (MS4) to the greatest extent practicable. Discharges to the city's MS4 that cause or contribute to a violation of water quality standards are hereby prohibited. New

sources or new discharges to the city's MS4 of the oxygen-demanding substances, nutrients and sediments are not authorized by this division unless otherwise allowable under NPDES, TPDES, and the Texas Administrative Code.

(Ord. No. 456, § 1, 6-10-2014)

Sec. 44-210. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Best management practices means activities, prohibitions, maintenance procedures, structural controls, local ordinances, and other management practices to prevent or reduce the discharge of pollutants.

Clean Water Act means the Federal Water Pollution Control Act, as codified at 33 USC 1251—1376.

Common plan of development or sale means a construction activity that is completed in separate stages or phases or in combination with other construction activities. A common plan of development or sale is identified by plats, blueprints, marketing plans, contracts, building permit applications, a public notice or hearing, zoning requests, or other similar documentation.

Construction activity (large) means construction activities that result in land disturbance of five or more acres of land. Large construction activity also includes the disturbance of less than five acres of land area that is part of a common plan of development or sale that will ultimately disturb five or more acres of land.

Construction activity (small) means construction activities including clearing, grading, and excavating that result in land disturbance of one or more but less than five acres of land. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb one or more but less than five acres of land.

Construction site operator means the person associated with a small or large construction project that is either:

- (1) The person that has operational control over construction plans and specifications, including approval of revisions to the extent necessary to meet the requirements and conditions of state and federal law, including TPDES or NPDES permits allowing stormwater discharge; or
- (2) The person that has day-to-day operational control of those activities at a construction site that are necessary to ensure compliance with a stormwater pollution prevention plan for the site.

Conveyance means streets, curbs, gutters, manmade channels and ditches, drains, pipes, and other constructed features designed or used for drainage or flood control or to otherwise transport stormwater runoff.

Discharge means the drainage, release, or disposal of pollutants in stormwater and certain non-stormwater from areas where land disturbing activities, construction materials, equipment storage or maintenance, or other industrial activities are located.

Final stabilization exists when the following conditions are met:

- (1) All soil disturbing activities have been completed and a uniform perennial vegetative cover with a density of 70 percent of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles), have been employed.
- (2) For individual lots in a residential construction site, either:
 - a. The homebuilder has completed final stabilization as specified in subsection (1) of this definition; or
 - b. The homebuilder, establishing temporary stabilization for an individual lot prior to the time of transfer of the ownership of the home to the buyer, has informed the homeowner of the need for, and benefits of, final stabilization.
- (3) For construction activities on land used for agricultural purposes (e.g., pipelines across crop or range land), final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to a surface water and areas which are not being returned to their preconstruction agricultural use must meet the final stabilization conditions of subsection (1) of this definition.

Groundwater infiltration means groundwater that enters the MS4 (including storm sewer service connections and foundation drains) through such means as defective pipes, pipe joints, connections, or manholes.

Illicit connection means any manmade conveyance connecting an illicit discharge directly to the MS4.

Illicit discharge means any discharge to the MS4 that is not entirely composed of stormwater, except discharges allowed pursuant to state or federal law, including TPDES or NPDES permits allowing stormwater discharge or a separate authorization.

Industrial activities means manufacturing, processing, material storage and disposal areas, and similar areas where stormwaters can contact industrial pollutants related to the industrial activity at an industrial facility described by the TPDES multi-sector general permit, TXR050000, as it may be amended, or by another TPDES or NPDES permit.

Land disturbance (or soil disturbance) means any activity which involves the physical movement or disturbance of earth material by mechanized means. This includes excavating, filling, stockpiling, clearance of vegetation, grading, compaction of soil, creation of borrow pits, or combination thereof. The term "land

disturbance" does not include plowing, seeding, planting, cultivating, or harvesting on a farm, including lands that have been lying fallow as part of a conventional rotational cycle. The term "land disturbance" does not include routine maintenance performed to maintain the original line and grade, hydraulic capacity and purpose of a ditch, channel or other similar stormwater conveyance. The term "land disturbance" does not include routine grading of existing dirt roads, asphalt overlays of existing roads, routine clearing of existing rights-of-way or other similar maintenance activities.

Maximum extent practicable means the technology-based discharge standard for MS4s to reduce pollutants in stormwater discharges established by the Clean Water Act.

Municipal separate stormwater system (MS4) means the conveyance or system of conveyances, including roads, streets, catchbasins, curbs, gutters, ditches, manmade channels, or storm drains, that are owned or operated by the city, the county Irrigation District #1, the county, or the state department of transportation, and that are designed or used for collecting or conveying stormwater; but which are not a combined sewer (sanitary sewer and stormwater) and are not part of the city's sanitary sewer collection system.

MS4 operator means the city.

NPDES means the National Pollution Discharge Elimination System.

Point source means any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. The term "point source" does not include return flows from irrigated agriculture or agricultural stormwater runoff.

Pollutants of concern means those pollutants identified as a cause of impairment of the San Martin Lake and Brownsville Navigation District System (ship channel) and including biochemical oxygen demand (BOD), and sediment or parameters that address sediment such as total suspended solids, turbidity or siltation.

Release means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into groundwater, subsurface soils, surface soils, the MS4, the surface water of the state, or the waters of the United States.

Site development permit means a permit issued by the city for the alteration of the ground for the construction or installation of utilities, streets, sidewalks, structures designed to control erosion and runoff and other grading activities that are not a part of a project that requires a building permit.

Stormwater management program (SWMP) means a comprehensive program to manage the quality of discharges into and from the city's MS4.

Stormwater runoff means rainfall runoff, snow melt runoff, and surface runoff and drainage.

Structural controls means a pollution prevention practice that requires the construction or use of a device to capture or prevent pollution in stormwater runoff. Structural controls and practices may include, but are not limited to, wet ponds, bio-retention, infiltration basins, stormwater wetlands, silt fences, earthen dikes, drainage swales, vegetation lines ditches, vegetative filter strips, sediment traps, check dams, subsurface drains, storm drain inlet protection, rock outlet protection, reinforced soil retaining system, gabions, and temporary or permanent sediment basins.

Surface water in the state means lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, wetland, marches, inlets, canals, the Gulf of Mexico from the mean high water level out 10.36 miles into the Gulf, and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or non-navigable, and including the beds and banks of all watercourses and bodies of surface water, that are wholly or partially inside or bordering the state or subject to the jurisdiction of the state; except that waters in treatment systems which are authorized by state of federal law or permit, and which are created for the purpose of waste treatment, are not considered to be water in the state.

TPDES means the Texas Pollution Discharge Elimination System.

Waters of the United States.

(1) The term "waters of the United States" means:

- a. All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
- b. All interstate water, including interstate wetlands;
- c. All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds that the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
 1. Which are or could be used by interstate or foreign travelers for recreational or other purposes;
 2. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
 3. Which are used or could be used for industrial purposes by industries in interstate commerce;
- d. All impoundments of waters otherwise defined as waters of the U.S.;
- e. Tributaries of waters identified in subsections (1)a through (1)d of this definition;
- f. The territorial sea; and

g.

Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in subsections (1)a through (1)f of this definition.

- (2) Waste treatment systems, including manmade treatment ponds, lagoons or wetlands designed to meet the requirements of CWA are not included in the term "waters of the United States."

Wetlands means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that, under normal circumstances, does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. The term "wetlands" generally includes swamps, marshes, bogs, and similar areas.

(Ord. No. 456, §, 2, 6-10-2014)

Secs. 44-211—44-228. - Reserved

Subdivision II. - Pollution Prevention and Erosion Control at Construction Sites

Sec. 44-229. - General provisions.

The intent of this subdivision is to implement and enforce a program to reduce pollutants in stormwater runoff from construction activities. To that end, all construction site operators, at a minimum, must:

- (1) As a pre-condition to receiving a building permit for a small construction site, prepare and submit a stormwater pollution prevention plan (SWP3).
- (2) For projects that do not require a building permit, but will require excavation, fill or grading on more than one acre of land, such as the construction or installation of utilities, new drainageways, streets, or sidewalks, apply for a site development permit and prepare and submit a SWP3.
- (3) Except, no SWP3 is required to perform emergency work needed to protect life or property.
- (4) For construction sites that will disturb less than one acre of land, the following provisions apply:
 - a. No SWP3 need be prepared or submitted.
 - b. Construction site operators are responsible for retaining all soil and sediment on site and off of adjacent properties and the public right-of-way. This includes dust control and control of vehicle tracking of dirt off-site.
 - c. Soil and sediment that leaves the construction site must be cleaned up daily.
 - d. Proper provisions for solid waste, construction debris and sanitary waste must be made and maintained.
- (5)

The operator of a construction site required to have a TPDES permit to discharge stormwater shall submit a copy of the notice of intent to the city at the same time the operator submits the original notice of intent (NOI) to TCEQ. The copy of the NOI may be delivered to the city either in person or by mailing it to: Public Works Director, City of Los Fresnos, 200 N. Brazil Street, Los Fresnos, TX 78566.

(Ord. No. 456, § 3A, 6-10-2014)

Sec. 44-230. - Stormwater pollution prevention plan (SWP3).

- (a) Prior to commencing any construction activity and prior to receiving a building or site development permit from the city, construction site operators that are required by the NPDES or the TPDES to obtain a permit to discharge stormwater must:
 - (1) Develop and submit for review and approval a SWP3 that covers the entire site;
 - (2) Post a signed copy of the notice at the construction site where it can be readily viewed;
 - (3) Ensure the project specifications allow or provide that adequate BMPs will be developed and modified as necessary to meet the requirements of the SWP3; and
 - (4) Ensure all contractors and subcontractors are aware of the requirements of the SWP3, that on-site personnel are responsible for the day-to-day implementation of and adherence to the SWP3, and whom to contact concerning SWP3 compliance.
- (b) The SWP3 must:
 - (1) Be completed and initially implemented prior to commencing activities that result in land disturbance.
 - (2) Provide for compliance with the terms and conditions of this subdivision and the NPDES and TPDES for stormwater.
 - (3) Be available at the construction site or readily available at the time of an on-site inspection to TCEQ, the EPA, or city personnel.
 - (4) Be amended whenever there is a change in design, construction, operation, or maintenance that may have a significant effect on the discharge of pollutants or that was not previously addressed in the SWP3; or because inspections by the site operator, TCEQ, EPA or city indicate the SWP3 is ineffective in eliminating or minimizing pollutants in discharges.
 - (5) Identify the person responsible for implementation of the plan.

(Ord. No. 456, § 3B, 6-10-2014)

Sec. 44-231. - Issuance of a building permit or site development permit.

Before authorizing the issuance of a building permit or a site development permit, the city will review the proposed site plan and SWP3, as well as construction documents, for compliance with this subdivision and the NPDES and TPDES for stormwater.

(Ord. No. 456, § 3C, 6-10-2014)

Sec. 44-232. - City inspection of construction sites.

City building inspection, code enforcement, public works staff, the city engineer, or any other person designated by the city manager are hereby authorized to inspect construction sites for the purpose of ensuring compliance and enforcement of control measures contained in the SWP3 and this subdivision.

(Ord. No. 456, § 3D, 6-10-2014)

Sec. 44-233. - Contents of stormwater pollution prevention plan.

The stormwater pollution prevention plan (SWP3) required pursuant to this subdivision, the Clean Water Act, NPDES, and TPDES must include the following information:

- (1) The SWP3 must include a project description which includes the following:
 - a. The nature of the construction activity, potential pollutants and sources;
 - b. The intended schedule or sequence of major activities that will disturb soils;
 - c. The number of acres of the entire construction site property and the total number of acres of the site where construction activities will occur, including off-site material storage areas, overburden and stockpiles of dirt, and borrow areas;
 - d. The soil type and the quality of any existing discharge from the site;
 - e. A map showing the general location of the site (e.g., a portion of a city or county map);
 - f. A detailed site map indicating the following:
 1. Drainage patterns and approximate slopes anticipated after major grading activities;
 2. Areas where soil disturbance will occur;
 3. Areas which will not be disturbed;
 4. Locations of all major structural controls either planned or in place;
 5. Locations where stabilization practices are expected to be used;
 6. Locations of off-site material, waste, borrow or equipment storage areas;
 7. Surface water (including wetlands) either adjacent or in close proximity; and
 8. Locations where stormwater discharges from the site directly to a surface water body;
 - g. The location and description of asphalt plants and concrete plants (if any) providing support to the construction site and that are also authorized under the general permit TXR150000, as it may be amended; and
 - h. The name of receiving waters at or near the site that will be disturbed or that will receive discharges from disturbed areas of the project.

The following records must be either attached to or referenced in the SWP3 and made readily available upon request to the city, TCEQ or the EPA:

- a. The dates when major grading activities occur;
 - b. The dates when construction activities temporarily or permanently cease on a portion of the site; and
 - c. The dates when stabilization measures are initiated.
- (3) The SWP3 must identify and describe the best management practices (BMPs) that will be used, the general timing or sequence of implementation of such BMPs, and the party responsible for implementation. At a minimum, the description must include erosion and sediment controls designed to retain sediment on-site to the maximum extent practicable with due consideration for local topography and rainfall.
- a. Control measures must be selected, installed, and maintained according to the manufacturer's or designer's specifications.
 - b. Sediment must be removed from sediment traps and sedimentation ponds no later than the time that design capacity has been reduced by 50 percent.
 - c. If sediment escapes the site, accumulations must be removed at a frequency to minimize further negative effects and, whenever feasible, prior to the next rain event.
 - d. Controls must be specified that limit off-site transport of litter, construction debris and construction materials.
- (4) The SWP3 must describe interim and permanent stabilization practices and a schedule of when the stabilization practices will be implemented. Site plans should ensure that existing vegetation is preserved where it is possible.
- a. Stabilization practices may include, but are not limited to, establishment of temporary vegetation, establishment of permanent vegetation, mulching, geotextiles, sod stabilization, vegetative buffer strips, and protection of existing trees and vegetation.
 - b. Stabilization measures must be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, and, except as provided in subsections (4)b.1 and 2 of this section, must be initiated no more than 14 days after the construction activity in that portion of the side has temporarily or permanently ceased.
 1. Where the initiation of stabilization measures is precluded by seasonably arid conditions, drought, excessive rainfall, or other weather or climatic conditions, stabilization measures must be initiated as soon as practicable.
 2. Where construction activity on a portion of the site is temporarily ceased by earth-disturbing, activities will be resumed within 21 days, temporary stabilization measures do not have to be initiated on that portion of site.

(5)

The SWP3 must include a description of any structural controls that will be used to divert flows away from exposed soils, to limit the contact of runoff with disturbed areas, or to lessen the off-site transport of eroded soils.

- a. Sediment basins are required, where feasible, for common drainage locations that serve an area with ten or more acres that are disturbed at any one time. Sediment basins may be either temporary or permanent, but must be designed to store either the calculated volume of runoff from a two-year, 24-hour storm, or designed to provide 3,600 cubic feet of storage per acre drained. When calculating the volume of runoff from a two-year, 24-hour storm event, it is not required to include the flows from off-site areas and flow from on-site areas that are either undisturbed or have already undergone final stabilization, if these flows are diverted around both the disturbed areas of the site and the sediment basin. In determining whether installing a sediment basin is feasible, the permittee may consider factors such as site soils, slope, available area on-site, and public safety. Where sediment basins are not feasible, equivalent control measures, which may include a series of small sediment basins, must be used. At a minimum, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries and for those side slope boundaries as dictated by individual site conditions of the construction area.
- b. Sediment traps and sediment basins may be used to control solids in stormwater runoff for drainage locations serving less than ten acres. At a minimum, silt fences, hay bales, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries (and for those side slope boundaries deemed appropriate as dictated by individual site conditions) of the construction. Alternatively, a sediment basin providing storage for a calculated volume of runoff from these areas for a two-year, 24-hour storm or 3,600 cubic feet of storage per acre drained may be provided.

(6) Other controls.

- a. The SWP3 must describe how off-site vehicle tracking of sediment and the generation of dust will be minimized.
- b. The SWP3 must include a description of construction and waste materials expected to be stored on-site and a description of controls to reduce pollutants from these materials.
- c. The SWP3 must include a description of pollutant sources from areas other than construction (including stormwater discharges from dedicated asphalt plants and dedicated concrete plants), and a description of controls and measures that will be implemented at those sites to minimize pollutant discharges.
- d. The SWP3 must commit to ongoing maintenance to keep all erosion and sediment control and other protective measures identified in the SWP3 in effective operating condition.

(7) Site inspections.

a.

The construction site operator shall provide for regular inspections by persons familiar with the SWP3 of the disturbed areas that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, all structural control measures, and locations where vehicles enter or exit the site for evidence of effectiveness and necessary maintenance. Inspections must occur at least once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater.

- b. As an alternative, the SWP3 may require that inspections will occur at least once every seven calendar days; in which case additional inspections are not required following each qualifying storm event. If this alternative schedule is developed, the inspection must occur on a specifically defined day, regardless of whether or not there has been a rainfall event since the previous inspection.
- c. The construction site operator must inspect all accessible discharge locations to determine if erosion control measures are effective in preventing visually noticeable changes to receiving waters, including persistent cloudy appearance in water color and noticeable accumulation of sediments. Where discharge locations are inaccessible, nearby downstream locations must be inspected to the extent that such inspections are practicable. The frequency for these inspections must be established in the SWP3 with consideration for local rainfall and soil, but must occur at least once during the construction activity if a discharge occurs.
- d. The SWP3 must be modified based on the results of inspections, as necessary, to better control pollutants in runoff. Revisions to the SWP3 must be completed within seven calendar days following the inspection. If existing BMPs are modified or if additional BMPs are necessary, an implementation schedule must be described in an amendment to the SWP3 and wherever possible those changes implemented before the next storm event. If implementation before the next anticipated storm event is impracticable, these changes must be implemented as soon as practicable.
- e. A report summarizing the scope of the inspection, names and qualifications of personnel making the inspection, the dates of the inspection, and major observations relating to the implementation of the SWP3 must be made and retained as part of the SWP3. Major observations should include:
 1. The location of discharges of sediment or other pollutants from the site;
 2. Locations of BMPs that need to be maintained;
 3. Locations of BMPs that failed to operate as designed or proved inadequate for a particular location;
 4. Locations where additional BMPs are needed; and
 5. Identification and location of the BMPs that are working effectively.
- f. Actions taken as a result of inspections must be described within, and retained as an amendment to, the SWP3. Reports must identify any incidents of noncompliance. Where a report does not identify any incidents of noncompliance, the report must contain a

that the facility or site is in compliance with the SWP3 and this permit.

- (8) The SWP3 must identify and ensure the implementation of pollution prevention measures for all eligible non-stormwater components of the discharge. This subdivision prohibits, and all SWP3 will be presumed to prohibit:
- The discharge from a construction site of any water or other liquid having a pH value lower than 6.0 or higher than 10.5;
 - The discharge of any type of industrial waste from construction sites;
 - The deposit of any garbage, rubbish, or yard waste other than at a facility licensed to receive such debris;
 - The discharge of paint or paint brush cleaning eater or solvents, thinners or turpentine or any combination thereof;
 - Unused construction materials or used construction materials or debris remaining on the site after construction is completed. All on-site debris shall be properly disposed of in the landfill within 30 days from the occupancy of the structure; and
 - The washing of any type of trucks, including, but not limited to, ready mix trucks or material supply trucks on or around the construction site.

(Ord. No. 456, § 3E, 6-10-2014)

Sec. 44-234. - Effective date of coverage.

Operators of construction activities eligible for coverage under TXR150000, as it may be amended, are authorized to discharge stormwater associated with construction activity upon issuance by the city of the building permit or site development permit.

(Ord. No. 456, § 3F, 6-10-2014)

Sec. 44-235. - Retention of records.

The construction site operator must retain a copy of the SWP3 and all reports and actions required by this subdivision and state and federal law, including NPDES, TPDES and general permit TXR150000, for a minimum period of three years from the date that final stabilization has been achieved on all portions of the site.

(Ord. No. 456, § 3G, 6-10-2014)

Secs. 44-236—44-263. - Reserved.

Subdivision III. - Illicit Discharges

Sec. 44-264. - Intent and purpose.

The intent of this subdivision is to prohibit, detect, and eliminate illicit discharges to the city's MS4.

(Ord. No. 456, § 4, 6-10-2014)

Sec. 44-265. - Allowable non-stormwater discharges.

The following non-stormwater sources are not considered illicit discharges to the MS4:

- (1) Discharges from firefighting activities (but excluding washing of trucks, runoff water from training activities, test water from fire suppression systems, and similar activities);
- (2) Uncontaminated fire hydrant flushing's from systems that utilize potable water, surface water, or groundwater that does not contain additional pollutants (but excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life and excluding flushing where recycled wastewater is used);
- (3) Water from the routine external washing of vehicles, the external portion of buildings or structures, and pavement, where detergents and soaps are not used and where spills or leaks of toxic or hazardous materials have not occurred (unless spilled materials have been removed; and if local, state, or federal regulations are applicable, the materials are removed according to those regulations), and where the purpose is to remove mud, dirt, or dust;
- (4) Uncontaminated water used to control dust;
- (5) Potable water, including waterline flushing's (but excluding discharges of hyper-chlorinated water, unless the water is first de-chlorinated and discharges are not expected to adversely affect aquatic life);
- (6) Uncontaminated air conditioning condensate;
- (7) Uncontaminated groundwater or spring water, including foundation or footing drains and water from crawl space pumps where flows are not contaminated with industrial materials such as solvents;
- (8) Runoff or return flow from landscape irrigation, lawn irrigation, and other irrigation utilizing potable water, groundwater, or surface water sources;
- (9) Diverted stream flows;
- (10) Uncontaminated groundwater infiltration;
- (11) Uncontaminated pumped groundwater;
- (12) Individual residential vehicle washing;
- (13) Flows from wetland and riparian habitats;
- (14) De-chlorinated swimming pool discharges; and
- (15) Street wash water.

(Ord. No. 456, § 4A, 6-10-2014)

Sec. 44-266. - Prohibited discharges.

- (a) No person shall deposit, release, throw, drain, cause or allow to be deposited, released, thrown, drained or discharged, or otherwise cause to enter the MS4, or any other drainage device which connects with the MS4, any of the following described materials or substance:
 - (1) Any acidic waste materials (having a pH value lower than 6);
 - (2) Any alkaline waste materials (having a pH value higher than 10.5);
 - (3) Any water or waste containing free-floating or insoluble oil;
 - (4) Gasoline, naphtha, fuel oil, mineral oil or other flammable or explosive liquid, solid or gas;
 - (5) Any noxious, malodorous, poisonous, or reactive substance which, either singularly or by interaction with other substances, or by its accumulation in the MS4, becomes injurious or potentially injurious to human, plant or animal life, or property; or
 - (6) Any domestic wastewater or industrial wastewater.
- (b) It shall be a defense to prosecution under this section that such person was authorized to commit any act, under a valid permit from the TCEQ or the US EPA, which would otherwise constitute a violation at the time of commission.
- (c) No person shall place or drop, or cause or allow to be placed or dropped, brush or grass cuttings, clippings, or rubbish within the MS4 or on any street in the city in such a manner that the same may be washed by the flow of water into the MS4.
- (d) No person shall connect a line conveying sanitary sewage, domestic waste, or industrial effluent to the MS4 or allow such a connection to continue.
- (e) No person shall discharge or release, or allow or permit the discharge or release of any of the following substances in a manner or location by which such substance may enter the city's MS4:
 - (1) Any wash water or wastewater from the washing or cleaning of pavement, including, but not limited to, parking lots, driveways, or carports, that contains soap, detergent, solvent, degreaser, emulsifier, dispersant, or any other cleaning substance other than water;
 - (2) Any wash water or wastewater from the cleaning of any pavement where a spill, leak, or other release of oil, motor fuel, or other petroleum or hazardous substance has occurred, unless all harmful quantities of such release material have been previously removed or pretreated;
 - (3) Any wash water from a commercial mobile power washer or from the washing or other cleaning of a building exterior that contains any soap, detergent, degreaser, solvent, or any other harmful cleaning substance;
 - (4) Gasoline, motor oil, used oil filters, wax, grease, antifreeze or any other motor vehicle fluids;
 - (5)

Any contaminated water or waste from a commercial car wash facility, from any vehicle washing, cleaning, or maintenance area at any new or used automobile or other vehicle dealership, rental agency, body shop, repair shop, maintenance facility, or from any washing, cleaning, or maintenance area of any commercial or public service vehicle, including any truck, bus, or piece of heavy equipment, by any business or public entity;

- (6) Any contaminated water or waste from commercial establishments, including, but not limited to, gas stations, service stations, and auto repair shops with areas exposed to weather conditions;
 - (7) Material from an oil/water separator or an oil/water interceptor, grit trap or grease trap. Any oil/water separator or interceptor users who are discharging to the MS4 shall notify the city of the existence of such connections to the MS4 within 60 days of the effective date of the ordinance from which this subdivision is derived. If such notification is not made during the allocated 60 days, then the detected connections to MS4 of an oil/water separator or interceptor shall be considered an illicit connection and the city reserves the right to terminate such connection immediately, without prior notice;
 - (8) Any release from a petroleum underground storage tank (PUST), or any leachate or runoff from soil contaminated by a leaking PUST, or any discharge of pumped, confined, or partially treated wastewater from the remediation of any such PUST, unless release satisfies all of the following criteria:
 - a. Is in compliance with all municipal, state, and federal laws;
 - b. No discharge contains any harmful quantity of any pollutant; and
 - c. The discharge shall not have a pH value lower than 6.0 or higher than 10.5;
 - (9) Any public or private underground utility manhole, including, but not limited to, electric power, gas pipeline, cable companies, telephone companies, the collected water, due to rain, surface runoff, cross connection, or illegal discharge;
 - (10) Any effluent from a cooling tower, condenser, compressor, emissions scrubber, emissions filter, or the blow-down from a boiler;
 - (11) Any type of wastewater from residential, commercial or industrial sources, or any domestic sewage or septic tank waste;
 - (12) Any runoff or wash down water from any animal pen, kennel, or fowl or livestock containment area; and
 - (13) Any swimming pool water or filter backwash from a swimming pool or fountain, discharge from a water line if it has been disinfected by super-chlorination or other means and the total residual chlorine exists in any harmful quantity or any other chemical has been used in line disinfection.
- (f) No person shall apply used oil or other vehicle fluid to a road or land for dust suppression, weed abatement, or other similar use that introduces used oil contamination into the environment.

(g)

No person shall introduce any type of hazardous waste generated in and around a household, including, but not limited to, batteries, used paints, solvents, used pesticide, and used toiletries into the MS4.

- (h) No person shall use, dispose of, discard, store, or transport an insecticide, herbicide, or fertilizer in a manner inconsistent with the proper usage, storage, transport and disposal set out in the labeling in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), such that a harmful quantity of the pesticide, herbicide, or fertilizer may enter the MS4.
- (i) No person shall wash a commercial dumpster, or residual ready mix concrete from concrete mixing trucks, in an area where it discharges into MS4.

(Ord. No. 456, § 4B, 6-10-2014)

Sec. 44-267. - Mandatory reporting and clean-up of any discharge or release.

- (a) The person in charge of any facility, vehicle, or other source of any spilling, leaking, pumping, pouring, emitting, emptying, discharging, escaping, leaching, disposing, or any other release of any of the following quantities of any of the following substances that may enter the MS4, surface water of the state or waters of the U.S., shall immediately notify by telephone the city police department concerning the incident:
 - (1) An amount equal to or in excess of a reportable quantity of any hazardous or extremely hazardous substance, as established under 40 CFR 302 and 355, respectively;
 - (2) An amount of oil that either:
 - a. Violates applicable water quality standards; or
 - b. Causes a film or sheen upon or discoloration of the surface of the water or an adjoining shoreline or causes a sludge or emulsion to be deposited beneath the surface of the water or upon an adjoining shoreline; or
 - (3) Any harmful quantity of any pollutant.
- (b) The immediate notification required shall include the following information:
 - (1) The identity or chemical name of the substance released, and whether the substance is an extremely hazardous substance;
 - (2) The exact location of the release, including any known name of the water involved or threatened and any other environmental media affected;
 - (3) The time and duration (thus far) of the release;
 - (4) An estimate of the quantity and concentration (if known) of the substance released;
 - (5) The source of the release;
 - (6) Any known or anticipated health risks associated with the release and, where appropriate, advice regarding medical attention that may be necessary for exposed individuals;
 - (7) Any precautions that should be taken as a result of the release;

- (8) Any steps that have been taken to contain and/or clean up the release material and minimize its impacts; and
- (9) The names and telephone numbers of the person to be contacted for further information.
- (c) Within 15 days following such reportable release, the responsible person in charge of the facility, vehicle, or other source of the release shall submit, unless waived by the city, a written report containing the information specified in subsections (b)(1) through (9) of this section, as well as the following additional information:
 - (1) The ultimate duration, concentrations, and quantity of the release;
 - (2) All actions taken to respond to, contain, and clean up the released substances, and all precautions taken to minimize the impacts;
 - (3) Any known or anticipated acute or chronic health risks associated with the release;
 - (4) The identity of any governmental/private sector representatives responding to the release; and
 - (5) The measures taken or to be taken by the responsible persons to prevent similar future occurrences.
- (d) The notifications required by subsections (b) and (c) of this section shall not relieve the responsible person of any expense, loss, damage, or other liability which may be incurred as a result of the release, including any liability for damage to the city, to natural resources, or to any other person or property; nor shall such notification relieve the responsible person of any fine, penalty, or other liability which may be imposed pursuant to city ordinance, or state or federal law.
- (e) Any person responsible for any release as described in this section shall comply with all state, federal, and local law requiring reporting, clean-up, containment, and any other appropriate remedial action in response to the release.
- (f) Any person responsible for a release described in this section shall reimburse the city for any cost incurred by the city in responding to the release.

(Ord. No. 456, § 4C, 6-10-2014)

Sec. 44-268. - Abatement of illicit conditions and assessment and collection of expenses.

The city may abate illicit discharges in the same manner and according to the same procedures provided for by chapter 28, article II and assess and collect any expenses incurred in the manner and procedure provided by chapter 28, article II.

(Ord. No. 456, § 4D, 6-10-2014)

Secs. 44-269—44-299. - Reserved.

Subdivision IV. - Administration and Enforcement

Sec. 44-300. - Right of entry; inspection; sampling.

- (a) City code enforcement, public works, building inspection staff, city engineer or other staff so designated by city manager are authorized to enter and inspect sites and facilities subject to regulation under this subdivision or discharging stormwater to the city's MS4 to determine if the discharger is complying with all requirements of this subdivision and any state or federal discharge permit, limitation, or requirement.
- (b) Facility operators shall allow such city staff access to all parts of the premises for the purposes of inspection, sampling, records examination, photo recording, and copying of records that must be kept under this division, NPDES, TPDES or TXR150000, as it may be amended, permit to discharge stormwater, including pollution control measures or modifications thereto, self-inspection reports, monitoring records, compliance evaluations, notices of intent, and any other records, reports, or documents related to compliance with this division and with any state or federal stormwater discharge permit.
- (c) City staff shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the staff to monitor and/or sample the facilities or the site's stormwater discharge.
- (d) Any temporary or permanent obstruction to safe and easy access to the facility or site to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the city staff and shall not be replaced. The costs of clearing such access shall be borne by the operator.
- (e) The city may require, at its reasonable discretion, any discharger to conduct specified sampling, testing, analysis, and other monitoring of its stormwater discharges, and may specify the frequency and parameters of any such required monitoring.
- (f) The city may require, at its reasonable discretion, the discharger to install monitoring equipment at the discharger's expense. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow, wastewater and quality shall be calibrated to ensure their accuracy. Where a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make necessary arrangements so that, upon presentation of suitable identification, the city staff will be permitted to enter without delay for the purposes of implementing and enforcing this division.

(Ord. No. 456, § 5, 6-10-2014)

Sec. 44-301. - Penalty for violation.

- (a) Any person, firm, corporation or business entity that violates any provision of this division shall be guilty of a misdemeanor and, upon conviction, fined up to \$2,000.00. Each day that the violation continues shall constitute a separate offense. A culpable mental state is not required to prove an offense under this division.

(b)

The penal provisions imposed by this subdivision shall not preclude the city from filing a suit to enjoin the violation. The city retains all legal rights and remedies available to it pursuant to local, state, and federal law. The city may, at its discretion, report alleged noncompliance to the EPA, the TCEQ, U.S. Fish and Wildlife Service, Texas Parks and Wildlife, the U.S. Army Corps of Engineers, or any other state or federal agency.

(Ord. No. 456, § 6A, 6-10-2014)

Sec. 44-302. - Violations.

- (a) It is a violation of this division to engage in construction activity without complying with this division.
- (b) It is a violation of this division to discharge any substance, other than stormwater or those discharges listed in subdivision III of this division under allowable non-stormwater discharges, to the city's MS4 in violation of any provision in this division.
- (c) The operator of a facility or site with a TPDES permit to discharge stormwater associated with industrial or construction activity commits an offense if the person denies city staff reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this division. Unreasonable delays in allowing the city access to a permitted facility or site is a violation of this division.
- (d) A person commits an offense if the person operates a facility or site that is discharging stormwater associated with industrial or construction activity without having submitted a copy of the notice of intent to do so to the city.
- (e) A facility shall be operated in strict compliance with the requirements of its TPDES permit to discharge stormwater associated with industrial or construction activity. A person commits an offense if the person operates a facility or construction activity in violation of a requirement of the facility's TPDES permit to discharge stormwater.
- (f) The city may require an operator of a facility to modify the facility's or the site's SWP3 if, in the best professional judgment of the city staff, the SWP3 does not comply with the requirements of the facility's or the site's TPDES permit to discharge stormwater.

(Ord. No. 456, § 6B, 6-10-2014)

Sec. 44-303. - Notices of violations and stop work orders.

- (a) *Notice.* Notice of the deficiencies in a facility's or site's SWP3 will be made in writing, and the city will give the facility or construction site operator a reasonable amount of time, not to exceed 30 days, to make the necessary changes in the SWP3.
- (b) *Noncompliance flag and stop work orders.* If the city staff determines that activities are being carried out in violation of this division, a notification of noncompliance shall be issued. In addition to the notification, if the violation continues beyond five days, a noncompliance flag will be posted at the site.

Finally, if the violation continues after three days after the" noncompliance flag is posted, th

stop all work until corrective measures have been completed. The site shall be posted with a stop work order. No other permits may be issued or inspections conducted by the city until corrections have been made to the satisfaction of the city. To move or interfere with a noncompliance flag or a stop work order shall constitute a violation of this division.

- (c) *Corrections required.* Any person alleged to be in violation of the provisions of this division shall be required to correct the problem upon written notification from the city. Such written notification may require that certain conditions be adhered to in the correction of the problem. These may include, but are not limited to, the following:
- (1) Use of specific pollution prevention measures and techniques;
 - (2) Use of pretreatment procedures;
 - (3) Modification of existing SWP3;
 - (4) Completion of work within a specified time period; and
 - (5) Submission of SWP3.
- (d) *Appeals.* Any person denied permission to discharge to MS4 shall have the right to appeal such to the city manager within 45 days of the date of such denial.

(Ord. No. 456, § 6C, 6-10-2014)

Secs. 44-304—44-325. - Reserved.

DIVISION 4. - ON-SITE DISPOSAL SYSTEMS

Sec. 44-326. - Adopting chapter 366.

The city has adopted V.T.C.A., Health and Safety Code ch. 366, which shall apply to all the incorporated area of the city.

(Ord. No. 284, § 5, 4-13-1999)

Sec. 44-327. - On-site sewage facility rules adopted.

Any structure discharging sewage into an on-site sewage facility within the jurisdictional area of the city must comply with the rules adopted in section 44-328.

(Ord. No. 284, § 7, 4-13-1999)

Sec. 44-328. - Design criteria for on-site sewage facility rules adopted.

The design criteria for on-site sewage facilities, 30 Tex. Admin. Code §§ 285.1—285.91 (the rules) are hereby adopted, and all officials and employees of the city having duties under said rules are authorized to perform such duties as are required of them under said rules.

(Ord. No. 284, § 8, 4-13-1999)

Sec. 44-329. - Amendments.

The city, wishing to adopt more stringent rules for its on-site sewage facility article, understands that the more stringent conflicting local rule shall take precedence over the corresponding Texas Commission on Environmental Quality (TCEQ) requirement. Listed in this section are the more stringent rules adopted by the city: no new on-site sewage facilities will be allowed.

(Ord. No. 284, § 10, 4-13-1999)

Sec. 44-330. - Duties and powers.

The city code enforcement officer is herewith declared the designated representative for the enforcement of this division within its jurisdictional area. The appointed individual must be approved and certified by the Texas Commission on Environmental Quality (TCEQ) before assuming the duties and responsibilities of the designated representative of the city.

(Ord. No. 284, § 11, 4-13-1999)

Sec. 44-331. - Collection of fees.

All fees collected for permits or the inspections shall be made payable to the city.

(Ord. No. 284, § 12, 4-13-1999)

Sec. 44-332. - Appeals.

Persons aggrieved by an action or decision of the designated representative may appeal such action or decision to the city.

(Ord. No. 284, § 13, 4-13-1999)

Sec. 44-333. - Penalties.

This division adopts and incorporates all applicable penalty provisions related to on-site sewage facilities, which includes, but is not limited to, those found in V.T.C.A., Health and Safety Code chs. 341 and 366, and V.T.C.A., Water Code ch. 26 and 30 Tex. Admin. Code ch. 285.

(Ord. No. 284, § 14, 4-13-1999)

Sec. 44-334. - Relinquishment of order.

If the city council decides that it no longer wishes to regulate on-site sewage facilities in its area of jurisdiction, the city council shall follow the procedures outlined below:

- (1) The city council shall inform the Texas Commission on Environmental Quality (TCEQ) by certified mail at least 30 days before the published date of the public hearing notice that it wishes to relinquish its on-site sewage facility article.
- (2) The authorized agent shall post the required public notice in a newspaper regularly published or circulated in the area of jurisdiction at least 30 days prior to the anticipated date of action by the authorized agent.
- (3) The authorized agent shall send a copy of the public notice, a publisher's affidavit of public notice, and a certified copy of the minutes to the Texas Commission on Environmental Quality (TCEQ).
- (4) The executive director shall process the request for relinquishment and may issue an order relinquishing the authority to regulate OSSFs within the authorized agent's jurisdiction or may refer the request to relinquish to the commission.
- (5) Prior to issuance of a relinquishment order, the local government entity and the executive director shall determine the exact date the authorized agent would surrender its authorized agent designation to the executive director.

(Ord. No. 284, § 16, 4-13-1999)

City Council
200 North Brazil
Los Fresnos, TX 78566

Meeting: 08/08/17 06:00 PM
Department: City Secretary
Category: Ordinances
Prepared By: Pam Denny
Initiator: Pam Denny
Sponsors:

SCHEDULED

ACTION ITEM (ID # 2243)

DOC ID: 2243 A

Consideration and ACTION to approve the second and final reading amending Ordinance 483 regulating solid waste services.

Attached are the documents as was discussed at the workshop on August 1. The first document is the changes to be made. The other document is the existing ordinance before the changes.

I recommend approval.

Deleted items are in **red**
 Added items are in **yellow**

ORDINANCE NO. 483

PROVIDING FOR AN AMENDMENT TO CHAPTER 34, ARTICLE I, SECTION 34.1, ARTICLE II, SECTION 34.21, 34.24 AND ARTICLE III, SECTION 34.28 AND 34.29 OF THE CODE OF ORDINANCES OF THE CITY OF LOS FRESNOS, TEXAS DEFINING THE KINDS AND SIZES OF RECEPTACLES IN WHICH TO PLACE SAME, THE MANNER OF ITS PREPARATION AND WHERE IT MUST BE PLACED TO BE COLLECTED BY THE CITY OR THE CITY'S CONTRACTOR; PROVIDING REGULATIONS FOR COLLECTING SAME AND PROHIBITING THE PLACEING OF GARBAGE, SOLID WASTE, OR ANY ARTICLE OR MATERIAL IN THE STREETS AND ALLEYS OF THE CITY OF LOS FRESNOS; PROVIDING FOR SERVICE CHARGES, PROHIBITING THE MEDDLING, SCATTERING CONTENTS, PILFERING OR JUNKING, WITH AND/OR OF GARBAGE CANS, TRASH OR RUBBISH RECEPTACLES; PROHIBITING THE COLLECTION OF GARBAGE, TRASH, OR RUBBISH BY OTHERS THAN THE CITY OR THE CITY'S CONTRACTOR WITHIN THE CITY LIMITS; PROVIDING A PENALTY; PROVIDING FOR AN EFFECTIVE DATE.

This ordinance was introduced and submitted to the City Council for passage and adoption after the second reading of the Ordinance. After presentation and discussion of the Ordinance, a motion was made by _____ that the Ordinance be finally passed and adopted in accordance with the City's Home Rule Charter. The motion was seconded by _____ and carried by the following voted:

Mayor Polo Narvaez	___ For ___ Against ___ Abstained
Councilmember Yolanda H. Cruz	___ For ___ Against ___ Abstained
Councilmember Swain Real	___ For ___ Against ___ Abstained
Mayor Pro-tern Javier Mendez	___ For ___ Against ___ Abstained
Councilmember Bibi Garza	___ For ___ Against ___ Abstained
Councilmember Juan Munoz	___ For ___ Against ___ Abstained

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOS FRESNOS, TEXAS:

ARTICLE I.

That Chapter 34 of the Code of Ordinances, City of Los Fresnos, Texas is hereby amended to read as follows:

SECTION 34.1: DEFINITIONS

Attachment: revised solid waste ordinance (2243 : Solid Waste Ordinance)

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Contract documents means the contractor's proposal, general specifications, this contract and any addenda or changes to the foregoing documents agreed to by city and contractor. Contract documents shall include the following documents, and this chapter does hereby expressly incorporate same herein as fully as is set forth verbatim in this chapter: RFP Bid Proposal.

ARTICLE II.

SECTION 34.21: CARTS.

(a). It shall be the duty of every person owning, managing, operating, leasing, or renting any premises to use a cart or dumpster provided by Allied Waste Services for the daily accumulation of solid waste. All solid waste is to be bagged prior to placing it in the cart or dumpster. The cart shall be placed on the curb or not more than five feet from the curb of the street in the front yard for pickup. Placing the cart, brush, or any solid waste on any street or alley within the city limits is prohibited. Carts are to be ready for pickup on the street by 7:00 a.m. each Tuesday for residents and commercial on the north side of Highway 100 and on Wednesday for residents and commercial on the south side of Highway 100. (on the scheduled day but no more than 24 hours before the scheduled time.)

(d). New construction – Cart Service or dumpster service is not required during the construction phase until the Certificate of Occupancy is issued. However, arrangements must be made with City solid waste contractor for construction debris removal or self-removal to the landfill. Construction debris cannot accumulate on site and must comply with Chapter 28 - Nuisances of Los Fresnos Code of Ordinances.

SECTION 34.24: RECYCLING

- (a). Allied Waste Services shall provide a recycle trailer with attendant once per week on Wednesday from 7:00 a.m. to 10:00 a.m. for fees charged to each residence and small business.
- (b). Allied Waste Service shall provide two 30-yard roll-off containers per year for the disposal of rimless tires for fees charged to each residence and small business.

The City provides recycling at various locations and times each week. Contact City Hall or the City website for specific details.

ARTICLE III.**SECTION 34.28. FINES.**

Any person, firm, corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum but not to exceed five hundred (\$500.00) dollars, and each such day violation continues shall constitute a separate offense.

SECTION 34.29. EFFECTIVE DATE

This Ordinance shall take effect immediately from and after its passage and the publication of the caption as per the City Charter.

PASSED AND APPROVED this 20th day of June, 2017

PASSED AND ADOPTED this _____ day of _____, 2017.

Polo Narvaez, Mayor

ATTEST:

Pam Denny, City Secretary

Chapter 34 - SOLID WASTE^[1]

Footnotes:

--- (1) ---

State Law reference— Municipal powers relating to public health, V.T.C.A., Health and Safety Code § 122.006; minimum standards of sanitation and health protection measures, V.T.C.A., Health and Safety Code § 341.001 et seq.; local regulation of sanitation, V.T.C.A., Health and Safety Code § 342.001 et seq.; Solid Waste Disposal Act, V.T.C.A., Health and Safety Code § 361.001 et seq.; Solid Waste Resource Recovery Financing Act, V.T.C.A., Health and Safety Code § 362.001 et seq.; Comprehensive Municipal Solid Waste Management, Resource Recovery, and Conservation Act, V.T.C.A., Health and Safety Code § 363.001 et seq.; Texas Litter Abatement Act, V.T.C.A., Health and Safety Code § 365.001 et seq.

ARTICLE I. - IN GENERAL

Sec. 34-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bin means a metal receptacle designed to be lifted and emptied mechanically for use only at commercial and industrial units.

Brush means tree trimmings, grass cuttings, dead trees or branches thereof, shrubs, and/or chip shavings resulting from general yard maintenance of occupied residential lots.

Bulky waste means appliances such as washers, dryers, stoves, air conditioners and refrigerators (provided Freon has been removed by a licensed facility and is labeled as such), water tanks, furniture, and mattresses generated from occupied residential households.

Commercial and industrial refuse means all bulky waste, construction debris, garbage, and rubbish and stable matter generated by a producer or contractor at a commercial and industrial unit.

Commercial and industrial unit means all premises, locations, or entities, public or private, requiring refuse collection within the corporation limits of the city and not a residential unit.

Construction/demolition debris means waste building materials resulting from commercial, industrial, or residential construction, remodeling, repair or demolition operations.

Containers means 96-gallon garbage carts for residential use, to be provided by contractor, to be used in conjunction with a fully authorized pickup plan.

Contract documents means the contractor's proposal, general specifications, this contract and any addenda or changes to the foregoing documents agreed to by city and contractor. Contract documents shall include the following documents, and this chapter does hereby expressly incorporate same herein as fully as is set forth verbatim in this chapter: RFP Bid Proposal.

Contractor means BFI Waste Services of Texas, LP, a Delaware limited partnership d/b/a Allied Waste Services of Rio Grande Valley, which is the corporation performing refuse collection and disposal under contract with city.

Dead animals means animals or portions thereof equal to or greater than ten pounds in weight that have expired from any cause, except those slaughtered or killed for human use.

Disposal site means a refuse depository, including, but not limited to, sanitary landfills, transfer stations, incinerators, and waste processing/separation centers licensed, permitted or approved to receive for processing or final disposal of refuse and dead animals by all governmental bodies and agencies having jurisdiction and requiring such licenses, permits or approvals.

Garbage means any and all dead animals of less than ten pounds in weight, except those slaughtered for human consumption; every accumulation of waste, (animal, vegetable and/or other matter) that results from the preparation, processing, consumption dealing in, handling, packing, canning, storage, transportation, decay or decomposition of meats, fish, fowl, birds, fruits, but not by way of limitation, used tin cans and other decomposable waste animal or vegetable matter which is likely to attract flies or rodents; except (in all cases) any matter included in the definition of bulky waste, construction debris, dead animals, hazardous waste, rubbish or stable matter.

Hazardous waste means waste, in any amount, which is defined, characterized or designated as hazardous by the United States Environmental Protection Agency or appropriate state agency by or pursuant to federal or state law, or waste, in any amount, which is regulated under federal or state law. The term "hazardous waste" shall also include motor oil, gasoline, paint and paint cans.

Landfill means a lawfully permitted sanitary landfill of contractor's selection.

Producer means an occupant of a commercial, industrial, or residential unit who generates refuse.

Refuse means residential, commercial, and industrial garbage, brush/bulky items, construction/demolition debris and stable matter generated by a producer or contractor, except (in all cases) any matter included in the definition of bulky waste, construction debris, dead animals, hazardous waste, rubbish or stable matter.

Residential refuse means all garbage and rubbish generated by a producer or contractor at a residential unit who generates refuse.

Residential unit means a dwelling within the corporate limits of the city occupied by a person or group of persons comprising not more than four families. A residential unit shall be deemed occupied when water services are being supplied thereto. A condominium dwelling, whether of single or multi-level construction, consisting of four or less contiguous or separate single-family dwellings within any such residential unit, or a small commercial unit with residential cart service, shall be treated as a residential unit, except that each single-family dwelling within any such residential unit.

Rubbish. See the term *Bulky waste*.

Stable matter means all manure and other waste matter normally accumulated in or about a stable, or any animal, livestock or poultry enclosure, and resulting from the keeping of animals, poultry or livestock.

(Ord. No. 426, § 10, 12-13-2011)

Secs. 34-2—34-20. - Reserved.

ARTICLE II. - COLLECTION AND DISPOSAL

Sec. 34-21. - Carts.

- (a) It shall be the duty of every person owning, managing, operating, leasing, or renting any premises to use a cart or dumpster provided by Allied Waste Services for the daily accumulation of solid waste. All solid waste is to be bagged prior to placing it in the cart or dumpster. The cart shall be placed on the curb or not more than five feet from the curb of the street in the front yard for pickup. Placing the cart, brush, or any solid waste on any street or alley within the city limits is prohibited. Carts are to be ready for pickup on the street by 7:00 a.m. each Tuesday for residents and commercial on the north side of Highway 100 and on Wednesday for residents and commercial on the south side of Highway 100. Carts are to be removed from the public right-of-way as soon as reasonably possible, but not more than 24 hours after garbage is picked up. Permanent structures are not authorized to be placed at the curb or in the front yard of a premises for the purpose of containing receptacles used for garbage. Every person owning, managing, operating, leasing, or renting any premises shall be responsible to ensure that each cart placed at the street curbside is kept in a sanitary condition, closed tightly, and sealed sufficiently to prevent animals from entering and scattering the material from within the cart onto the street and premises. The contents of all receptacles shall be so protected that the wind cannot blow and scatter garbage over the streets, alleys, and other premises of the city. The method of picking up the solid waste, the type of containers, the designated location for pickup, the day of the week, and the time of pickup may be revised from time to time by Allied Waste Services or the city as it deems necessary.
- (b) Residential and commercial cart service will be charged at a rate in the amount provided in the city fee schedule for the initial cart and in the amount provided in the city fee schedule for additional carts. This rate will be included with the water and wastewater bill monthly payable in full by the 15th of each month. Penalties and finance charges will be assessed if not paid in full by the 15th of each month.
- (c) Cart replacement will be charged at a rate in the amount provided in the city fee schedule due to gross negligence. If a cart is stolen and a report is filed with the city police department there will be no charge for replacement of cart.

(Ord. No. 426, § 3, 12-13-2011)

Sec. 34-22. - Dumpsters.

- (a) *General requirements.* Dumpsters must be located off the public right-of-way and maintained for ease of access within an enclosure. Any dumpster and enclosure must be located at a sufficient distance from a property line so as not to interfere with the safety, convenience, or health of adjoining property occupants. No dumpster may be placed so as to obstruct traffic. Dumpster pads shall be made of an all-weather surface (asphalt or concrete) large enough to house the dumpster and allow truck access to pick up. The bottom of the enclosure shall not exceed three inches from ground level. Dumpsters shall be kept in an enclosure to preclude windblown waste and prevent unsightly and/or unhealthy conditions. Dumpsters must have lids and be kept closed when not in use. Dumpster enclosures must be solid, well constructed of brick, stone, or wood. Enclosure shall be a minimum of six feet in height but not to exceed eight feet in height. The size of the enclosure must provide ample room to accommodate the particular size of dumpster required for your business.
- (b) *Exceptions.*
- (1) The requirement of the pad and enclosure can be waived by the city on a case by case basis provided the dumpster is located out of view from the street, well off the right-of-way, and in a fenced area.
 - (2) The enclosure requirement of a gate can be waived by the city on a case by case basis provided the owner cannot reasonably open and close the gate on trash days. The three sides of the enclosure are still required.
- (c) *Dumpster fees.* Dumpster fees can be found in the city fee schedule.
- (Ord. No. 426, § 4, 12-13-2011)

Sec. 34-23. - Other waste.

Brush, bulky waste, minor do-it-yourself construction debris, etc., must be located on the curb or not more than five feet from the curb of the street in the front yard for pickup. Prohibited waste is: batteries, tires, liquids of any kind, hazardous waste, asbestos, junk vehicles, dirt, rocks, asphalt, asbestos shingles, items containing Freon, corrugated metal, or any materials not included under the definitions of garbage, rubbish, commercial and industrial refuse, residential refuse, construction debris or brush/bulky waste. Items must be divided and located in separate areas (brush in one area, minor do-it-yourself construction debris in another area, etc.). These items will be picked up only once per month and must be placed for pickup by Monday on the week of the scheduled pickup. Waste shall not be located under power lines, near fire hydrants, near gas meters, blocking water meters, blocking driveways, or blocking visibility from a street, or any other hazardous area. This service is included in the prices in section 34-22. There will be no additional charges.

(Ord. No. 426, § 5, 12-13-2011)

Sec. 34-24. - Recycling.

- (a) Allied Waste Services shall provide a recycle trailer with attendant once per week on Wednesday from 7:00 a.m. to 10:00 a.m. for fees charged to each residence and small business.
- (b) Allied Waste Services shall provide two 30-yard roll-off containers per year for the disposal of rimless tires for fees charged to each residence and small business.

(Ord. No. 426, § 6, 12-13-2011)

Sec. 34-25. - Collection routes.

Allied Waste Services and the city will establish collection routes. These routes will be presented to all residents and businesses. Routes are subject to change from time to time, as conditions require.

(Ord. No. 426, § 7, 12-13-2011)

Sec. 34-26. - Holidays.

Allied Waste Services may recognize the following holidays and will not provide solid waste collection on those days: New Year's Day, Memorial Day, Independence Day (July 4), Labor Day, Thanksgiving Day, and Christmas Day. Should Allied Waste Services elect to observe any of these holidays, the required collection service will be done on another day to be advertised and conveyed to those affected.

(Ord. No. 426, § 8, 12-13-2011)

Sec. 34-27. - Complaints.

All complaints shall be made directly to Allied Waste Services or to the city. Complaints will be handled promptly and in a courteous manner within 24 hours.

(Ord. No. 426, § 9, 12-13-2011)

City Council
200 North Brazil
Los Fresnos, TX 78566

Meeting: 08/08/17 06:00 PM
Department: City Secretary
Category: Agreement
Prepared By: Pam Denny
Initiator: Pam Denny
Sponsors:

SCHEDULED

ACTION ITEM (ID # 2275)

DOC ID: 2275 A

**Consideration and ACTION to approve writing off bad debt
for fiscal year 2015/2016.**

Every year we write off bad debt on garbage, water and wastewater. The amount for garbage is \$1,608.12 or 1.4%, The amount for water is \$3,202.03 or 0.3%. The amount for wastewater is \$2,400.09 or 0.3%. While we never want to write off any amount, these amounts are very low. The amounts and names are kept so that we collect if they happen to try to reconnect and of course we don't allow them to open service if we have written off a debt for them.

I recommend approval.

08-01-2017 05:39 PM
 G/L POSTING DATE: 8/01/2017
 PACKET: 10498
 POSTING TYPE: BOTH
 COMMENT CODE: BAD -BAD DEBT
 FLAG ACCOUNT: NO

WRITE OFF AUDIT REGISTER
 ** TRANSFER TO BAD DEBT **

PAGE **1.3.6.a**

ACCOUNT NO	NAME	BALANCE LAST BILL						
01-01530-07-0	RODRIGUEZ, ABIGAIL	114.70	100-WATER	40.96	200-SEWER	45.45	300-GBG-R	22.90
** LAST PAYMENT MADE:	1/16/2015	3/20/2015	800-PEN-WS	4.26	801-PEN-GB	1.13		
01-02390-03-0	TUCK, SHAWN C	12.60	100-WATER	4.68	200-SEWER	4.75	300-GBG-R	3.17
** LAST PAYMENT MADE:	1/19/2015	2/20/2015						
01-04710-08-0	HOUSE, NEALE ERIC	269.61	100-WATER	114.51	200-SEWER	104.94	300-GBG-R	38.21
** LAST PAYMENT MADE:	7/16/2015	9/20/2015	800-PEN-WS	10.10	801-PEN-GB	1.85		
01-06800-07-0	ENRIQUEZ, MARIO JR	189.87	100-WATER	55.83	200-SEWER	71.91	300-GBG-R	38.92
** LAST PAYMENT MADE:	12/31/2014	2/20/2015	800-PEN-WS	18.79	801-PEN-GB	4.42		
01-08900-11-0	GARZA, MARISA M	148.87	100-WATER	49.70	200-SEWER	48.44	300-GBG-R	32.71
** LAST PAYMENT MADE:	9/09/2014	11/20/2014	800-PEN-WS	14.14	801-PEN-GB	3.88		
01-09300-04-0	MIRANDA, KARLO A	136.64	100-WATER	38.75	200-SEWER	51.69	300-GBG-R	31.78
** LAST PAYMENT MADE:	3/02/2015	4/20/2015	800-PEN-WS	11.02	801-PEN-GB	3.40		
01-17310-12-0	HERNANDEZ TREJO, VERONICA	1.39	100-WATER	0.64	200-SEWER	0.51	300-GBG-R	0.24
** LAST PAYMENT MADE:	5/19/2015	6/20/2015						
02-03020-03-0	MARTINEZ, REY	111.40	100-WATER	45.12	200-SEWER	34.12	300-GBG-R	26.06
** LAST PAYMENT MADE:	1/26/2015	3/20/2015	800-PEN-WS	4.31	801-PEN-GB	1.79		
02-03700-10-0	GARCIA, ROLANDO	67.66	100-WATER	24.02	200-SEWER	22.85	300-GBG-R	19.72
** LAST PAYMENT MADE:	4/07/2015	5/20/2015	800-PEN-WS	0.73	801-PEN-GB	0.34		
02-04141-04-0	TORRES, JESSICA	50.30	100-WATER	21.87	200-SEWER	14.17	300-GBG-R	13.63
** LAST PAYMENT MADE:	10/01/2014	11/20/2014	800-PEN-WS	0.42	801-PEN-GB	0.21		
02-04158-07-0	BERGEBDAHL, HOWARD	32.14	100-WATER	21.19	200-SEWER	6.24	300-GBG-R	4.31
** LAST PAYMENT MADE:	2/03/2015	3/20/2015	800-PEN-WS	0.29	801-PEN-GB	0.11		
02-05480-08-0	SANCHEZ, LINDA E	70.53	100-WATER	29.16	200-SEWER	21.92	300-GBG-R	17.30
** LAST PAYMENT MADE:	5/06/2015	6/20/2015	800-PEN-WS	1.56	801-PEN-GB	0.59		
02-08420-05-0	DIAZ, ROBERTO	107.62	100-WATER	39.14	200-SEWER	38.78	300-GBG-R	25.85
** LAST PAYMENT MADE:	10/27/2014	12/20/2014	800-PEN-WS	2.89	801-PEN-GB	0.96		
02-08420-06-0	MOATES, TRAVIS R	89.96	100-WATER	27.61	200-SEWER	36.15	300-GBG-R	24.10
** LAST PAYMENT MADE:	7/23/2015	9/20/2015	800-PEN-WS	1.50	801-PEN-GB	0.60		
02-08900-03-0	FLORES, MICHAEL L	148.28	100-WATER	46.41	200-SEWER	47.12	300-GBG-R	48.69
** LAST PAYMENT MADE:	12/31/2014	2/20/2015	800-PEN-WS	4.07	801-PEN-GB	1.99		
02-10425-04-0	PUPPIES R US	89.16	100-WATER	39.79	200-SEWER	41.54	800-PEN-WS	7.83
** LAST PAYMENT MADE:	6/12/2015	8/20/2015						
02-16810-11-0	SOTO-VACA, RANULFO	81.06	100-WATER	26.68	200-SEWER	31.44	300-GBG-R	20.96
** LAST PAYMENT MADE:	10/02/2014	12/20/2014	800-PEN-WS	1.41	801-PEN-GB	0.57		
02-19510-03-0	RODRIGUEZ, JOE D	161.78	100-WATER	55.02	200-SEWER	51.08	300-GBG-R	34.05
** LAST PAYMENT MADE:	10/01/2014	11/20/2014	800-PEN-WS	17.41	801-PEN-GB	4.22		

Attachment: bad debt report (2275 : Bad Debt)

08-01-2017 05:39 PM
 G/L POSTING DATE: 8/01/2017
 PACKET: 10498
 POSTING TYPE: BOTH
 COMMENT CODE: BAD -BAD DEBT
 FLAG ACCOUNT: NO

WRITE OFF AUDIT REGISTER
 ** TRANSFER TO BAD DEBT **

PAGE **1.3.6.a**

ACCOUNT NO	NAME	BALANCE LAST BILL						
02-21000-11-0	JONES, NORMA ARACELI	80.00	100-WATER	33.62	200-SEWER	26.19	300-GBG-R	16.90
** LAST PAYMENT MADE:	5/07/2015	7/20/2015	800-PEN-WS	2.43	801-PEN-GB	0.86		
02-21469-01-0	ROCIO, MAYRA E	41.89	100-WATER	24.99	200-SEWER	9.37	300-GBG-R	6.25
** LAST PAYMENT MADE:	12/02/2014	1/20/2015	800-PEN-WS	0.95	801-PEN-GB	0.33		
02-21539-02-0	SALINAS, ALMA D	94.32	100-WATER	34.10	200-SEWER	34.71	300-GBG-R	21.99
** LAST PAYMENT MADE:	10/01/2014	10/20/2014	800-PEN-WS	2.61	801-PEN-GB	0.91		
02-21539-03-0	DE LA GARZA, CHRISTINA	40.08	100-WATER	16.33	200-SEWER	14.25	300-GBG-R	9.50
** LAST PAYMENT MADE:	1/29/2015	2/20/2015						
02-21541-15-0	LERMA, NEREIDA	114.08	100-WATER	44.15	200-SEWER	41.47	300-GBG-R	23.54
** LAST PAYMENT MADE:	9/17/2014	11/20/2014	800-PEN-WS	3.83	801-PEN-GB	1.09		
02-22034-01-0	OBRIEN, ASHELY	92.24	100-WATER	29.63	200-SEWER	36.01	300-GBG-R	24.01
** LAST PAYMENT MADE:	12/16/2014	2/20/2015	800-PEN-WS	1.90	801-PEN-GB	0.69		
03-03412-13-0	GUEVARA, AMABEL	108.67	100-WATER	39.62	200-SEWER	39.04	300-GBG-R	26.02
** LAST PAYMENT MADE:	9/03/2014	10/20/2014	800-PEN-WS	3.01	801-PEN-GB	0.98		
03-03442-09-0	PAEZ, JENNIFER	84.02	100-WATER	27.77	200-SEWER	32.38	300-GBG-R	21.58
** LAST PAYMENT MADE:	11/03/2014	12/20/2014	800-PEN-WS	1.65	801-PEN-GB	0.64		
03-03510-04-0	MARTINEZ, MELISSA A	101.19	100-WATER	38.34	200-SEWER	37.12	300-GBG-R	21.86
** LAST PAYMENT MADE:	4/14/2015	6/20/2015	800-PEN-WS	2.91	801-PEN-GB	0.96		
03-03542-11-0	CAMERO, LOURDES G	107.54	100-WATER	45.79	200-SEWER	34.72	300-GBG-R	22.32
** LAST PAYMENT MADE:	9/03/2014	10/20/2014	800-PEN-WS	3.54	801-PEN-GB	1.17		
03-03542-12-0	CRUCES, JOSE F	76.44	100-WATER	27.21	200-SEWER	26.63	300-GBG-R	20.58
** LAST PAYMENT MADE:	1/05/2015	3/20/2015	800-PEN-WS	1.44	801-PEN-GB	0.58		
03-04320-02-0	SANCHEZ, TERESA	159.41	100-WATER	56.20	200-SEWER	48.45	300-GBG-R	33.76
** LAST PAYMENT MADE:	10/01/2014	11/20/2014	800-PEN-WS	16.85	801-PEN-GB	4.15		
03-04402-15-0	SILVA, SANDRA	79.86	100-WATER	26.87	200-SEWER	30.16	300-GBG-R	20.85
** LAST PAYMENT MADE:	9/03/2014	10/20/2014	800-PEN-WS	1.40	801-PEN-GB	0.58		
03-04402-16-0	CARMONA, DORI	86.82	100-WATER	40.01	200-SEWER	24.46	300-GBG-R	18.46
** LAST PAYMENT MADE:	7/01/2015	8/20/2015	800-PEN-WS	2.97	801-PEN-GB	0.92		
03-04430-07-0	GONZALEZ, ELIAS	265.18	100-WATER	77.45	200-SEWER	98.62	300-GBG-R	49.39
** LAST PAYMENT MADE:	10/01/2014	11/20/2014	800-PEN-WS	32.05	801-PEN-GB	7.67		
03-06116-05-0	ANGE, MARGARET M	7.71	100-WATER	3.24	200-SEWER	2.47	300-GBG-R	2.00
** LAST PAYMENT MADE:	9/04/2014	10/20/2014						
03-06116-06-0	ANGE, RONALD	96.44	100-WATER	33.26	200-SEWER	34.40	300-GBG-R	25.85
** LAST PAYMENT MADE:	6/04/2015	7/20/2015	800-PEN-WS	2.17	801-PEN-GB	0.76		
03-06124-07-0	GARCIA, MARIA ELENA	98.75	100-WATER	29.00	200-SEWER	32.95	300-GBG-R	28.99
** LAST PAYMENT MADE:	1/05/2015	2/20/2015	800-PEN-WS	5.61	801-PEN-GB	2.20		

Attachment: bad debt report (2275 : Bad Debt)

08-01-2017 05:39 PM
 G/L POSTING DATE: 8/01/2017
 PACKET: 10498
 POSTING TYPE: BOTH
 COMMENT CODE: BAD -BAD DEBT
 FLAG ACCOUNT: NO

WRITE OFF AUDIT REGISTER
 ** TRANSFER TO BAD DEBT **

PAGE 1.3.6.a

ACCOUNT NO	=====	NAME =====	BALANCE LAST BILL						
03-06144-10-0		GUILLEN, ALEJANDRO A	122.69	100-WATER	59.36	200-SEWER	35.11	300-GBG-R	23.64
	**	LAST PAYMENT MADE: 6/26/2015	8/20/2015	800-PEN-WS	3.34	801-PEN-GB	1.24		
03-11200-04-0		VILLARREAL, CAROL LYNN	280.01	100-WATER	100.07	200-SEWER	82.26	300-GBG-R	54.84
	**	LAST PAYMENT MADE: 11/13/2014	1/20/2015	800-PEN-WS	33.32	801-PEN-GB	9.52		
03-12000-02-0		REYES, MOISES C	241.07	100-WATER	80.11	200-SEWER	100.69	300-GBG-R	37.81
	**	LAST PAYMENT MADE: 6/23/2015	7/20/2015	800-PEN-WS	19.50	801-PEN-GB	2.96		
03-12550-04-0		TEMPLO DIOS ES AMOR	75.60	100-WATER	23.36	200-SEWER	29.90	300-GBG-R	19.93
	**	LAST PAYMENT MADE: 3/17/2015	1/20/2015	800-PEN-WS	1.94	801-PEN-GB	0.47		
03-13003-06-0		CUELLAR, MARIA DEL CARME	58.70	100-WATER	26.24	200-SEWER	17.74	300-GBG-R	13.14
	**	LAST PAYMENT MADE: 5/27/2015	7/20/2015	800-PEN-WS	1.11	801-PEN-GB	0.47		
03-13005-11-0		PEREZ CRUZ, ANA	88.50	100-WATER	27.64	200-SEWER	35.22	300-GBG-R	23.47
	**	LAST PAYMENT MADE: 7/07/2015	8/20/2015	800-PEN-WS	1.55	801-PEN-GB	0.62		
03-15361-03-0		LEON, FERNANDO	120.71	100-WATER	49.47	200-SEWER	42.65	300-GBG-R	22.96
	**	LAST PAYMENT MADE: 1/30/2015	3/20/2015	800-PEN-WS	4.41	801-PEN-GB	1.22		
03-16750-00-0		LEDEZMA, MARTA	152.54	100-WATER	51.17	200-SEWER	51.39	300-GBG-R	43.27
	**	LAST PAYMENT MADE: 1/16/2015	3/20/2015	800-PEN-WS	4.55	801-PEN-GB	2.16		
03-17741-06-0		GARCIA, JOSE ANTONIO	39.98	100-WATER	17.06	200-SEWER	14.17	300-GBG-R	8.75
	**	LAST PAYMENT MADE: 6/04/2015	7/20/2015						
03-18602-04-0		TREJO, SALVADOR	131.55	100-WATER	51.10	200-SEWER	45.32	300-GBG-R	30.21
	**	LAST PAYMENT MADE: 12/30/2014	2/20/2015	800-PEN-WS	3.74	801-PEN-GB	1.18		
03-18840-08-0		FERNANDEZ, EVANGELINA	62.19	100-WATER	31.75	200-SEWER	16.90	300-GBG-R	11.26
	**	LAST PAYMENT MADE: 12/31/2014	2/20/2015	800-PEN-WS	1.71	801-PEN-GB	0.57		
03-18840-09-0		MORENO, ESMERALDA	183.71	100-WATER	86.20	200-SEWER	52.95	300-GBG-R	35.30
	**	LAST PAYMENT MADE: 7/30/2015	9/20/2015	800-PEN-WS	7.80	801-PEN-GB	1.46		
03-19020-07-0		BATES, MARIA L	169.11	100-WATER	49.50	200-SEWER	63.46	300-GBG-R	36.68
	**	LAST PAYMENT MADE: 7/30/2015	9/20/2015	800-PEN-WS	15.39	801-PEN-GB	4.08		
03-20354-02-0		LOPEZ, CARLOS A	68.62	100-WATER	45.57	200-SEWER	13.83	300-GBG-R	9.22
	**	LAST PAYMENT MADE: 7/08/2015	8/20/2015						
03-22750-15-0		DELA GARZA, ALLAN H	487.19	100-WATER	370.23	200-SEWER	51.16	300-GBG-R	40.70
	**	LAST PAYMENT MADE: 10/01/2014	10/20/2014	800-PEN-WS	22.91	801-PEN-GB	2.19		
03-22755-12-0		MACIAS, FLORENCIO S	235.18	100-WATER	63.76	200-SEWER	81.79	300-GBG-R	54.53
	**	LAST PAYMENT MADE: 12/19/2014	2/20/2015	800-PEN-WS	26.26	801-PEN-GB	8.84		
03-24000-04-0		SALINAS, JESSICA A	167.41	100-WATER	79.13	200-SEWER	48.99	300-GBG-R	32.66
	**	LAST PAYMENT MADE: 5/07/2015	7/20/2015	800-PEN-WS	5.55	801-PEN-GB	1.08		
03-24700-00-0		SERRATA, JUANITA	179.68	100-WATER	67.49	200-SEWER	56.54	300-GBG-R	46.03
	**	LAST PAYMENT MADE: 5/06/2015	6/20/2015	800-PEN-WS	7.22	801-PEN-GB	2.40		

Attachment: bad debt report (2275 : Bad Debt)

08-01-2017 05:39 PM
 G/L POSTING DATE: 8/01/2017
 PACKET: 10498
 POSTING TYPE: BOTH
 COMMENT CODE: BAD -BAD DEBT
 FLAG ACCOUNT: NO

WRITE OFF AUDIT REGISTER
 ** TRANSFER TO BAD DEBT **

PAGE 1.3.6.a

ACCOUNT NO	NAME	BALANCE LAST BILL						
03-26100-09-0	ACOSTA, LUIS G	112.01	100-WATER	45.56	200-SEWER	36.86	300-GBG-R	24.57
** LAST PAYMENT MADE: 12/02/2014		1/20/2015	800-PEN-WS	3.93	801-PEN-GB	1.09		
03-26440-21-0	CORTEZ, SERGIO	52.29	100-WATER	21.46	200-SEWER	18.24	300-GBG-R	12.16
** LAST PAYMENT MADE: 11/03/2014		1/20/2015	800-PEN-WS	0.32	801-PEN-GB	0.11		
03-27600-10-0	CABRERA, SORAIDA	16.11	100-WATER	8.02	200-SEWER	5.42	300-GBG-R	2.67
** LAST PAYMENT MADE: 3/31/2015		4/20/2015						
03-27700-03-0	ARREDONDO, MYRA	141.51	100-WATER	44.82	200-SEWER	48.32	300-GBG-R	32.21
** LAST PAYMENT MADE: 2/04/2015		4/20/2015	800-PEN-WS	12.72	801-PEN-GB	3.44		
03-30220-01-0	PEREZ, ANTONIO DAVID	243.87	100-WATER	54.44	200-SEWER	100.40	300-GBG-R	53.27
** LAST PAYMENT MADE: 7/28/2015		9/20/2015	800-PEN-WS	27.33	801-PEN-GB	8.43		
03-32020-02-0	GALLEGOS, GRISELDA	161.80	100-WATER	36.00	200-SEWER	74.28	300-GBG-R	34.58
** LAST PAYMENT MADE: 8/10/2015		9/20/2015	800-PEN-WS	13.21	801-PEN-GB	3.73		
TOTALS NUMBER OF ACCOUNTS:			60	7,210.24	100-WATER	2,798.17	200-SEWER	2,400.09
					800-PEN-WS	403.86	801-PEN-GB	107.81
							300-GBG-R	1,500.31

ACCOUNT	SOURCE NAME	AMOUNT
01 -1320	ACCOUNTS RECEIVABLE GARBAGE	1,500.31CR
01 -1320.01	PENALTIES RECEIVABLE	107.81CR
01 -512-99115	BAD DEBT EXPENSE	1,608.12
05 -1300	WATER ACCOUNTS RECEIVABLE	2,798.17CR
05 -1301	SEWER ACCOUNTS RECEIVABLE	2,400.09CR
05 -1302	A/R Penalties W & S	403.86CR
05 -502-99115	BAD DEBT EXPENSE	3,202.03
05 -534-99115	BAD DEBT EXPENSE	2,400.09

WARNINGS: 0
 ERRORS: 0

** END OF REPORT **

Attachment: bad debt report (2275 : Bad Debt)

City Council
200 North Brazil
Los Fresnos, TX 78566

Meeting: 08/08/17 06:00 PM
Department: City Secretary
Category: Contract
Prepared By: Pam Denny
Initiator: Pam Denny
Sponsors:

SCHEDULED

ACTION ITEM (ID # 2271)

DOC ID: 2271 A

**Consideration and ACTION to approve contract with
Ambiotec Group for engineering and surveying on
Henderson Road Resaca Crossings.**

Attached is the proposal from Ambiotec Engineering for services on the Henderson Road Resaca Crossing project. The estimate of the work is \$921,720 not including the contingency. The basic engineering would be \$92,000 or 10%. Additional work that will be needed since we will try to increase the right-of-way by 10 feet on each side will be a maximum of \$25,000 or 2.5%. Since we will be crossing 2 bodies of water the permitting will cost \$29,000 or 3.1%.

I recommend approval.



**AMBIOTEC
GROUP**

*Civil and Environmental
Engineers, Scientists and
Construction Managers*

5420 Paredes Line Rd.
Brownsville, Texas 78520
TBPE Firm No. F-4126
TBPLS Reg. No. 10005300

July 24, 2017

Mr. Mark W. Milum
City Manager
City of Los Fresnos
200 N. Brazil
Los Fresnos, Texas 78566

Re: Proposal for Engineering and Surveying Services
Resaca Crossings along Henderson Rd.
Proposal 6066.0717

Dear Mr. Milum:

This proposal is presented to provide engineering and surveying services for the widening of Henderson Rd. as well as setting back the limits of the resacas at both Resaca crossings between FM 1575 and FM 1847.

The scope of services, compensation and schedule for the proposed project is presented below.

SCOPE OF SERVICES

The proposed scope of Basic Services consists of the associated tasks presented below.

Basic Services

Phase I: Final Design and Bidding

Task I.1 Surveying

The Engineer shall conduct field surveys to collect information required for the design, including the establishment of the necessary and appropriate level of horizontal and vertical control as needed. As part of this task, the Engineer shall notify and coordinate with existing utility providers.

Task I.1 Plans, Specifications and Construction Costs

Mr. Mark Milum
July 24, 2017
Page 2 of 4

The Engineer shall prepare detailed construction plans, specifications and contract documents for the construction authorized by CITY OF LOS FRESNOS. The Engineer shall also assist CITY OF LOS FRESNOS in obtaining applicable approvals. The Engineer shall present the final design to CITY OF LOS FRESNOS for review and comment, and incorporate CITY OF LOS FRESNOS's review comments before proceeding to the final design.

Task I.2 Bidding

The Engineer shall assist CITY OF LOS FRESNOS with all aspects related to bidding. The Engineer shall conduct a pre-bid conference, issue addendums as needed, and provide CITY OF LOS FRESNOS with copies of approved contract documents including notices to bidders and proposal forms. The Engineer shall assist CITY OF LOS FRESNOS in the advertisement of the project for bids, and in preparing and issuing the notice-of-award to the selected contractor.

The Engineer shall attend the bid opening; tabulate the bid proposals; analyze the responsiveness of the bidders; make recommendations for awarding the contract(s) for construction to the lowest responsible bidder; and coordinate approval of formal contract documents and the issuance of the Notice to Proceed with CITY OF LOS FRESNOS.

Phase III: Engineering Construction Phase

Task III.1 Pre-Construction

The Engineer shall ensure that all appropriate requirements, permits, and documents are prepared and approved prior to bidding of the construction contracts. The Engineer shall assist CITY OF LOS FRESNOS in preparing and issuing the notice-of-award to the selected contractor, and in conducting the pre-construction meeting. The Engineer shall identify key responsible personnel who will be involved in the construction phase services and establish lines of communications. The Engineer shall review and approve contractor submittals; contact and coordinate with appropriate utility companies in the project area that might be impacted by the proposed project facilities; clarify any issues/questions; conduct field site visits to ensure that there are no design issues which might require modifications to the plans; and make recommendations for changes as needed.

Task III.2 Construction Services and Inspection

The Engineer shall consult and advise CITY OF LOS FRESNOS during the construction; monitor the overall construction activities and provide construction observation services on a full-time (up to 40 hrs/week) basis; issue all instructions to the contractor requested by CITY OF LOS FRESNOS; assist with the

Mr. Mark Milum
 July 24, 2017
 Page 3 of 4

preparation and issuance of change orders with CITY OF LOS FRESNOS's approval; review samples, catalog sales, schedules, shop drawings, laboratory, shop and mill tests of materials/equipment and other data which the contractor submits; review and approve for conformance with the design concept all shop drawings and other submittals as required by the contract documents to be furnished by the contractor; obtain and review monthly and final payments to contractors, and furnish any recommended payments to contractors or suppliers to CITY OF LOS FRESNOS; and assemble written guarantees that may be required by the contract documents.

In performing these services, the Engineer will endeavor to protect the Owner against defect and deficiencies in the work of the contractor, but cannot guarantee the performance of the contractor, nor be responsible for the actual supervision of construction operations or for the safety measures that the contractor takes or should take.

Task III.3 Surveying Services

The Engineer shall establish the primary horizontal and vertical control as shown on the plans as needed during different phases of construction.

Task III.4 Project Close-Out

The Engineer shall develop a punch list and conduct, in the company of CITY OF LOS FRESNOS representatives, a final inspection of the project for compliance with contract documents, and submit recommendations concerning CITY OF LOS FRESNOS's final payment to the contractor. Prior to submission of recommendation for final payment on each contract, the Engineer shall submit a certificate of substantial completion of work done under the contract to CITY OF LOS FRESNOS and other applicable agencies as required.

The Engineer shall revise the contract drawings (unless redrawing is required) from as-built drawings submitted by the contractor to show the work as constructed; provide CITY OF LOS FRESNOS with one set of reproducible records (as-built) drawings and a set of prints. These drawings shall be based on the project inspector's construction data, and the construction records provided by the contractor during the construction of the facilities.

The compensation for these services is described in the Compensation Section below.

Other Additional Services

Ambiotec is available to perform any additional engineering, construction inspection and surveying services CITY OF LOS FRESNOS may require. These services, unless specifically included under Basic Services, are considered additional to the project scope. The compensation for these services is described in the Compensation Section below.

Mr. Mark Milum
 July 24, 2017
 Page 4 of 4

COMPENSATION

Ambiotec proposes to perform the project scope on a lump sum basis as presented below.

Design	\$53,500
Bidding Assistance	\$ 5,000
Design Surveying	\$21,500
Construction Management	\$12,000
Basic Engineering Services	\$92,000
Assistance w/ Permitting from CORPS of Engineers	\$11,500
NEPA Environmental Assessment	\$17,500
Preparation of Metes & Bounds w/ Parcel Sketches for Acquisitions	\$25,000
Total Additional Services	\$54,000
Total Engineering & Surveying Services	\$146,000

Our proposal does not include geotechnical laboratory testing, appraisals or title company costs.

In the event that CITY OF LOS FRESNOS requires other additional engineering and surveying services not specifically included under Basic Services, either related to the referenced projects or for additional projects, Engineer will provide a proposal outlining the scope and budget for the requested work. The budget, scope and schedule of the additional services will be negotiated with CITY OF LOS FRESNOS prior to performing the additional services, and will be established either on a time and materials basis, or on a percentage of the estimated construction cost of the proposed project, as applicable.

SCHEDULE

The engineering design phase will be completed within two months of receiving authorization to proceed. Bidding services, advertising and selection of the contractor will be completed within one month. The schedule estimates are only approximate as they can depend on factors that are beyond the Engineer's control.

Except as provided herein, all terms and conditions of the Agreement shall continue in full force and effect.

CITY OF LOS FRESNOS
 (Owner)

Ambiotec Civil Engineering Group, Inc.
 (Engineer)

By: _____

By: Vicente Mendez, P.E., R.P.L.S.

Signature: _____

Signature: Vicente Mendez, P.E., R.P.L.S.

Title: _____

Title: Principal

Date: _____

Date July 27, 2017

Attachment: Ambiotec contract (2271 : Henderson Road)

City of Los Fresnos
Henderson Road Resaca Crossing Improvements
July 25, 2017

BID ITEM	DESCRIPTION	EST. QTY.	UNIT	UNIT BID PRICE	COST
1	2" HMAC w/MC-30	2900	SY	\$12.00	\$34,800
2	8-inch Crushed Limestone Flexible Base	3200	SY	\$15.00	\$48,000
3	6-inch Lime Treated Subgrade	3200	SY	\$3.00	\$9,600
4	5% Type A Hydrated Lime, Mat'l's only	43	TON	\$225.00	\$9,720
5	6-Foot Wide Concrete Sidewalk	4800	SF	\$5.00	\$24,000
6	8' x 6' Box Culvert	160	LF	\$600.00	\$96,000
7	8' x 4' Box Culvert Siphon	100	LF	\$500.00	\$50,000
8	18-Inch Class III Rubber Gasketed RCP	320	LF	\$75.00	\$24,000
9	Wingwalls for Box Culvert	6	EA	\$12,500.00	\$75,000
10	Concrete SET	8	EA	\$500.00	\$4,000
11	Resaca Bulkhead	1100	LF	\$175.00	\$192,500
12	Bulkhead Backfill Material	8500	CY	\$12.00	\$102,000
13	Timber Post Metal Beam Guardrail w/Concrete Pad	800	LF	\$40.00	\$32,000
14	Metal Beam Guardrail End	8	EA	\$3,000.00	\$24,000
15	Remove Exst. HMAC Pavement	2000	SY	\$4.00	\$8,000
16	Remove Exst. Trees & Brush	1	LS	\$15,000.00	\$15,000
17	Remove Exst. CCID6 Concrete Bulkhead & Box Culvert	1	LS	\$20,000.00	\$20,000
18	Remove Exst. Storm Sewer Pipe (Size & Type Varies)	60	LF	\$10.00	\$600
19	Resaca/Irrigation Canal Construction Berm & By-Pass	6	EA	\$15,000.00	\$90,000
20	Utility Adjustments	4	EA	\$10,000.00	\$40,000
21	Storm Water Pollution Prevention Plan (incl. Hydromulching)	1	LS	\$15,000.00	\$15,000
22	Traffic Control Plan (Incl. TCP, Signage, Barricades, Flagmen, Etc. during Construction)	1	LS	\$7,500.00	\$7,500

SUBTOTAL: \$921,720
CONTINGENCIES (10%): \$92,172
TOTAL ESTIMATE: \$1,013,892

Attachment: Ambiotec contract (2271 : Henderson Road)

City Council
200 North Brazil
Los Fresnos, TX 78566

Meeting: 08/08/17 06:00 PM
Department: City Secretary
Category: Agreement
Prepared By: Pam Denny
Initiator: Pam Denny
Sponsors:

SCHEDULED

ACTION ITEM (ID # 2268)

DOC ID: 2268 B

Consideration and ACTION to approve or reject any or all bids received for the construction of Montes-Castro Park.

Attached is the information on the bids for Montes-Castro Park. The low bid is \$160,179.23 from Holmont, LLC. The City agreed to pay any amount over the \$75,000 TPW grant and the \$75,000 matching funds from the CDC which totals \$150,000. In this case the City would be responsible for \$10,179.23. Since the additive bid a.1 for the sprinkler system is over 2 times the engineer's estimate the recommendation is to not accept that. If we want to put in a sprinkler system we can bid that out separately from this project. The CDC Board will discuss and approve on Monday night prior to the Council meeting since they are providing \$75,000 in funds.

I recommend approval.


Naismith/Hanson

Engineering | Planning | Architecture | Allied Services

Now part of Hanson Professional Services Inc.

www.hanson-inc.com

August 2, 2017

Mark Milum
200 N. Brazil
Los Fresnos, Texas 78566

RE: LOS FRESNOS MONTES-CASTRO PARK

Mr. Milum:

Bids were opened for the above referenced project on Tuesday August 1, 2017 at 3:00 pm, at Los Fresnos City Hall. Four (4) bids were received with Holmont, LLC out of Pharr, Texas being the apparent low bidder with a base bid amount of \$160,179.23. We have reviewed the bids for accuracy and find that all the documentation is in order. Attached for your review and record is a copy of the project bid tabulation which summarizes the bids received from each contractor.

Hanson Professional Services Inc. has reviewed the information submitted by all bidders and has verified the experience references provided by the low bidder. It is our opinion that the low bid is fair and reasonable cost for the value of the work to be constructed, and that Halmont, LLC is qualified to perform the required work.

Therefore, we hereby recommend award of the Contract to Halmont, LLC. in the amount of \$160,179.23 (Base Bid). Should you have any questions or require any additional information, please do not hesitate to contact us.

Sincerely,

Hanson Professional Services Inc.

Richard Riggins, P.E.
Project Engineer

Attachment: Award Recommendation Mone-Castrol Park (2268 : Montes-Castro Park)

				Project Title:	LOS FRESNOS MONTES-CASTRO PARK										
	Tuesday, August 1, 2017 @ 3:00 PM			Owner:	CITY OF LOS FRESNOS										
	BIDDERS				Engineer's Estimate of Probable Construction		Willis Development		Holmont, LLC		Mahan Foundation & Contracts, LLC		Jimmy Closner		
	LOCATION				NAISMITH/HANSON INC.		SPI		Pharr		Victoria		Mercedes		
	Statement of Non-Collusion						X		X		X		X		
	Proposal						X		X		X		X		
	Bid Security (5%)						X		X		X		X		
	Statement of Bidder's Qualifications						X		X		X		X		
Addenda Acknowledgment					X		X		X		X				
Item No.	Description			Apprx Qty	Unit	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount
1	Existing Fence to be Removed			264	L.F.	\$ 18.70	\$ 4,936.80	\$ 5.94	\$ 1,568.16	\$ 5.00	\$ 1,320.00	\$ 5.00	\$ 1,320.00	\$ 10.00	\$ 2,640.00
2	Proposed ChainLink 4' Fence			226	L.F.	\$ 51.70	\$ 11,684.20	\$ 19.60	\$ 4,429.60	\$ 10.00	\$ 2,260.00	\$ 40.00	\$ 9,040.00	\$ 50.00	\$ 11,300.00
3	Proposed Concrete (TYP)			92	S.F.	\$ 7.70	\$ 708.40	\$ 13.16	\$ 1,210.72	\$ 9.78	\$ 899.76	\$ 10.85	\$ 998.20	\$ 15.00	\$ 1,380.00
4	Proposed Concrete Sidewalk			1163	S.F.	\$ 8.80	\$ 10,234.40	\$ 7.23	\$ 8,408.49	\$ 5.00	\$ 5,815.00	\$ 12.00	\$ 13,956.00	\$ 8.00	\$ 9,304.00
5	6" Ribbon Curb			241	L.F.	\$ 13.20	\$ 3,181.20	\$ 4.50	\$ 1,084.50	\$ 8.22	\$ 1,981.02	\$ 28.00	\$ 6,748.00	\$ 20.00	\$ 4,820.00
6	Existing Tree to be Removed			3	EA.	\$ 1,650.00	\$ 4,950.00	\$ 849.35	\$ 2,548.05	\$ 420.00	\$ 1,260.00	\$ 2,500.00	\$ 7,500.00	\$ 200.00	\$ 600.00
7	Existing Stump to be Removed			3	EA.	\$ 1,650.00	\$ 4,950.00	\$ 522.65	\$ 1,567.95	\$ 200.00	\$ 600.00	\$ 1,200.00	\$ 3,600.00	\$ 300.00	\$ 900.00
8	Bench Model #543-1205 w/Surface Mount			8	EA.	\$ 935.00	\$ 7,480.00	\$ 1,184.40	\$ 9,475.20	\$ 850.00	\$ 6,800.00	\$ 500.00	\$ 4,000.00	\$ 1,450.00	\$ 11,600.00
9	Trash Can Model #289-1049			4	EA.	\$ 715.00	\$ 2,860.00	\$ 1,052.57	\$ 4,210.28	\$ 800.00	\$ 3,200.00	\$ 500.00	\$ 2,000.00	\$ 1,250.00	\$ 5,000.00
10	Galvanized BBQ Pit Model #166-1301			2	EA.	\$ 440.00	\$ 880.00	\$ 826.24	\$ 1,652.48	\$ 550.00	\$ 1,100.00	\$ 1,800.00	\$ 3,600.00	\$ 750.00	\$ 1,500.00
11	A.D.A. Picnic Table Model #398-1448			2	EA.	\$ 2,640.00	\$ 5,280.00	\$ 2,804.36	\$ 5,608.72	\$ 2,100.00	\$ 4,200.00	\$ 2,000.00	\$ 4,000.00	\$ 3,000.00	\$ 6,000.00
12	Water Fountain Model #154-1337			2	EA.	\$ 2,200.00	\$ 4,400.00	\$ 3,800.00	\$ 7,600.00	\$ 2,150.00	\$ 4,300.00	\$ 7,500.00	\$ 15,000.00	\$ 4,100.00	\$ 8,200.00
13	Lighting:RFS LED Luminaire , TP/TPT Solar Panel Kits, E Series Side of Pole Power Centers			2	EA.	\$ 7,150.00	\$ 14,300.00	\$ 6,206.77	\$ 12,413.54	\$ 6,500.00	\$ 13,000.00	\$ 7,500.00	\$ 15,000.00	\$ 7,500.00	\$ 15,000.00
14	Capriana Paver			679	S.F.	\$ 13.20	\$ 8,962.80	\$ 19.27	\$ 13,084.33	\$ 10.80	\$ 7,333.20	\$ 8.75	\$ 5,941.25	\$ 35.00	\$ 23,765.00
15	Venetian Paver			66	S.F.	\$ 13.20	\$ 871.20	\$ 83.15	\$ 5,487.90	\$ 10.80	\$ 712.80	\$ 12.00	\$ 792.00	\$ 40.00	\$ 2,640.00
16	Holland Stone Paver			165	S.F.	\$ 13.20	\$ 2,178.00	\$ 16.80	\$ 2,772.00	\$ 10.80	\$ 1,782.00	\$ 8.00	\$ 1,320.00	\$ 35.00	\$ 5,775.00
17	Flagstone Pathway			80	S.F.	\$ 13.20	\$ 1,056.00	\$ 39.20	\$ 3,136.00	\$ 18.00	\$ 1,440.00	\$ 65.00	\$ 5,200.00	\$ 40.00	\$ 3,200.00
18	Clearing and grubbing			1	LS	\$ 3,850.00	\$ 3,850.00	\$ 12,413.53	\$ 12,413.53	\$ 21,840.00	\$ 21,840.00	\$ 31,200.00	\$ 31,200.00	\$ 16,000.00	\$ 16,000.00
19	ADA Ramp Type 1			1	EA.	\$ 1,650.00	\$ 1,650.00	\$ 1,306.69	\$ 1,306.69	\$ 420.00	\$ 420.00	\$ 1,200.00	\$ 1,200.00	\$ 3,000.00	\$ 3,000.00
20	SW3P			1	LS	\$ 2,310.00	\$ 2,310.00	\$ 3,920.06	\$ 3,920.06	\$ 2,900.00	\$ 2,900.00	\$ 3,500.00	\$ 3,500.00	\$ 6,500.00	\$ 6,500.00
21	Traffic Control			1	LS	\$ 1,100.00	\$ 1,100.00	\$ 1,306.69	\$ 1,306.69	\$ 3,840.00	\$ 3,840.00	\$ 15,000.00	\$ 15,000.00	\$ 8,000.00	\$ 8,000.00
22	Playground "Play-Mart" Model # PS-GUE-PUEBLOxa (All Aquatics & Playgrounds, LLC)			1	EA.	\$ 25,339.87	\$ 25,339.87	\$ 26,050.12	\$ 26,050.12	\$ 46,000.00	\$ 46,000.00	\$ 10,500.00	\$ 10,500.00	\$ 30,000.00	\$ 30,000.00
23	Certified Engineered Pine Wood Fiber (All Aquatics & Playgrounds, LLC)			1	L.S.	\$ 1,441.36	\$ 1,441.36	\$ 6,043.43	\$ 6,043.43	\$ 3,300.00	\$ 3,300.00	\$ 5,000.00	\$ 5,000.00	\$ 10,000.00	\$ 10,000.00
24	Installation Fee and Shipping (All Aquatics & Playgrounds, LLC)			1	L.S.	\$ 16,342.00	\$ 16,342.00	\$ 9,800.00	\$ 9,800.00	\$ 9,000.00	\$ 9,000.00	\$ 5,000.00	\$ 5,000.00	\$ 6,000.00	\$ 6,000.00
25	Existing Gas Meter to be Removed			1	EA.	\$ 1,000.00	\$ 1,000.00	\$ 3,266.72	\$ 3,266.72	\$ 2,160.00	\$ 2,160.00	\$ 6,000.00	\$ 6,000.00	\$ 2,200.00	\$ 2,200.00
26	Hi Roller 3 Space Bike Rack			1	EA.	\$ 5,000.00	\$ 5,000.00	\$ 1,343.42	\$ 1,343.42	\$ 900.00	\$ 900.00	\$ 2,000.00	\$ 2,000.00	\$ 1,000.00	\$ 1,000.00
27	Transfer Platform			1	LS	\$ -	\$ -	\$ 4,965.41	\$ 4,965.41	\$ 4,560.00	\$ 4,560.00	\$ 4,500.00	\$ 4,500.00	\$ 10,000.00	\$ 10,000.00
28	TREES: CB Cardia boissieri/ Anacahuita			2	EA.	\$ 275.00	\$ 550.00	\$ 325.37	\$ 650.74	\$ 420.00	\$ 840.00	\$ -	\$ -	\$ 1,500.00	\$ 3,000.00
29	TREES: BB Bauhinia blakeana/ Hong Kong Orchid			1	EA.	\$ 412.50	\$ 412.50	\$ 233.90	\$ 233.90	\$ 360.00	\$ 360.00	\$ -	\$ -	\$ 1,500.00	\$ 1,500.00
30	SHRUBS: CN Carissa grandiflore/ Natal Plum			23	EA.	\$ 29.70	\$ 683.10	\$ 26.58	\$ 611.34	\$ 14.44	\$ 332.12	\$ -	\$ -	\$ 75.00	\$ 1,725.00
31	SHRUBS: CC Croton spp./ Croton			10	EA.	\$ 29.70	\$ 297.00	\$ 27.43	\$ 274.30	\$ 54.00	\$ 540.00	\$ -	\$ -	\$ 150.00	\$ 1,500.00
32	SHRUBS: CH Cuphea hyssopifolia/ Mexican Heather			20	EA.	\$ 29.70	\$ 594.00	\$ 20.68	\$ 413.60	\$ 15.00	\$ 300.00	\$ -	\$ -	\$ 70.00	\$ 1,400.00
33	SHRUBS: DA Dietes moreae/ African Iris			3	EA.	\$ 29.70	\$ 89.10	\$ 31.78	\$ 95.34	\$ 15.00	\$ 45.00	\$ -	\$ -	\$ 75.00	\$ 225.00
34	SHRUBS: IC Ixora chinensis/ Chinese Ixora			5	EA.	\$ 29.70	\$ 148.50	\$ 27.45	\$ 137.25	\$ 55.00	\$ 275.00	\$ -	\$ -	\$ 80.00	\$ 400.00
35	SHRUBS: LH Lantana horrida/ Texas Lantana			13	EA.	\$ 29.70	\$ 386.10	\$ 11.65	\$ 151.45	\$ 15.00	\$ 195.00	\$ -	\$ -	\$ 150.00	\$ 1,950.00
36	SHRUBS: LM Lirope muscari/ Lily Turf			74	EA.	\$ 29.70	\$ 2,197.80	\$ 11.78	\$ 871.72	\$ 15.00	\$ 1,110.00	\$ -	\$ -	\$ 65.00	\$ 4,810.00
37	GROUND COVERS: HM/ Hardwood Mulch			814	L.F. B	\$ 6.60	\$ 5,372.40	\$ 0.96	\$ 781.44	\$ 1.35	\$ 1,098.90	\$ 600.00	\$ 488,400.00	\$ 4.00	\$ 3,256.00
38	GROUND COVES: CD/ Cynodan dactylan/ Bermuda Grass			1469	S.F.	\$ 0.66	\$ 969.54	\$ 0.54	\$ 793.26	\$ 1.47	\$ 2,159.43	\$ 1,500.00	\$ 2,203,500.00	\$ 1.85	\$ 2,717.65
A.1.1	Irrigation System Installation and Material			1	L.S.	\$ 3,000.00	\$ 3,000.00	\$ 6,500.00	\$ 6,500.00	\$ 11,400.00	\$ 11,400.00	\$ 16,082.75	\$ 16,082.75	\$ 3,000.00	\$ 30,000.00
TOTAL BASE BID (ITEMS 1-38)						\$ 158,646.27		\$ 161,688.33		\$ 160,179.23		\$ 2,875,815.45		\$ 228,807.65	
TOTAL ADDITIVE BID A.1						\$ 3,000.00		\$ 6,500.00		\$ 11,400.00		\$ 16,082.75		\$ 30,000.00	
	BASE BID TOTAL WORKING DAYS							120		120		100		60	
	ADDITIVE BID A.1 TOTAL WORKING DAYS							120		14		14		30	
	TOTAL WITH NO ADDITIVE BID ITEM					\$ 158,646.27		\$ 161,688.33		\$ 160,179.23		\$ 2,875,815.45		\$ 228,807.65	
	TOTAL WITH ADDITIVE BID ITEM A.1					\$ 161,646.27		\$ 168,188.33		\$ 171,579.23		\$ 2,891,898.20		\$ 258,807.65	

INDICATES VALUE CORRECTED DUE TO MULTIPLICATION ERROR

City Council
200 North Brazil
Los Fresnos, TX 78566

Meeting: 08/08/17 06:00 PM
Department: City Secretary
Category: Agreement
Prepared By: Pam Denny
Initiator: Pam Denny
Sponsors:

SCHEDULED

ACTION ITEM (ID # 2245)

DOC ID: 2245 A

Consideration and ACTION to approve moving forward with engineers bidding and construction of wastewater services on Whipple Road.

Naismith/Hanson Engineering has completed the study to determine the best way to provide sewer services to the residents along Whipple Road on the north side between the water tower and FM 1847. The total estimated cost of construction is \$105,750. We have \$100,435 available in funds from the 2014 Certificates of Obligations. If the prices are estimated correctly we would have to add \$5,315 from the Utility Fund. Hopefully quotes will continue to come in low and we will not have to add any to the amount.

I recommend approval to complete the bidding documents, get bids and bring the amounts back to the Council for approval.

Option No. 2					
Item No.	Item Description	Units	Total	Unit Price	Total Amount
	House A				
	6" Service Line	LF	100	\$ 30.00	\$ 3,000.00
	Connection to 6" Service Line	LS	1	\$ 1,000.00	\$ 1,000.00
	Cleanout	EA	1	\$ 400.00	\$ 400.00
	Deactivation of Septic Tanks	LS	1	\$ 2,000.00	\$ 2,000.00
	TOTAL				\$ 6,400.00
	House B				
	6" Service Line	LF	350	\$ 30.00	\$ 10,500.00
	Connection to Septic Tank	LS	1	\$ 1,000.00	\$ 1,000.00
	Cleanout	EA	1	\$ 400.00	\$ 400.00
	Deactivation of Septic Tanks	LS	1	\$ 2,000.00	\$ 2,000.00
	TOTAL				\$ 13,900.00
	House C				
	6" Service Line	LF	200	\$ 30.00	\$ 6,000.00
	Connection to Septic Tank	LS	1	\$ 1,000.00	\$ 1,000.00
	Cleanout	EA	1	\$ 400.00	\$ 400.00
	Deactivation of Septic Tanks	LS	1	\$ 2,000.00	\$ 2,000.00
	TOTAL				\$ 9,400.00
SUB-TOTAL OPTION No. 2					\$ 29,700.00
	For House A,B,C				
	Grinder Pump Lift Station	EA	1	\$ 16,000.00	\$ 16,000.00
	Connection to Manhole	LS	1	\$ 500.00	\$ 500.00
	4" Forcemain Installed by Boring	LF	80	\$ 60.00	\$ 4,800.00
	8" Gravity Line	LF	800	\$ 40.00	\$ 32,000.00
	Manhole @ 8' Depth	EA	1	\$ 2,000.00	\$ 2,000.00
TOTAL OPTION NO.2					\$ 85,000.00



OPTION NO. 2

Option No. 3					
Item No.	Item Description	Units	Total	Unit Price	Total Amount
	House D				
	Easement	LS	1	\$ 3,500.00	\$ 3,500.00
	6" Gravity Line Connection to Grinder Pump	LS	1	\$ 3,000.00	\$ 3,000.00
	Grinder Pump	EA	1	\$ 8,000.00	\$ 8,000.00
	Check Valve	EA	1	\$ 250.00	\$ 250.00
	6" Gravity Line	LF	200	\$ 20.00	\$ 4,000.00
	Connection to Forcemain	LS	1	\$ 2,000.00	\$ 2,000.00
TOTAL OPTION NO.3					\$ 20,750.00



City Council
200 North Brazil
Los Fresnos, TX 78566

Meeting: 08/08/17 06:00 PM
Department: City Secretary
Category: Agreement
Prepared By: Pam Denny
Initiator: Pam Denny
Sponsors:

SCHEDULED

ACTION ITEM (ID # 2277)

DOC ID: 2277 A

**Consideration and ACTION to employ a person as
Emergency Management Coordinator for the City of Los
Fresnos.**

James Harris has been the Emergency Management Coordinator (EMC) for quite a while. Upon his retirement as Police Chief, we agreed to continue to employ him on a part time basis until the new Police Chief was hired and gets settled into the position. I have discussed with Hector and he wants to concentrate on the Police Chief position and the Police Department. James is no longer available to handle the EMC position due to other commitments. I would like to appoint Charlie Banda as the Emergency Management Coordinator with a stipend of \$2,400. This is the same amount James was given when he was Police Chief.

I recommend appointing Charlie Banda as Emergency Management Coordinator with a stipend of \$2,400.

City Council
200 North Brazil
Los Fresnos, TX 78566

Meeting: 08/08/17 06:00 PM
Department: City Secretary
Category: Acknowledgments
Prepared By: Pam Denny

SCHEDULED

Initiator: Pam Denny
Sponsors:

ACTION ITEM (ID # 2246)

DOC ID: 2246 A

**Consideration and ACTION to acknowledge Cameron
Appraisal District Chief Appraiser's certification of the 2017
tax roll.**

The net taxable value for 2017 is \$252,976,876, an increase of \$47,726,377 (23.25%). There is 1 property under protest for \$94.652 dealing with commercial personal property. There are 511 new properties added this year due to annexation and the land switch with Brownsville with a value of \$38,610,469 (18.8%). The amount of the increased values of existing properties is \$9,115,908 (4.4%).

I recommend approval.

CAMERON APPRAISAL DISTRICT

Richard Molina, Chief Appraiser
P.O. Box 10102021 Amistad Dr.
San Benito, Texas 78586-1010
www.cameroncad.org
956-399-9322
956-541-3365
956-428-8020
Fax: 956-399-6969



MEMBERS OF THE BOARD
Vicente Mendez, Chairman
David Garza, Vice-Chairman
David Argabright - Secretary
Gloria Casas
Cesar Lopez
J. Ruben Montemayor
Ricardo Morado
Bharat Patel
Jesse Villarreal
Tony Yzaguirre, Jr.

CERTIFICATION OF APPRAISAL ROLL TO ASSESSOR

2017

RE: SECTION §26.01 PROPERTY TAX CODE

I, Richard Molina, Chief Appraiser for the Cameron Appraisal District,
certify that the Appraisal Review Board approved the appraisal records on July 14, 2017
and the part of those records as presented herein constitute the 2017 appraisal roll
for CITY OF LOS FRESNOS
Taxing Unit

ARB Approved Market Value: \$272,386,142ARB Approved Net Taxable Value: \$252,976,876Market Value Under ARB Review: \$94,652

*Value under ARB Review has a potential loss capacity of 2% - 4%.

Richard Molina
Richard Molina, Chief Appraiser

July 17, 2017
Date

Attachment: 2017 certified tax appraisal roll (2246 : Certification of Tax Roll)

CAMERON County

2017 CERTIFIED TOTALS

As of Certification

Property Count: 3,124

CLO - CITY OF LOS FRESNOS
ARB Approved Totals

7/13/2017

7:10:52PM

Land		Value			
Homesite:		26,931,231			
Non Homesite:		38,102,769			
Ag Market:		2,802,018			
Timber Market:		0	Total Land	(+)	67,836,018
Improvement		Value			
Homesite:		114,728,440			
Non Homesite:		65,607,841	Total Improvements	(+)	180,336,281
Non Real		Count	Value		
Personal Property:	319		24,213,843		
Mineral Property:	0		0		
Autos:	0		0	Total Non Real	(+)
				Market Value	=
					24,213,843
					272,386,142
Ag	Non Exempt	Exempt			
Total Productivity Market:	2,802,018	0			
Ag Use:	151,639	0	Productivity Loss	(-)	2,650,379
Timber Use:	0	0	Appraised Value	=	269,735,763
Productivity Loss:	2,650,379	0	Homestead Cap	(-)	863,574
			Assessed Value	=	268,872,189
			Total Exemptions Amount (Breakdown on Next Page)	(-)	15,895,313
			Net Taxable	=	252,976,876

Freeze	Assessed	Taxable	Actual Tax	Ceiling	Count		
DP	4,049,475	4,022,475	26,253.08	26,684.09	49		
OV65	19,761,724	19,015,286	118,150.65	122,528.74	243		
Total	23,811,199	23,037,761	144,403.73	149,212.83	292	Freeze Taxable	(-)
Tax Rate	0.715000						23,037,761
						Freeze Adjusted Taxable	=
							229,939,115

APPROXIMATE LEVY = (FREEZE ADJUSTED TAXABLE * (TAX RATE / 100)) + ACTUAL TAX
 1,788,468.40 = 229,939,115 * (0.715000 / 100) + 144,403.73

Tax Increment Finance Value: 0
 Tax Increment Finance Levy: 0.00

Attachment: 2017 certified tax appraisal roll (2246 : Certification of Tax Roll)

CAMERON County

2017 CERTIFIED TOTALS

As of Certification

Property Count: 3,124

CLO - CITY OF LOS FRESNOS

ARB Approved Totals

7/13/2017

7:12:50PM

Exemption Breakdown

Exemption	Count	Local	State	Total
DP	56	0	0	0
DV1	7	0	49,000	49,000
DV2	7	0	66,000	66,000
DV2S	1	0	7,500	7,500
DV3	14	0	148,000	148,000
DV4	22	0	228,000	228,000
DV4S	1	0	12,000	12,000
DVHS	19	0	2,209,130	2,209,130
EX	184	0	12,083,304	12,083,304
EX (Prorated)	1	0	7,636	7,636
EX-XG	1	0	363,600	363,600
EX-XV	4	0	705,446	705,446
EX366	16	0	2,977	2,977
OV65	323	0	0	0
OV65S	3	0	0	0
PPV	1	12,720	0	12,720
Totals		12,720	15,882,593	15,895,313

Attachment: 2017 certified tax appraisal roll (2246 : Certification of Tax Roll)

CAMERON County

2017 CERTIFIED TOTALS

As of Certification

Property Count: 1

CLO - CITY OF LOS FRESNOS
Under ARB Review Totals

7/13/2017

7:10:52PM

Land		Value			
Homesite:		0			
Non Homesite:		0			
Ag Market:		0			
Timber Market:		0	Total Land	(+)	0
Improvement		Value			
Homesite:		0			
Non Homesite:		0	Total Improvements	(+)	0
Non Real	Count	Value			
Personal Property:	1	94,652			
Mineral Property:	0	0			
Autos:	0	0	Total Non Real	(+)	94,652
			Market Value	=	94,652
Ag	Non Exempt	Exempt			
Total Productivity Market:	0	0			
Ag Use:	0	0	Productivity Loss	(-)	0
Timber Use:	0	0	Appraised Value	=	94,652
Productivity Loss:	0	0	Homestead Cap	(-)	0
			Assessed Value	=	94,652
			Total Exemptions Amount (Breakdown on Next Page)	(-)	0
			Net Taxable	=	94,652

APPROXIMATE TOTAL LEVY = NET TAXABLE * (TAX RATE / 100)

676.76 = 94,652 * (0.715000 / 100)

Tax Increment Finance Value:

0

Tax Increment Finance Levy:

0.00

Attachment: 2017 certified tax appraisal roll (2246 : Certification of Tax Roll)

CAMERON County

2017 CERTIFIED TOTALS

As of Certification

Property Count: 3,124

CLO - CITY OF LOS FRESNOS
ARB Approved Totals

7/13/2017

7:12:50PM

State Category Breakdown

State Code	Description	Count	Acres	New Value Market	Market Value
A	SINGLE FAMILY RESIDENCE	1,927		\$4,574,824	\$166,431,432
B	MULTIFAMILY RESIDENCE	45		\$76,186	\$12,897,617
C1	VACANT LOTS AND LAND TRACTS	347		\$13,246	\$10,797,808
D1	QUALIFIED OPEN-SPACE LAND	24	366.5236	\$0	\$2,802,018
E	RURAL LAND, NON QUALIFIED OPEN SPA	48	280.9200	\$0	\$2,492,958
F1	COMMERCIAL REAL PROPERTY	172		\$4,310,893	\$38,119,058
J2	GAS DISTRIBUTION SYSTEM	1		\$0	\$193,600
J3	ELECTRIC COMPANY (INCLUDING CO-OP)	6		\$0	\$2,312,660
J4	TELEPHONE COMPANY (INCLUDING CO-O	2		\$0	\$533,837
J5	RAILROAD	3		\$0	\$430,826
J6	PIPELAND COMPANY	1		\$0	\$24,810
J7	CABLE TELEVISION COMPANY	1		\$0	\$1,324,530
J8	OTHER TYPE OF UTILITY	5		\$0	\$853,260
L1	COMMERCIAL PERSONAL PROPERTY	279		\$0	\$18,579,619
M1	TANGIBLE OTHER PERSONAL, MOBILE H	78		\$136,563	\$870,398
O	RESIDENTIAL INVENTORY	15		\$0	\$480,901
S	SPECIAL INVENTORY TAX	7		\$0	\$65,127
X	TOTALLY EXEMPT PROPERTY	207		\$4,196	\$13,175,683
	Totals		647.4436	\$9,115,908	\$272,386,142

Attachment: 2017 certified tax appraisal roll (2246 : Certification of Tax Roll)

Year	2016	2017	
Entity	CLO	CLO	
Description	CITY OF LOS FRESNOS	CITY OF LOS FRESNOS	% Diff
Properties	2,614	3,125	19.55%
Land Value	54,500,491	67,836,018	24.47%
Imp Value	147,596,706	180,336,281	22.18%
Personal	22,556,633	24,308,495	7.77%
Mineral	0	0	0.00%
Market	224,653,830	272,480,794	21.29%
Ag Loss	1,648,620	2,650,379	60.76%
Cap Loss	2,929,159	863,574	(70.52%)
Assessed	220,076,051	268,966,841	22.22%
Total Exemptions	15,218,316	15,895,313	4.45%
Taxable Value	204,857,735	253,071,528	23.54%
Tax Rate	0.715	0.715	0.00%
Run Date	07/13/2017	07/13/2017	
Supplement No.	26	0	

City Council
200 North Brazil
Los Fresnos, TX 78566

Meeting: 08/08/17 06:00 PM
Department: City Secretary
Category: Acknowledgments
Prepared By: Pam Denny

SCHEDULED

Initiator: Pam Denny
Sponsors:

ACTION ITEM (ID # 2247)

DOC ID: 2247 A

**Consideration and ACTION to acknowledge the Finance
Director's certification of the estimated ad valorem tax
collection rate for 2016 and the excess debt tax collections
for 2016 tax year.**

The estimated ad valorem tax collection rate for tax year 2016 is in excess of 100%. This is due to prior year debt collections.

The estimated debt collection for 2016 is \$174,376 with \$2,657 in excess debt tax collection. The estimated excess fund balance for the debt fund is \$56,660.

I recommend approval.

CITY OF LOS FRESNOS
PROPOSED **DEBT FUND** BUDGET
FISCAL YEAR ENDING SEPTEMBER 30, 2018

	FY 2015-2016		FY 2016-2017		FY 2017-2018	
	ACTUAL	BUDGET	PROJECTED	PROJECTED	PROPOSED	PROPOSED
REVENUES						
DEBT SERVICE						
TOTAL REVENUES	279,251	218,076	219,481	534,277		
	\$ 279,251	\$ 218,076	\$ 219,481	534,277		
EXPENDITURES						
DEBT SERVICE						
TOTAL EXPENDITURES	296,035	258,076	256,824	559,276		
	\$ 296,035	\$ 258,076	\$ 256,824	559,276		
EXCESS REVENUES(EXPENDITURES)	(16,784)	(40,000)	(37,343)	(25,000)		
REVENUES						
400-0101 CURRENT PROP TAX	222,748	167,576	167,576	227,132		
400-0105 PROPERTY TAX DISCOUNT	(5,241)	(5,000)	(4,000)	(5,000)		
400-0110 DELINQUENT PROPERTY TAXES	9,673	5,000	6,800	5,000		
400-0120 PENALTY, INTEREST & COSTS	-	-	-	-		
400-0125 CURRENT PENALTY & INTEREST	6,984	5,475	4,000	5,475		
442-1050 INTEREST EARNED	85	25	105	100		
443-1030 BOND PMTS TSF FROM CDC	45,000	45,000	45,000	45,000		
443-1030 BOND PMTS TSF FROM TIRZ	-	-	-	187,500		
443-1030 BOND PMTS TSF FROM GENERAL FI	-	-	-	69,070		
TOTAL REVENUES	279,251	218,076	219,481	534,277		
EXPENDITURES						
504-30301 COUNTY CONTRACT	2,342	3,500	2,248	3,500		
542-80116 PRINCIPAL PAYMENT 2005	100,000	105,000	105,000	110,000		
542-80117 INTEREST EXPENSE 2005	43,440	39,870	39,870	36,000		
543-80110 BOND AGENT FEES	-	1,000	1,000	1,000		
542-80200 PRINCIPAL PAYMENT 2014	25,000	25,000	25,000	160,000		
542-80201 INTEREST EXPENSE 2014	125,253	82,706	82,706	80,163		
543-80210 BOND AGENT FEES	-	1,000	1,000	1,000		
542-80200 PRINCIPAL PAYMENT 2017	-	-	-	-		
542-80201 INTEREST EXPENSE 2017	-	-	-	166,613		
543-80210 BOND AGENT FEES	-	-	-	1,000		
TOTAL EXPENDITURES	296,035	258,076	256,824	559,276		

Attachment: certified tax collections (2247 : Certification of tax collections)

BALANCE SHEET

AS OF: JULY 31ST, 2017

10 -DEBT SERVICE

ACCOUNT# TITLE

LIABILITIES
=====

2500	DEFERRED REVENUE	18,816.14	
2510	Accounts Payable	41,171.70	
		<hr/>	59,987.84
TOTAL LIABILITIES			<hr/> 59,987.84

FUND BALANCE/EQUITY
=====

3500	FUND BALANCE	56,660.06	
TOTAL FUND BALANCE/EQUITY			<hr/> 56,660.06

TOTAL REVENUES	216,998.38	
TOTAL EXPENSES	(254,233.18)	
	<hr/>	
EXCESS REVENUES OVER EXPENSES	(37,234.80)	

TOTAL LIABILITIES & FUND BALANCE/EQUITY	<hr/> 79,413.10	<hr/>
---	-----------------	-------

Attachment: certified tax collections (2247 : Certification of tax collections)

City Council
200 North Brazil
Los Fresnos, TX 78566

Meeting: 08/08/17 06:00 PM
Department: City Secretary
Category: Acknowledgments
Prepared By: Pam Denny

SCHEDULED

Initiator: Pam Denny
Sponsors:

ACTION ITEM (ID # 2248)

DOC ID: 2248 A

Consideration and ACTION to acknowledge the calculations of the City's Effective and Rollback Ad Valorem Tax Rate for tax year 2017 and for fiscal year 2017/2018.

The effective ad valorem tax rate would impose the same total taxes as last year if you compare properties taxed in both years. The effective ad valorem tax rate is \$0.729089 per \$100 valuation. This means that to get the same revenue as last year the tax rate would be \$0.729089 per \$100 valuation instead of our actual rate of \$0.715 per \$100 valuation.

The rollback ad valorem tax rate is the highest tax rate the City could have before taxpayers would be able to start rollback procedures. The rollback ad valorem tax rate is \$1.509095 per \$100 valuation.

I recommend approval.

2017 Tax Rate Calculation Worksheet

Date: 07/25/2017 04:36 PM

Taxing Units Other Than School Districts or Water Districts**CITY OF LOS FRESNOS**

(956) 233-5768

Taxing Unit Name

Phone (area code and number)

200 N BRAZIL; LOS FRESNOS TX 78566www.citylf.us

Taxing Unit's Address, City, State, Zip

Taxing Unit's Website Address

GENERAL INFORMATION: Tax Code Section 26.04(c) requires an officer or employee designated by the governing body to calculate the effective tax rate and rollback tax rate for the taxing unit. These tax rates are expressed in dollars per \$100 of taxable value calculated. The calculation process starts after the chief appraiser delivers to the taxing unit the certified appraisal roll and the estimated values of properties under protest. School districts do not use this form, but instead use Comptroller Form 50-859 Tax Rate Calculation Worksheet for School Districts. Water districts as defined under Water Code Section 49.001(1) do not use this form, but instead use Comptroller Form 50-858 Water District Rollback Tax Rate Worksheet. This worksheet is provided to assist taxing units in determining tax rates. The information provided in this worksheet is offered as technical assistance and not legal advice. Taxing units should consult legal counsel for interpretations of law regarding tax rate preparation and adoption.

SECTION 1: Effective Tax Rate (No New Taxes)

The effective tax rate enables the public to evaluate the relationship between taxes for the prior year and for the current year based on a tax rate that would produce the same amount of taxes (no new taxes) if applied to the same properties that are taxed in both years. When appraisal values increase, the effective tax rate should decrease.

The effective tax rate for a county is the sum of the effective tax rates calculated for each type of tax the county levies.

Effective Tax Rate Activity	Amount/Rate
1. 2016 total taxable value. Enter the amount of 2016 taxable value on the 2016 tax roll today. Include any adjustments since last year's certification; exclude Tax Code Section 25.25(d) one-third over-appraisal corrections from these adjustments. This total includes the taxable value of homesteads with tax ceilings (will deduct in Line 2) and the captured value for tax increment financing (will deduct taxes in Line 14). ¹	\$204,857,735
2. 2016 tax ceilings. Counties, cities and junior college districts. Enter 2016 total taxable value of homesteads with tax ceilings. These include the homesteads of homeowners age 65 or older or disabled. Other taxing units enter 0. If your taxing unit adopted the tax ceiling provision in 2016 or a prior year for homeowners age 65 or older or disabled, use this step. ²	\$22,437,214
3. Preliminary 2016 adjusted taxable value. Subtract Line 2 from Line 1.	\$182,420,521
4. 2016 total adopted tax rate.	\$0.715000/\$100
5. 2016 taxable value lost because court appeals of ARB decisions reduced 2016 appraised value.	
A. Original 2016 ARB Values.	\$0
B. 2016 values resulting from final court decisions.	\$0
C. 2016 value loss. Subtract B from A. ³	\$0
6. 2016 taxable value, adjusted for court-ordered reductions. Add Line 3 and Line 5C.	\$182,420,521
7. 2016 taxable value of property in territory the taxing unit deannexed after Jan. 1, 2016. Enter the 2016 value of property in deannexed territory. ⁴	\$18,336
8. 2016 taxable value lost because property first qualified for an exemption in 2017. Note that lowering the amount or percentage of an existing exemption does not create a new exemption or reduce taxable value. If the taxing unit increased an original exemption, use the difference between the original exempted amount and the increased exempted amount.	

Attachment: effective tax rate (2248 : Effective & Rollback Tax Rate)

Do not include value lost to freeport or goods-in-transit exemptions.	
A. Absolute exemptions. Use 2016 market value:	\$370,055
B. Partial exemptions. 2017 exemption amount or 2017 percentage exemption times 2016 value:	\$507,881
C. Value loss. Add A and B. ⁵	\$877,936
9. 2016 taxable value lost because property first qualified for agricultural appraisal (1-d or 1-d-1), timber appraisal, recreational/scenic appraisal or public access airport special appraisal in 2017. Use only properties that qualified in 2017 for the first time; do not use properties that qualified in 2016.	
A. 2016 market value:	\$0
B. 2017 productivity or special appraised value:	\$0
C. Value loss. Subtract B from A. ⁶	\$0
10. Total adjustments for lost value. Add lines 7, 8C and 9C.	\$896,272
11. 2016 adjusted taxable value. Subtract Line 10 from Line 6.	\$181,524,249
12. Adjusted 2016 taxes. Multiply Line 4 by Line 11 and divide by \$100.	\$1,297,898
13. Taxes refunded for years preceding tax year 2016. Enter the amount of taxes refunded by the taxing unit for tax years preceding tax year 2016. Types of refunds include court decisions, Tax Code Section 25.25(b) and (c) corrections and Tax Code Section 31.11 payment errors. Do not include refunds for tax year 2016. This line applies only to tax years preceding tax year 2016. ⁷	\$284
14. Taxes in tax increment financing (TIF) for tax year 2016. Enter the amount of taxes paid into the tax increment fund for a reinvestment zone as agreed by the taxing unit. If the taxing unit has no 2017 captured appraised value in Line 16D, enter 0. ⁸	\$124,470
15. Adjusted 2016 taxes with refunds and TIF adjustment. Add Lines 12 and 13, subtract Line 14. ⁹	\$1,173,712
16. Total 2017 taxable value on the 2017 certified appraisal roll today. This value includes only certified values and includes the total taxable value of homesteads with tax ceilings (will deduct in Line 18). These homesteads include homeowners age 65 or older or disabled.¹⁰	
A. Certified values:	\$252,976,876
B. Counties: Include railroad rolling stock values certified by the Comptroller's office:	\$0
C. Pollution control and energy storage system exemption : Deduct the value of property exempted for the current tax year for the first time as pollution control or energy storage system property:	\$0
D. Tax increment financing: Deduct the 2017 captured appraised value of property taxable by a taxing unit in a tax increment financing zone for which the 2017 taxes will be deposited into the tax increment fund. Do not include any new property value that will be included in Line 21 below. ¹¹	\$22,355,048

Attachment: effective tax rate (2248 : Effective & Rollback Tax Rate)

E. Total 2017 value. Add A and B, then subtract C and D.	\$230,621,828
17. Total value of properties under protest or not included on certified appraisal roll.¹² A. 2017 taxable value of properties under protest. The chief appraiser certifies a list of properties still under ARB protest. The list shows the appraisal district's value and the taxpayer's claimed value, if any, or an estimate of the value if the taxpayer wins. For each of the properties under protest, use the lowest of these values. Enter the total value. ¹³ B. 2017 value of properties not under protest or included on certified appraisal roll. The chief appraiser gives taxing units a list of those taxable properties that the chief appraiser knows about, but are not included in the appraisal roll certification. These properties also are not on the list of properties that are still under protest. On this list of properties, the chief appraiser includes the market value, appraised value and exemptions for the preceding year and a reasonable estimate of the market value, appraised value and exemptions for the current year. Use the lower market, appraised or taxable value (as appropriate). Enter the total value. ¹⁴ C. Total value under protest or not certified: Add A and B.	\$94,652 \$0 \$94,652
18. 2017 tax ceilings. Counties, cities and junior colleges enter 2017 total taxable value of homesteads with tax ceilings. These include the homesteads of homeowners age 65 or older or disabled. Other taxing units enter 0. If your taxing units adopted the tax ceiling provision in 2016 or a prior year for homeowners age 65 or older or disabled, use this step. ¹⁵	\$23,037,761
19. 2017 total taxable value. Add Lines 16E and 17C. Subtract Line 18.	\$207,678,719
20. Total 2017 taxable value of properties in territory annexed after Jan. 1, 2016. Include both real and personal property. Enter the 2017 value of property in territory annexed. ¹⁶	\$37,712,814
21. Total 2017 taxable value of new improvements and new personal property located in new improvements. New means the item was not on the appraisal roll in 2016. An improvement is a building, structure, fixture or fence erected on or affixed to land. New additions to existing improvements may be included if the appraised value can be determined. New personal property in a new improvement must have been brought into the taxing unit after Jan. 1, 2016, and be located in a new improvement. New improvements do include property on which a tax abatement agreement has expired for 2017. ¹⁷	\$8,982,693
22. Total adjustments to the 2017 taxable value. Add Lines 20 and 21.	\$46,695,507
23. 2017 adjusted taxable value. Subtract Line 22 from Line 19.	\$160,983,212
24. 2017 effective tax rate. Divide Line 15 by Line 23 and multiply by \$100. ¹⁸	\$0.729089/\$100
25. COUNTIES ONLY. Add together the effective tax rates for each type of tax the county levies. The total is the 2017 county effective tax rate. ¹⁹	

¹Tex. Tax Code Section 26.012(14)²Tex. Tax Code Section 26.012(14)³Tex. Tax Code Section 26.012(13)⁴Tex. Tax Code Section 26.012(15)⁵Tex. Tax Code Section 26.012(15)⁶Tex. Tax Code Section 26.012(15)⁷Tex. Tax Code Section 26.012(13)⁸Tex. Tax Code Section 26.03(c)⁹Tex. Tax Code Section 26.012(13)¹⁰Tex. Tax Code Section 26.012¹¹Tex. Tax Code Section 26.03(c)¹²Tex. Tax Code Section 26.01(c) and (d)¹³Tex. Tax Code Section 26.01(c)¹⁴Tex. Tax Code Section 26.01(d)¹⁵Tex. Tax Code Section 26.012(6)¹⁶Tex. Tax Code Section 26.012(17)

SECTION 2: Rollback Tax Rate

The rollback tax rate is split into two separate rates:

1. **Maintenance and Operations (M&O):** The M&O portion is the tax rate that is needed to raise the same amount of taxes that the taxing unit levied in the prior year plus eight percent. This rate accounts for such things as salaries, utilities and day-to-day operations.
2. **Debt:** The debt tax rate includes the debt service necessary to pay the taxing unit's debt payments in the coming year. This rate accounts for principal and interest on bonds and other debt secured by property tax revenue.

The rollback tax rate for a county is the sum of the rollback tax rates calculated for each type of tax the county levies. In most cases the rollback tax rate exceeds the effective tax rate, but occasionally decreases in a taxing unit's debt service will cause the effective tax rate to be higher than the rollback tax rate.

Rollback Tax Rate Activity	Amount/Rate
26. 2016 maintenance and operations (M&O) tax rate.	\$0.629058/\$100
27. 2016 adjusted taxable value. Enter the amount from Line 11.	\$181,524,249
28. 2016 M&O taxes.	
A. Multiply Line 26 by Line 27 and divide by \$100.	\$1,141,892
B. Cities, counties and hospital districts with additional sales tax: Amount of additional sales tax collected and spent on M&O expenses in 2016. Enter amount from full year's sales tax revenue spent for M&O in 2016 fiscal year, if any. Other taxing units enter 0. Counties exclude any amount that was spent for economic development grants from the amount of sales tax spent.	\$1,068,679
C. Counties: Enter the amount for the state criminal justice mandate. If second or later year, the amount is for increased cost above last year's amount. Other taxing units enter 0.	\$0
D. Transferring function: If discontinuing all of a department, function or activity and transferring it to another taxing unit by written contract, enter the amount spent by the taxing unit discontinuing the function in the 12 months preceding the month of this calculation. If the taxing unit did not operate this function for this 12-month period, use the amount spent in the last full fiscal year in which the taxing unit operated the function. The taxing unit discontinuing the function will subtract this amount in H below. The taxing unit receiving the function will add this amount in H below. Other taxing units enter 0.	\$0
E. Taxes refunded for years preceding tax year 2016: Enter the amount of M&O taxes refunded in the preceding year for taxes before that year. Types of refunds include court decisions, Tax Code Section 25.25(b) and (c) corrections and Tax Code Section 31.11 payment errors. Do not include refunds for tax year 2016. This line applies only to tax years preceding tax year 2016.	\$237
F. Enhanced indigent health care expenditures: Enter the increased amount for the current year's enhanced indigent health care expenditures above the preceding tax year's enhanced indigent health care expenditures, less any state assistance.	\$0
G. Taxes in TIF: Enter the amount of taxes paid into the tax increment fund for a reinvestment zone as agreed by the taxing unit. If the taxing unit has no 2017 captured appraised value in Line 16D, enter 0.	\$102,247
H. Adjusted M&O Taxes. Add A, B, C, E and F. For taxing unit with D, subtract if discontinuing function and add if receiving function. Subtract G.	\$2,108,561

Attachment: effective tax rate (2248 : Effective & Rollback Tax Rate)

29. 2017 adjusted taxable value. Enter Line 23 from the Effective Tax Rate Worksheet.	\$160,983,212
30. 2017 effective maintenance and operations rate. Divide Line 28H by Line 29 and multiply by \$100.	\$1.309802/\$100
31. 2017 rollback maintenance and operation rate. Multiply Line 30 by 1.08.	\$1.414586/\$100
32. Total 2017 debt to be paid with property taxes and additional sales tax revenue. Debt means the interest and principal that will be paid on debts that: (1) are paid by property taxes, (2) are secured by property taxes, (3) are scheduled for payment over a period longer than one year and (4) are not classified in the taxing unit's budget as M&O expenses. A. Debt also includes contractual payments to other taxing units that have incurred debts on behalf of this taxing unit, if those debts meet the four conditions above. Include only amounts that will be paid from property tax revenue. Do not include appraisal district budget payments. Enter debt amount. B. Subtract unencumbered fund amount used to reduce total debt. C. Subtract amount paid from other resources. D. Adjusted debt. Subtract B and C from A.	\$552,776 \$0 \$356,500 \$196,276
33. Certified 2016 excess debt collections. Enter the amount certified by the collector.	\$0
34. Adjusted 2017 debt. Subtract Line 33 from Line 32D.	\$196,276
35. Certified 2017 anticipated collection rate. Enter the rate certified by the collector. If the rate is 100 percent or greater, enter 100 percent.	100.00%
36. 2017 debt adjusted for collections. Divide Line 34 by Line 35	\$196,276
37. 2017 total taxable value. Enter the amount on Line 19.	\$207,678,719
38. 2017 debt tax rate. Divide Line 36 by Line 37 and multiply by \$100.	\$0.094509/\$100
39. 2017 rollback tax rate. Add Lines 31 and 38.	\$1.509095/\$100
40. COUNTIES ONLY. Add together the rollback tax rates for each type of tax the county levies. The total is the 2017 county rollback tax rate.	

SECTION 3: Additional Sales Tax to Reduce Property Taxes

Cities, counties and hospital districts may levy a sales tax specifically to reduce property taxes. Local voters by election must approve imposing or abolishing the additional sales tax. If approved, the taxing unit must reduce its effective and rollback tax rates to offset the expected sales tax revenue.

This section should only be completed by a county, city or hospital district that is required to adjust its effective tax rate and/or rollback tax rate because it adopted the additional sales tax.

Activity	Amount/Rate
41. Taxable Sales. For taxing units that adopted the sales tax in November 2016 or May 2017, enter the Comptroller's estimate of taxable sales for the previous four quarters. ²⁰ Taxing units that adopted the sales tax before November 2016, skip this line.	\$0
42. Estimated sales tax revenue. Counties exclude any amount that is or will be spent for economic development grants from the amount of estimated sales tax revenue. ²¹ Taxing units that adopted the sales tax in November 2016 or in May 2017. Multiply the amount on Line 41 by the sales tax rate (.01, .005 or .0025, as applicable) and multiply the result by .95. ²² - or - Taxing units that adopted the sales tax before November 2016. Enter the sales tax revenue for the previous four quarters. Do not multiply by .95.	\$1,354,460
43. 2017 total taxable value. Enter the amount from Line 37 of the Rollback Tax Rate Worksheet.	\$207,678,719
44. Sales tax adjustment rate. Divide Line 42 by Line 43 and multiply by \$100.	\$0.652191/\$100
45. 2017 effective tax rate, unadjusted for sales tax. ²³ Enter the rate from Line 24 or 25, as applicable, on the Effective Tax Rate Worksheet.	\$0.729089/\$100
46. 2017 effective tax rate, adjusted for sales tax. Taxing units that adopted the sales tax in November 2016 or in May 2017. Subtract Line 44 from Line 45. Skip to Line 47 if you adopted the additional sales tax before November 2016.	\$0.729089/\$100
47. 2017 rollback tax rate, unadjusted for sales tax. ²⁴ Enter the rate from Line 39 or 40, as applicable, of the Rollback Tax Rate Worksheet.	\$1.509095/\$100
48. 2017 rollback tax rate, adjusted for sales tax. Subtract Line 44 from Line 47.	\$0.856904/\$100

¹⁷Tex. Tax Code Section 26.012(17)

¹⁸Tex. Tax Code Section 26.04(c)

¹⁹Tex. Tax Code Section 26.04(d)

²⁰Tex. Tax Code Section 26.041(d)

²¹Tex. Tax Code Section 26.041(i)

²²Tex. Tax Code Section 26.041(d)

²³Tex. Tax Code Section 26.04(c)

²⁴Tex. Tax Code Section 26.04(c)

SECTION 4: Additional Rollback Protection for Pollution Control

A taxing unit may raise its rate for M&O funds used to pay for a facility, device or method for the control of air, water or land pollution. This includes any land, structure, building, installation, excavation, machinery, equipment or device that is used, constructed, acquired or installed wholly or partly to meet or exceed pollution control requirements. The taxing unit's expenses are those necessary to meet the requirements of a permit issued by the Texas Commission on Environmental Quality (TCEQ). The taxing unit must provide the tax assessor with a copy of the TCEQ letter of determination that states the portion of the cost of the installation for pollution control.

This section should only be completed by a taxing unit that uses M&O funds to pay for a facility, device or method for the control of air, water or land pollution.

Additional Rollback Protection for Pollution Control Activity	Amount/Rate
49. Certified expenses from the Texas Commission on Environmental Quality (TCEQ). Enter the amount certified in the determination letter from TCEQ. ²⁵ The taxing unit shall provide its tax assessor-collector with a copy of the letter. ²⁶	\$0
50. 2017 total taxable value. Enter the amount from line 37 of the Rollback Tax Rate Worksheet.	\$207,678,719
51. Additional rate for pollution control. Divide line 49 by Line 50 and multiply by \$100.	\$0.000000/\$100
52. 2017 rollback tax rate, adjusted for pollution control. Add Line 51 to one of the following lines (as applicable): Line 39, Line 40 (counties) or Line 48 (taxing units with the additional sales tax).	\$0.856904/\$100

SECTION 5: Total Tax Rate

Indicate the applicable total tax rates as calculated above.

Effective tax rate (Line 24; line 25 for counties; or line 46 if adjusted for sales tax)	\$0.729089
Rollback tax rate (Line 39; line 40 for counties; or line 48 if adjusted for sales tax)	\$0.856904
Rollback tax rate adjusted for pollution control (Line 52)	\$0.856904

SECTION 6: Taxing Unit Representative Name and Signature

Enter the name of the person preparing the tax rate as authorized by the taxing unit.

print here Rolando Cruz - Acting Bookkeeping Supervisor

Printed Name of Taxing Unit Representative

sign here

Taxing Unit Representative

7/31/2017

Date

²⁵Tex. Tax Code Section 26.045(d)

²⁶Tex. Tax Code Section 26.045(i)

2017 Property Tax Rates in CITY OF LOS FRESNOS

This notice concerns the 2017 property tax rates for CITY OF LOS FRESNOS. It presents information about three tax rates. Last year's tax rate is the actual tax rate the taxing unit used to determine property taxes last year. This year's *effective* tax rate would impose the same total taxes as last year if you compare properties taxed in both years. This year's *rollback* tax rate is the highest tax rate the taxing unit can set before taxpayers start rollback procedures. In each case these rates are found by dividing the total amount of taxes by the tax base (the total value of taxable property) with adjustments as required by state law. The rates are given per \$100 of property value.

Last year's tax rate:

Last year's operating taxes	\$1,147,780
Last year's debt taxes	\$156,810
Last year's total taxes	\$1,304,590
Last year's tax base	\$182,460,140
Last year's total tax rate	\$0.715000/\$100

This year's effective tax rate:

Last year's adjusted taxes (after subtracting taxes on lost property)	\$1,173,712
÷ This year's adjusted tax base (after subtracting value of new property)	\$160,983,212
=This year's effective tax rate (Maximum rate unless unit publishes notices and holds hearings.)	\$0.729089/\$100

This year's rollback tax rate:

Last year's adjusted operating taxes (after subtracting taxes on lost property and adjusting for any transferred function, tax increment financing, state criminal justice mandate, and/or enhanced indigent healthcare expenditures)	\$2,108,561
÷ This year's adjusted tax base	\$160,983,212
=This year's effective operating rate	\$1.309802/\$100
x 1.08=this year's maximum operating rate	\$1.414586/\$100
+ This year's debt rate	\$0.094509/\$100
= This year's total rollback rate	\$1.509095/\$100
-Sales tax adjustment rate	\$0.652191/\$100
=Rollback tax rate	\$0.856904/\$100

Statement of Increase/Decrease

If CITY OF LOS FRESNOS adopts a 2017 tax rate equal to the effective tax rate of \$0.729089 per \$100 of value, taxes would increase compared to 2016 taxes by \$209,573.

Schedule A - Unencumbered Fund Balance

The following estimated balances will be left in the unit's property tax accounts at the end of the fiscal year. These balances are not encumbered by a corresponding debt obligation.

Type of Property Tax Fund	Balance
General Fund	986,415

Schedule B - 2017 Debt Service

The unit plans to pay the following amounts for long-term debts that are secured by property taxes. These amounts will be paid from property tax revenues (or additional sales tax revenues, if applicable).

Description of Debt	Principal or Contract Payment to be Paid from Property Taxes	Interest to be Paid from Property Taxes	Other Amounts to be Paid	Total Payment
Series 2005 Comb Tax CO	110,000	36,000	0	146,000
Series 2014 Comb Tax CO	160,000	80,163	0	240,163
Series 2017 Comb Tax CO	0	166,613	0	166,613
Total required for 2017 debt service			\$552,776	
- Amount (if any) paid from Schedule A			\$0	
- Amount (if any) paid from other resources			\$356,500	
- Excess collections last year			\$0	
= Total to be paid from taxes in 2017			\$196,276	
+ Amount added in anticipation that the unit will			\$0	

collect only 100.00% of its taxes in 2017

= Total debt levy

\$196,276

Schedule C - Expected Revenue from Additional Sales Tax

In calculating its effective and rollback tax rates, the unit estimated that it will receive \$1,354,460 in additional sales and use tax revenues.

This notice contains a summary of actual effective and rollback tax rates' calculations. You can inspect a copy of the full calculations at 964 E HARRISON, BROWNSVILLE TX 78520.

Name of person preparing this notice: JESSE GARCIA JR RTA CTA CSA

Title: Chief Deputy

Date Prepared: 07/25/2017

Attachment: effective tax rate (2248 : Effective & Rollback Tax Rate)

City Council
200 North Brazil
Los Fresnos, TX 78566

Meeting: 08/08/17 06:00 PM
Department: City Secretary
Category: Acknowledgments
Prepared By: Pam Denny

SCHEDULED

Initiator: Pam Denny
Sponsors:

ACTION ITEM (ID # 2249)

DOC ID: 2249 A

Consideration and ACTION to propose a tax rate for tax year 2017, take a record vote, if proposed tax rate exceeds the lower of the effective rate or rollback rate, and set dates for public hearings, if necessary.

The proposed 2017-2018 fiscal year budget will keep the ad valorem tax rate at \$0.715 per \$100 valuation just as it has been for the last 10 years. This will be the 11th year in a row the ad valorem tax rate is at \$0.715 per \$100 valuation. The effective ad valorem tax rate for 2017-2018 is \$0.729089 per \$100 valuation. Remember, the effective ad valorem tax rate would impose the same total taxes as last year if you compare properties taxed in both years. Leaving the tax rate at \$0.715 per \$100 valuation means we will receive less in revenue in the new budget than we currently are getting when comparing the same properties. Since we are leaving the ad valorem tax rate at \$0.715 per \$100 valuation, we will not need to hold 2 public hearings as we will receive less revenue than last year when you compare the same properties. The amount received will be approximately \$35,642 less than last year.

I recommend the ad valorem property tax rate of \$0.715 per \$100 valuation for the 2017-2018 fiscal year budget.

City Council
200 North Brazil
Los Fresnos, TX 78566

Meeting: 08/08/17 06:00 PM
Department: City Secretary
Category: Appointment
Prepared By: Pam Denny
Initiator: Pam Denny
Sponsors:

SCHEDULED

ACTION ITEM (ID # 2250)

DOC ID: 2250 A

Consideration and ACTION to appoint a person to the Los Fresnos Housing Authority.

Due to the death of David Winstead, a new member is needed. His term expires October 2017 so a person will need to be appointed for August and September and then the regular 2 year term until October 2019. A blank form is attached for your use.

Eliseo Ruiz has resigned due to being out of town and missing meetings. His term expires in October of 2018. Attached is a volunteer that is willing to serve the rest of this term. His name is Alejandro Juarez.

ATTN: PAM DENNY

1.5.9.a

Citizen application for appointment to a City of Los Fresnos Board Seat

Please return to: City Secretary, 200 N. Brazil Street, Los Fresnos, TX 78566

ALL INFORMATION ON THIS FORM IS PUBLIC RECORD

PLEASE TYPE OR PRINT CLEARLY

NAME Suarez Alejandro
(Last) (First) (MI)HOME ADDRESS 600 BougainvilleaMAILING ADDRESS P.O. Box 381CITY Los Fresnos ZIP 78566HOME PHONE NUMBER: (956) 254-2064 CELL NUMBER: (956) 244-8678

E-MAIL ADDRESS: _____

EMPLOYER RetiredOCCUPATION N/ABUSINESS ADDRESS N/ABUSINESS PHONE # N/A

COMMITTEES OF INTEREST TO YOU

(List no more than 3 committees - please be specific)

1. _____
2. _____
3. _____

What education or special training do you have which you feel particularly fits you for the appointment to this position? (attach a resume or bio if relevant)

Worked as Sales in Car business - People Person

What work experience or other experience do you have which will be beneficial in carrying out the responsibilities of this position?

Why are you interested in serving on this Committee? Retired and have Free time

Other Volunteer Commitments? _____

SIGNATURE OF APPLICANT [Signature] DATE 7-14-17

Attachment: application for Housing Authority Board (2250 : Housing Authority)

Citizen application for appointment to a City of Los Fresnos Board Seat

Please return to: City Secretary, 200 N. Brazil Street, Los Fresnos, TX 78566

ALL INFORMATION ON THIS FORM IS PUBLIC RECORD

PLEASE TYPE OR PRINT CLEARLY

NAME _____
(Last) (First) (MI)

HOME ADDRESS _____

MAILING ADDRESS _____

CITY _____ **ZIP** _____

HOME PHONE NUMBER: _____ **CELL NUMBER:** _____

E-MAIL ADDRESS: _____

EMPLOYER _____

OCCUPATION _____

BUSINESS ADDRESS _____

BUSINESS PHONE # _____

COMMITTEES OF INTEREST TO YOU

(List no more than 3 committees - please be specific)

1. _____
2. _____
3. _____

What education or special training do you have which you feel particularly fits you for the appointment to this position? (attach a resume or bio if relevant)

What work experience or other experience do you have which will be beneficial in carrying out the responsibilities of this position?

Why are you interested in serving on this Committee? _____

Other Volunteer Commitments? _____

SIGNATURE OF APPLICANT

DATE

Attachment: application for citizen appt (2250 : Housing Authority)

City Council
200 North Brazil
Los Fresnos, TX 78566

Meeting: 08/08/17 06:00 PM
Department: City Secretary
Category: Agreement
Prepared By: Pam Denny
Initiator: Pam Denny
Sponsors:
DOC ID: 2244 B

SCHEDULED

ACTION ITEM (ID # 2244)

**Consideration and ACTION to approve the exterior view of
the new city hall.**

It has been a while since we have looked at the overall view or schematic of the proposed city hall. I will have updated ones to look at to decide upon.

City Council
200 North Brazil
Los Fresnos, TX 78566

Meeting: 08/08/17 06:00 PM
Department: City Secretary
Category: Acknowledgments
Prepared By: Pam Denny

SCHEDULED

Initiator: Pam Denny
Sponsors:

ACTION ITEM (ID # 2274)

DOC ID: 2274

Consideration and ACTION to approve paying the Councilmember's \$100.00 per regular meeting and special meeting and to pay the Mayor \$200.00 per regular meeting and special meeting. (By Councilman Juan Munoz)

Section 2.15. Financial loss by elected city officials; Compensation

Duly elected city officials acting in their official capacity shall be protected by the City from personal financial loss resulting from Council decisions made while in official sessions as a result of law suits filed pertaining to such decisions or acting in such other official capacity as may be provided by this Charter or the laws of Texas. Compensation of members of the City Council shall be determined by an affirmative vote of all members of the Council by ordinance, but no increase in such compensation shall take effect until commencement of the terms of any Council member elected or reelected at the next regular election. Members of the City Council shall also be entitled to reimbursement for actual expenses incurred on behalf of the City, with approval of the City Council.

City Council
200 North Brazil
Los Fresnos, TX 78566

Meeting: 08/08/17 06:00 PM
Department: City Secretary
Category: Agreement
Prepared By: Pam Denny
Initiator: Pam Denny
Sponsors:

SCHEDULED

ACTION ITEM (ID # 2270)

DOC ID: 2270 B

Consideration and ACTION to approve going out for Request for Qualifications for City Attorney who specializes in Municipal work and City Council will review all RFQ's and select attorney. (By Councilman Juan Munoz)

C. THE CITY ATTORNEY

Section 3.06. City Attorney; appointment and duties

The City Council, on the City Managers recommendation, shall appoint a city attorney who shall be duly licensed to practice law in the State of Texas. He shall receive for his services such compensation as may be fixed by the Council. The City Attorney may be removed by the

affirmative vote of a majority of four (4) of all members of the City Council. No person appointed to the office of City Attorney shall have any property interest in that office.

The City Attorney shall represent the City of Los Fresnos in all its litigation, or be of counsel with outside counsel or insurance counsel. He shall be the legal advisor, attorney at law, and counsel for the City of Los Fresnos, the Council and all boards, commissions and agencies, and all officers and departments thereof.

Deputy City Attorneys or Assistant City Attorneys may be appointed by the Council, on the City Attorney's recommendation subject to funds having been budgeted for any such positions. Such appointees may be removed by the affirmative vote of four (4) of all members of the City Council and shall have no property interest in their office.

Notwithstanding the above provisions, the Council may engage special legal counsel to represent the City of Los Fresnos in any specific matter or for the performance of any specifically delineated duties otherwise to be performed by the City Attorney.

City Council
200 North Brazil
Los Fresnos, TX 78566

Meeting: 08/08/17 06:00 PM
Department: City Secretary
Category: Agreement
Prepared By: Pam Denny
Initiator: Pam Denny
Sponsors:

SCHEDULED

ACTION ITEM (ID # 2276)

DOC ID: 2276 A

**Consideration and ACTION to extend the 2011 contract for
City Attorney with Enrique Juarez. (By Polo Narvaez)**

I recommend approval.

CITY ATTORNEY SERVICES

This agreement is for legal services between the City of Los Fresnos and Enrique C. Juarez, Attorney at Law, effective August 9, 2017.

The scope of services for which fees and rates are requested is divided into three categories: general representation, special projects and litigation. These categories are more fully described for your clarification. The firm will be required to provide a detailed, itemized billing for each category (including general representation), on a monthly basis. Itemized billing is due by the 10th of the month following services rendered.

GENERAL REPRESENTATION: (Hourly Rate of \$125.00)

1. Attend City Council meetings only at the request of the Mayor or City Manager.
2. Attend Planning & Zoning meetings only at the request of the Mayor or City Manager.
3. Attend Community Development Corporation meetings only at the request of the Mayor or City Manager.
4. Consultation with City Manager, Mayor or Department Heads via telephone during normal business hours. A time log will be kept by each Department Head on all conversations with City Attorney. (copy attached)
5. Preparation and review of Ordinances and Resolutions as required.
6. Preparation and review of Contracts and other documents prior to City Council action.

SPECIAL PROJECTS: (Hourly Rate of \$125.00)

1. Large projects that the Mayor, Council or City Manager have approved with estimated time frame and cost.
2. Research on projects only if approved by the Mayor, Council or City Manager with estimated time frame and cost.

LITIGATION:

Rate to be determined depending on type of litigation.

Meetings with other entities or residents must be pre-approved by the Mayor or City Manager. These need to be first referred to the Mayor or City Manager to be handled. If there is a legal issue the Mayor or City Manager can then refer it to the City Attorney.

This Contract can be terminated by either Party with a thirty (30) day written notice.

CITY OF LOS FRESNOS

ENRIQUE C. JUAREZ

Polo Narvaez, Mayor

Enrique C. Juarez

Date Signed

Date Signed

Attachment: contract for legal services (2276 : legal services)

City Council
200 North Brazil
Los Fresnos, TX 78566

Meeting: 08/08/17 06:00 PM
Department: City Secretary
Category: Report
Prepared By: Pam Denny
Initiator: Pam Denny
Sponsors:

SCHEDULED

ACTION ITEM (ID # 2251)

DOC ID: 2251 A

A. Wastewater Plant Update B. Water Plant Update C. Water & Wastewater Engineering Study D. Whipple Road Wastewater Extension E. Nature Park F. Hike & Bike Trails G. Montes-Castro Park H. TxDot Sidewalk Projects I. Welcome Sign J. TxDot Light at Walmart K. CDBG 2016-2017 Grant L. Memorial Park

A. Wastewater Plant Update - We are working to get bid documents ready to begin advertising for the chlorine contact basin and the sludge drying beds. Hopefully we can bid the soon. The headworks portion will need to be designed first taking about 120 days and then approval by TWDB. Once that is done we can advertise and begin construction.

B. Water Plant Update - Guzman & Munoz Engineering is working on the detailed items that need to be done by a contractor to include as part of the study he is doing so we can hopefully get funding through TWBD.

C. Water & Wastewater Engineering Study - Guzman & Munoz Engineering continues to work on design, surveying, easements or property required for east and west Highway 100 as well as north on FM 1575. They are also studying all the existing water and wastewater lines in the city to determine which need to be replaced for various reasons.

D. Whipple Road Wastewater Extension - Naismith-Hanson Engineering is working on that project. An item is on this agenda to get approval to proceed.

E. Nature Park - Naismith-Hanson Engineering has the Master Plan complete. Now they will begin working on the specific details so we can convert that to a bid package.

F. Hike & Bike Trails - Halff Associates is working on the final design, the timeline and a construction estimate. They will be providing plans so we can get final approval from Cameron County Drainage District #1, Bayview Irrigation District #11 and TxDOT. We also were awarded \$200,000 trails grant through TPW so we will have \$700,000 to work with. However, this will cause a delay since additional environmental clearance will have to be done according to TPW regulations.

G. Montes-Castro Park - Bid approval is on this agenda for your approval. Construction can begin after that.

H. TxDot Sidewalk Projects - The sidewalk project is almost complete except 2 locations that need final approval from TxDot. Once the approval is given the work will be completed including a repair of a sidewalk for a business that was damaged during the work.

I. Welcome Sign - The foundation is poured and the blocks are built. We are waiting for the stone to arrive, hopefully in the next few weeks.

J. TxDot Light at Wal-Mart - The light is operational. It seems it stays green too long on Evergreen Street causing unnecessary delays on Highway 100. We have contacted TxDot to check on that.

K. CDBG 2015-2016 Grant - This is to repave East Sixth and East Ninth Streets, a total of 3 blocks. Construction has begun.

L. Memorial Park - The exercise equipment has arrived. There has been some delays in getting the contractor to install the equipment. They got backed up on other projects. Once they install the equipment we can pour the concrete.

City Council
200 North Brazil
Los Fresnos, TX 78566

Meeting: 08/08/17 06:00 PM
Department: City Secretary
Category: Report
Prepared By: Pam Denny
Initiator: Pam Denny
Sponsors:
DOC ID: 2252 A

SCHEDULED

ACTION ITEM (ID # 2252)

Financial Report A. Monthly B. Year-to-Date

Call with questions.

CITY OF LOS FRESNOS
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: JULY 31ST, 2017

01 -GENERAL FUND
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 83.33

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>REVENUE SUMMARY</u>						
00-PROPERTY TAXES	1,248,924	11,938.85	1,200,316.61	0.00	48,607.39	96.11
30-NONPROPERTY TAXES	1,240,368	116,439.13	1,087,368.00	0.00	153,000.00	87.66
07-POLICE	549,220	40,040.22	493,289.84	0.00	55,930.16	89.82
10-HEALTH	10,750	1,030.00	7,395.00	0.00	3,355.00	68.79
12-GARBAGE	115,250	58,246.16	152,278.96	0.00 (	37,028.96)	132.13
15-PARKS	46,000	3,104.65	45,936.85	0.00	63.15	99.86
16-LIBRARY	16,000	1,181.45	10,531.50	0.00	5,468.50	65.82
44-Misc Revenue	25,300	15,880.92	33,531.58	0.00 (	8,231.58)	132.54
90-REIMBURSABLES	247,927	0.00	218,000.34	0.00	29,926.66	87.93
TOTAL REVENUES	3,499,739	247,861.38	3,248,648.68	0.00	251,090.32	92.83
<u>EXPENDITURE SUMMARY</u>						
02-ADMINISTRATION	414,808	7,051.87	263,883.07	3,457.78	147,467.15	64.45
03-MUNICIPAL COURT	180,489	8,429.52	141,922.35	138.61	38,428.04	78.71
04-TAX ASSESSOR COLLECTOR	26,644	62.77	24,792.84	0.00	1,851.16	93.05
06-ELECTIONS	10,000	0.00	17,275.44	0.00 (	7,275.44)	172.75
07-POLICE	1,455,177	39,657.29	1,080,861.89	3,422.77	370,892.34	74.51
08-FIRE	102,450	451.00	80,906.59	0.00	21,543.41	78.97
09-ENGINEERING	95,000	0.00	58,071.00	0.00	36,929.00	61.13
10-HEALTH	119,975	4,666.28	80,282.67	1,988.37	37,703.96	68.57
11-EMERGENCY MEDICAL SERV	128,400	0.00	111,646.83	0.00	16,753.17	86.95
12-GARBAGE	5,100 (	25.40) (	31.80)	0.00	5,131.80	0.62-
13-STORM WATER	14,127	0.00	14,300.22	0.00 (	173.22)	101.23
14-STREETS	348,017	9,344.27	171,389.57	2,004.76	174,622.67	49.82
15-PARKS	179,233	8,884.32	303,183.85	4,124.06 (	128,074.91)	171.46
16-LIBRARY	169,466	4,440.90	115,564.52	910.19	52,991.29	68.73
17-COMMUNITY CENTER	12,109	181.23	7,141.79	211.84	4,755.37	60.73
18-EMERGENCY MANAGEMENT	45,000	2,150.40	23,822.20	0.00	21,177.80	52.94
19-ALL DEPARTMENT EXPENS	19,000	0.00	7,200.63	4,700.00	7,099.37	62.63
21-CITY PROMOTION	4,500	0.00	4,500.00	0.00	0.00	100.00
23-DSRIP-COMMUNITY HEALT	93,034	1,682.27	56,167.74	30,000.00	6,866.26	92.62
24-MENTAL TASK FORCE PRO	51,070	2,044.12	41,496.69	0.00	9,573.31	81.25
28-INFORMATION TECHNOLOG	26,140	672.30	14,239.20	3,750.93	8,149.87	68.82
TOTAL EXPENDITURES	3,499,739	89,693.14	2,618,617.29	54,709.31	826,412.40	76.39
REVENUE OVER/(UNDER) EXPENDITURES	0	158,168.24	630,031.39 (	54,709.31) (	575,322.08)	0.00

CHECKLIST FOR					JULY 2017
GENERAL FUND					
	VENDOR NAME	Inv.Date	Amount	Description	
31155	FACILITY SOLUTIONS GROUP	05/12/17	VOID	VOIDED CHECK -LOST IN THE MAIL	
31351	FACILITY SOLUTIONS GROUP	05/12/17	\$ 1,345.00	REISSUE CHECK-REPAIR LIGHTS AT COMMUNITY PARK BA	
31352	JACOB ADAM SCHULTZ	07/07/17	\$ 10.00	OVER PAYMENT TICKET-E0006234	
31353	LEONARDO BAEZ LARA	07/07/17	\$ 100.00	OVER PAYMENT TICKET-E0006655	
31354	MARISSA MASSO	07/07/17	\$ 50.00	RENTAL DEPOSIT REFUND-LF COMMUNITY PARK 6/29/17	
31355	ADAPCO, INC	06/16/17	\$ 825.45	MOSQUITO SPRAYING CHEMICALS/SUPPLIES	
31356	ALLIED WASTE SERVICES	06/15/17	\$ 550.00	ROLL OFF FOR EXCESSIVE WASTE	
31357	AMAZON.COM	05/18/17	\$ 79.24	POPCORN KIT FOR SUMMER MOVIE NIGHTS	
31358	AT&T	06/17/17	\$ 1,204.31	PHONE SERVICE-CITY HALL/PD/COURT/POOL/LIBRARY/EMS	
31359	CAMERON COUNTY ELECTIONS	11/08/16	\$ 15,960.16	NOV 8,2016-ELECTIONS	
31360	CELINA GONZALES	06/29/17	\$ 57.78	MILES-TXDOT PROFESSIONAL ENGINEERING PORCUREME	
31361	CITY OF LOS FRESNOS	06/20/17	\$ 1,567.58	UTILITIES-CITY HALL/B&G CLUB/PARKS/HYDRANTS/B&G CLI	
31362	CITY OF LOS FRESNOS	06/21/17	VOID	VOIDED CHECK-CONTINUED	
31363	DAVID PADBERG	VARIOUS	\$ 2,205.00	VEGETATION CONTROL-STREETS/DRAIN DITCHES	
31364	DELTA SPECIALTIES	06/19/17	\$ 146.00	4 NARROW BRIDGE SIGNS FOR HENDERSON RD	
31365	DORA YANEZ	07/06/17	\$ 55.64	MILEAGE-EXCEL SEMINAR-7/20-7/21/17-MCALLEEN, TX	
31366	ENRIQUE JUAREZ	05/31/17	\$ 1,625.00	JUNE2017-ATTORNEY FEES	
31367	ESMERALDA MACIAS	07/06/17	\$ 422.73	MILEAGE/PER DIEM-CLERK SEMINAR-AUSTIN- 7/17-7/21/17	
31368	FEDERAL EXPRESS	06/14/17	\$ 68.70	DELIVERY-BRW ARCHITECTS	
31369	FUELMAN	VARIOUS	\$ 2,390.57	FUEL FOR ENVIRONMENTAL/PD/STREET DEPT VEHICLES	
31370	GENE DANIELS	07/01/17	\$ 1,536.75	JULY 2017-JUDGE/PHONE STIPEND	
31371	GERONIMO SHELTON	07/01/17	\$ 451.00	JULY 2017-FIRE MARSHAL	
31372	GEXA ENERGY	06/22/17	\$ 14,317.78	ELEC-STREETLIGHT/CH/PD/COURT/PARKS/LIBRARY/B&G CL	
31373	HECTOR D HOUSE	07/07/17	\$ 336.15	IT CONTRACT SERVICE 6/24-7/7/17	
31374	HECTOR'S MUFFER	VARIOUS	\$ 721.74	OIL CHANGE-STREET SWEEPER/TRACTOR-GENERATOR RE	
31375	HOME DEPOT CREDIT	VARIOUS	\$ 697.85	SHELVING/OVERHEAD STORAGE-ANIMAL SHELTER STORA	
31376	INGRAM LIBRARY SERVICES	VARIOUS	\$ 193.24	LIBRARY BOOKS	
31377	INGRAM LIBRARY SERVICES	VARIOUS	VOID	VOIDED CHECK-CONTINUED	
31378	JAMES HARRIS III	07/07/17	\$ 1,000.00	EMERGENCY MANAGEMENT COORDINATOR 6/24-7/7/17	
31379	LESLIES POOL SUPPLIES	VARIOUS	\$ 185.51	POOL SUPPLIES-FILTER GUAGES/CLARIFIER	
31380	LOS FRESNOS CHAMBER OF COM	07/01/17	\$ 2,000.00	JULY 2017-SERVICE AGREEMENT	
31381	LF VOLUNTEER FIRE DEPT	06/30/17	\$ 21,376.00	3RD QTR PAYMENTS/DONATIONS	
31382	MAXIMINO TORRES	07/03/17	\$ 275.00	LOT MOWING-WEEDED LOT IN VIOLATION OF CITY ORDINAM	
31383	OFFICE DEPOT	VARIOUS	\$ 1,161.67	OFFICE SUPPLIES-POLICE DEPT-COPY PAPER/FOLDERS/PE	
31384	OFFICE DEPOT	VARIOUS	VOID	VOIDED CHECK-CONTINUED	
31385	PETTY CASH	VARIOUS	\$ 148.04	WALMART-FRUIT-CITY HALL EMPLOYEES/PD-SNACKS-SWA	
31386	POSITIVE PROMOTIONS	06/14/17	\$ 433.99	PROMOTIONAL ITEMS-FIDGET SPINNERS FOR POLICE DEPT	
31387	R&R REMODELING	06/29/17	\$ 275.00	REPAIR ROOF LEAKS AT COMMUNITY CENTER	
31388	REGION STAFFING	VARIOUS	\$ 2,797.75	CONTRACT LABOR WEEKEND 6/25,6/18/17	
31389	STAPLES	VARIOUS	\$ 426.84	OFFICE SUPPLIES-COURT/CITY HALL-PAPER/GREEN BAR/B	
31390	TERMINIX INTERNATIONAL	06/15/17	\$ 38.00	PEST CONTROL-ANIMAL SHELTER	
31391	TYLER TECHNOLOGIES	06/01/17	\$ 19,386.00	PUBLIC SAFETY SUITE-MOBILE CAD, CITATIONS, HARDWAR	
31392	VEAE SERVICES	06/30/17	\$ 500.00	IT SERVICE CONTRACT 3RD QTR	
31393	ZARSKY LUMBER	05/31/17	\$ 368.78	MAY 2017-SUPPLIES FOR MAINTENANCE	
31394	BEST WESTERN PLUS AUSTIN	07/11/17	\$ 237.42	HOTEL STAY-TEXAS LESO PROGRAM TRAINING 7/14/17-H.G	
31395	CHARLIE BANDA	07/11/17	\$ 60.00	PER DIEM-TEXAS LESON PROGRAM TRAINING 7/14/17-AUST	
31396	HECTOR GONZALEZ	07/11/17	\$ 60.00	PER DIEM-TEXAS LESON PROGRAM TRAINING 7/14/17-AUST	
31397	JUAN RODRIGUEZ	07/11/17	\$ 60.00	PER DIEM-TEXAS LESON PROGRAM TRAINING 7/14/17-AUST	
31398	CITY OF L.F. PAYROLL ACCT	07/13/17	\$ 63,064.68	DUE TO PAYROLL #21 7/14/17	
31399	R & R REMODELING	07/14/17	\$ 6,880.00	IMPROVEMENTS TO RAMPS/SIDEWALKS-ARROYO/RESACA	
31400	ASHLEY SOLIS	07/21/17	\$ 50.00	RENTAL DEPOSIT REFUND LF MEMORIAL PARK 7/2/17	
31401	CESAR GARCIA	07/21/17	\$ 100.00	RENTAL DEPOSIT REFUND LF COMMUNITY CENTER 7/14/17	
31402	JESSICA JUAREZ	07/21/17	\$ 100.00	RENTAL DEPOSIT REFUND LF COMMUNITY CENTER 7/18/17	
31403	ALLIED WASTE SERVICES	06/30/17	\$ 40,877.13	RE: SOLID WASTE & BRUSH COLLECTION	
31404	ARCHER BUSINESS SYSTEMS	VARIOUS	\$ 1,047.99	COPIER METER READING-CITY HALL/POLICE DEPT/COURT	
31405	AT&T MOBILITY	07/01/17	\$ 1,176.54	MOBILE PHONE SVC-CITY HALL/PD/COURT/EMER MANAGE/H	
31406	CHOCO'S TIRE SHOP	VARIOUS	\$ 69.00	REPLACE/REPAIR TIRES PD VEHICLES	
31407	CINTAS	VARIOUS	\$ 260.68	MEDICAL SUPPLIES-POLICE DEPT/POOL	

31408	CITY OF BROWNSVILLE	06/30/17	\$ 72.00	JUNE 2017-USE OF SANITARY LANDFILL
31409	DR MISSY'S VET MOBILE	05/12/17	\$ 155.00	ANIMAL SHELTER INSPECTION
31410	ENRIQUE JUAREZ	07/21/17	\$ 2,312.50	JULY 2017-ATTORNEY FEES
31411	FOUR STAR DRIVE IN	06/30/17	\$ 68.00	JUNE 2017-PRISONER MEALS
31412	FUELMAN	VARIOUS	\$ 1,402.17	FUEL FOR ENVIRONMENTAL/PD/STREET DEPT VEHICLES
31413	HECTOR HOUSE	07/21/17	\$ 336.15	IT CONTRACT SERVICES-7/8-7/21/17
31414	HECTOR'S MUFFER	VARIOUS	\$ 364.40	SWAY LINK KITS F-53/ROTORS-F-53/OIL CHANGES
31415	HERNANDEZ INSTALLATION	07/07/17	\$ 375.00	EQUIPMENT REMOVAL FROM F-51
31416	HUGHESNET	07/04/17	\$ 112.41	SATELLITE INTERNET-EOC
31417	INGRAM LIBRARY SERVICES	07/03/17	\$ 10.59	LIBRARY BOOKS
31418	JACQUILINE CHAPA	06/02/17	\$ 60.00	REFUND SWIMMING LESSONS-R.CHAPA
31419	JAMES HARRIS III	07/21/17	\$ 1,000.00	EMERGENCY MANAGEMENT COORDINATOR-7/8-7/21/17
31420	LESLIES POOL SUPPLIES	07/12/17	\$ 432.63	CHLORINE TABS/POOL WATER TEST KIT-POOL
31421	LEXIS NEXIS	06/30/17	\$ 100.00	PEOPLE SEARCH PROGRAM
31422	LEXIS NEXIS	06/26/17	\$ 3.00	RETURNING REPORT 143212-NOT OURS
31423	LINEBARGER GOGGAN	07/21/17	\$ 3,539.65	APRIL 2017-COLLECTION FEES
31424	LOS FRESNOS NEWS	VARIOUS	\$ 1,260.00	ADVERTISING-SWIMMING LESSONS/4TH JULY SPONSOR/HE
31425	LUIS A RAMOS	06/30/17	\$ 5,001.35	JUNE 2017-CUSTOMER SERVICE INSPECTIONS
31426	MANNY'S UNIFORMS	07/10/17	\$ 479.92	TACTICAL UNIFORMS-POLICE DEPT
31427	MAXIMINO TORRES	VARIOUS	\$ 625.00	LOT MOWING-WEEDED LOT IN VIOLATION OF CITY ORDINAM
31428	NASASP	07/21/17	\$ 39.00	SURPLUS PROPERTY MEMBERSHIP
31429	O'REILLY	VARIOUS	\$ 140.71	SUPPLIES FOR MAINT-JUNE 2017-CAPSULES/WIPER FLUID/I
31430	O'REILLY AUTO	VARIOUS	\$ 271.27	AIR COMPRESSOR-PUBLIC WORKS/MOTOR OIL/BATTERY F-
31431	OMNI BASE SERVICES	07/21/17	\$ 1,498.90	2ND QTR ACTIVITY 2017-APR-JUNE
31432	PEDERSON CONSTRUCTION	06/30/17	\$ 495.00	TRAILER LOAD OF LIME STONE FOR STREET REPAIRS
31433	PETTY CASH	VARIOUS	\$ 126.36	WALMART-FRUIT-CITY HALL EMPLOYEES/TSTC TCOLE EXAI
31434	PURCHASE POWER	04/30/17	\$ 538.54	MAY/JUNE 2017-POSTAGE-CITY HALL/COURT/LIBRARY/PD
31435	REGION STAFFING	VARIOUS	\$ 2,952.36	CONTRACT LABOR WEEKEND 7/2,7/9/17
31436	SHRM	07/21/17	\$ 199.00	SHRM MEMBERSHIP RENEWAL-C.GONZALES
31437	SMARTCOM TELEPHONE	VARIOUS	\$ 586.69	INTERNET SERVICE-CITY HALL/PD/COURT/LIBRARY-PHONE
31438	STATE COMPTROLLER	06/30/17	\$ 117,771.98	QUARTER ENDING 6/30/17
31439	TERMINIX	VARIOUS	\$ 114.00	PEST CONTROL-TRAINING CENTER/CITY HALL/PD/LIBRARY
31440	TYLER TECHNOLOGIES	06/15/17	\$ 183.76	PAPER FOR TICKET WRITERS
31441	ZARSKY LUMBER	VARIOUS	\$ 2,480.65	JUNE 2017-SUPPLIES FOR MAINT/SUPPLIES FOR ANIMAL KE
31442	ZARSKY LUMBER	VARIOUS	VOID	VOIDED CHECK-CONTINUED
31443	CITY OF L.F. PAYROLL ACCT	07/27/17	\$ 61,494.58	DUE TO PAYROLL #22 7/28/17
31444	SOLE RACING	07/27/17	\$ 100.00	BOG BOOTH REGISTRATION-SUMMER TRAILS SERIES 5K
		TOTAL	\$ 418,036.26	

CITY OF LOS FRESNOS
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: JULY 31ST, 2017

05 - UTILITY FUND
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 83.33

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>REVENUE SUMMARY</u>						
00-REVENUES	2,368,400	1,187,237.19	3,177,232.63	0.00 (	808,832.63)	134.15
44-MISCELLANEOUS INCOME	0	1,877.83	22,115.99	0.00 (	22,115.99)	0.00
TOTAL REVENUES	2,368,400	1,189,115.02	3,199,348.62	0.00 (	830,948.62)	135.08
<u>EXPENDITURE SUMMARY</u>						
02-WATER ADMINISTRATION	500,732	18,759.17	432,000.50	507.24	68,224.26	86.38
05-INFORMATION TECHNOLOG	13,070	336.16	7,119.69	1,875.46	4,074.85	68.82
26-WATER SUPPLIES	106,500	2,038.38	89,965.99	9,950.39	6,583.62	93.82
27-MAINTENANCE OF WATER S	9,000	767.18	5,338.19	1,264.02	2,397.79	73.36
28-MAINTENANCE OF WATER E	53,489	10.50	28,238.05	252.18	24,998.77	53.26
29-WATER PURCHASES	43,562	0.00	25,114.36	0.00	18,447.64	57.65
30-WATER MISCELLANEOUS EX	415,174	0.00	315,469.36	0.00	99,704.64	75.98
20-CAPITAL OUTLAY	65,651	0.00	30,841.60	0.00	34,809.40	46.98
32-WATER BONDED INDEBTEDN	94,662	0.00	66,661.36	0.00	28,000.64	70.42
34-SEWER ADMINISTRATION	611,682	17,686.53	473,833.40	507.24	137,341.36	77.55
35-INFORMATION TECHNOLOG	13,070	336.16	7,119.68	1,875.47	4,074.85	68.82
36-SEWER SUPPLIES	74,250	3,666.47	57,169.02	285.00	16,795.98	77.38
37-MAINTENANCE OF SEWER S	7,000	0.00	22,337.06	0.00 (	15,337.06)	319.10
38-MAINTENANCE OF SEWER E	72,500	3,646.50	100,327.34	1,321.04 (	29,148.38)	140.20
39-SEWER MISC. EXPENSES	524,500	0.00	14,150.58	0.00	510,349.42	2.70
41-SEWER BONDED INDEBTEDN	59,799	7,078.10	22,798.55	0.00	37,000.45	38.13
52-TRANSFER OUT	429,999	40,056.25	431,754.50	0.00 (	1,755.50)	100.41
TOTAL EXPENDITURES	3,094,640	94,381.40	2,130,239.23	17,838.04	946,562.73	69.41
REVENUE OVER/(UNDER) EXPENDITURES	(726,240)	1,094,733.62	1,069,109.39	(17,838.04) (	1,777,511.35)	144.76-

CHECKLIST FOR		JULY 2017		
WATER & SEWER				
CK #	VENDOR NAME	Inv.Date	Amount	Description
146917	AGUAWORKS	06/15/17	\$ 220.92	FLOATS FOR LIFT STATION REPAIRS/GATE VALVE FOR FIF
146918	ALAMO STREET DEVELOPMENT	VARIOUS	\$ 2,100.00	REFUND-UTILITY EXP FEE/SEWER TAP FEES-PHASE 1-3
146919	ANA-LAB	06/20/17	\$ 132.00	WATER TESTING-JUNE2017
146920	AT&T	06/17/17	\$ 72.73	PHONE SERVICE-WATER/SEWER
146921	BICKERSTAFF HEATH DELGADO	06/15/17	\$ 315.33	ATTORNEY FEES-ERH
146922	BRENNTAG SOUTHWEST	06/13/17	\$ 3,767.10	WATER PLANT CHEMICALS-LAS
146923	CHEMTRADE CHEMICALS	06/12/17	\$ 2,499.84	WATER TREATMENT PLANT CHEMICALS-CAUSTIC SODA
146924	CHOCO'S TIRES	06/16/17	\$ 32.00	ROTATE/BALANCE/INSTALL TIRES ON WS-131
146925	CINTAS CORPORATION	VARIOUS	\$ 832.36	CLEANING-W/S UNIFORMS
146926	CITY OF LOS FRESNOS	06/20/17	\$ 200.21	UTILITES-WATER/SEWER/GARBAGE-SEWER PLANT/LIFT S
146927	COMPUTER SUPPLIES & SER	06/22/17	\$ 977.29	UTILITY BILLS/LATE NOTICES
146928	DORA YANEZ	07/06/17	\$ 55.64	MILEAGE-EXCEL SEMINAR-7/20-7/21/17-MCALLEEN, TX
146929	ENRIQUE JUAREZ	06/30/17	\$ 1,562.50	JUNE 2017-ATTORNEY FEES -ERH
146930	FEDERAL EXPRESS	06/15/17	\$ 193.03	DELIVERIES-HACH
146931	FUELMAN	VARIOUS	\$ 918.64	FUEL FOR WATER/SEWER VEHICLES
146932	GEMINI GROUP	06/20/17	\$ 2,680.00	WATER QUALITY REPORT INCLUDING WEB READY FILE
146933	GEXA ENERGY	06/22/17	\$ 13,213.40	ELECTRICITY-WATER/SEWER DEPT
146934	HECTOR D HOUSE	07/07/17	\$ 336.16	IT CONTRACT SERVICE 6/24-7/7/17
146935	HECTOR'S MUFFLER	VARIOUS	\$ 806.14	OIL CHANGES/ TUNE UP WS-061-WELD HANDLE-WTP/GAT
146936	HUTHER AND ASSOCIATES	06/20/17	\$ 1,100.00	BIOMONITORING TESTING- 2ND QUARTER -WWTP
146937	INTEGRITY TESTING	06/29/17	\$ 776.00	JUNE 2017-SEWER TESTING
146938	LUIS MASCORRO	VARIOUS	\$ 1,075.00	REPAIR THERMAL HEATERS/FAULTY RELAY-LS#14/AERAT
146939	OFFICE DEPOT	06/12/17	\$ 166.38	PRINTER TONER FOR W/S PLANT
146940	REGION STAFFING	VARIOUS	\$ 1,884.80	CONTRACT LABOR WEEKENDING 6/18,6/25/17
146941	STAPLES	06/06/17	\$ 297.38	OFFICE SUPPLIES-GREEN BAR/COPY PAPER/CARD STOCK
146942	TERMINIX	06/15/17	\$ 38.00	PEST CONTROL-SERVICE CENTER
146943	USA BLUEBOOK	VARIOUS	\$ 380.09	CALIBRATION COLUMN FOR WTP/ALGAE BRUSHES/KEY T
146944	VEAE SERVICES	06/30/17	\$ 500.00	IT SERVICE CONTRACT 3RD QUARTER
146945	WAL-MART	06/15/17	\$ 4.40	WATER/SEWER TESTING SUPPLIES-DISTILLED WATER-QT
146946	ZARSKY LUMBER	05/31/17	\$ 577.87	MAY 2017-SUPPLIES FOR MAINTENANCE
146947-146954				UTILITY DEPOSIT REFUND CHECKS
146955	CITY OF L.F. PAYROLL ACCT	07/13/17	\$ 32,300.04	DUE TO PAYROLL #21 7/14/17
146956	US POSTMASTER	07/17/17	\$ 145.18	POSTAGE-LATE NOTICE WATER BILLS
146957	AT&T MOBILITY	07/01/17	\$ 258.50	MOBILE PHONE SERVICE-WATER/SEWER DEPT
146958	CCID #6	06/30/17	\$ 1,725.68	RAW WATER-JUNE 2017
146959	CHOCO'S TIRES	VARIOUS	\$ 21.00	FLAT REPAIRS WS-063/WS-071
146960	CINTAS CORP	07/11/17	\$ 117.18	MEDICAL SUPPLIES-PUBLIC WORKS
146961	DEPARTMENT STATE HEALTH SER	07/03/17	\$ 70.56	7 WATER SAMPLES 5/25, 6/22/17
146962	DPC INDUSTRIES	VARIOUS	\$ 4,990.05	WTP/WWTP CHEMICALS-CHLORINE/SULFUR DIOXIDE
146963	ENRIQUE JUAREZ	07/12/17	\$ 875.00	ATTORNEY FEES-ERH
146964	FUELMAN	VARIOUS	\$ 644.24	FUEL FOR WATER/SEWER VEHICLES
146965	HACH CHEMICAL	05/24/17	\$ 741.45	WATER PLANT TESTING EQUIPMENT-CHEMKEYS/REPLAC
146966	HECTOR D HOUSE	07/21/17	\$ 336.16	IT CONTRACT SERVICE 7/8-7/21/17
146967	LOS FRESNOS NEWS	06/14/17	\$ 126.00	AD-UTILITY BILLING CLERK
146968	LUIS MASCORRO	07/03/17	\$ 125.00	REPAIR SOUTH AERATOR#3-MOTOR PHASE LEAD
146969	MAGIC VALLEY ELEC	07/17/17	\$ 68.57	ELECTRIC-LIFT STATION-CACTUS RD
146970	NEW CORE	07/03/17	\$ 2,912.00	REPAIR SEWAGE PUMP LF#15-REPLACE BEARINGS/SEALS
146971	NOVA HEALTHCARE	06/13/17	\$ 42.12	PRE EMPLOYMENT SCREENING M.GUILLEN
146972	O'REILLY AUTO	VARIOUS	\$ 551.98	SUPPLIES FOR MAINT-JUNE 2017/MOTOR OIL/TRANSMISSI
146973	O'REILLY AUTO	VARIOUS	VOID	VOIDED CHECK-CONTINUED
146974	PRAXAIR DISTRIBUTION	VARIOUS	\$ 894.97	CHEMICAL CYLINDER RENTAL/WWTP CHEMICALS-CALCIU
146975	PURCHASE POWER	VARIOUS	\$ 15.24	MAY/JUNE 2017 POSTAGE
146976	REGION STAFFING	VARIOUS	\$ 1,884.80	CONTRACT LABOR WEEKENDING7/2,7/9/17
146977	RIO GRANDE VALLEY INDUST	07/17/17	\$ 650.00	RESERVOIR PUMP REPAIR-ATP REMOVE,CLEAN, REINST
146978	SMARTCOM	07/08/17	\$ 141.64	INTERNET SVC-WATER/SEWER DEPT
146979	TEXAS MUNICIPAL LEAGUE	05/31/17	\$ 1,000.00	MAY 2017-DEDUCTIBLE-BACKHOE
146980	TYLER TECHNOLOGIES	06/30/17	\$ 84.60	UTILITY BILL NOTICE 4/1-6/30/17
146981	WELLS FARGO BANK	07/10/17	\$ 7,078.10	INTEREST PAYMENT LOSF909ACT
146982	ZARSKY LUMBER	06/30/17	\$ 825.23	JUNE 2017-SUPPLIES FOR MAINTENANCE
146983	CITY OF L.F. PAYROLL ACCT	07/27/17	\$ 32,702.60	DUE TO PAYROLL #22 7/28/17
146984	WAL-MART	07/27/17	\$ 599.00	AC/HEAT UNIT-SEWER PLANT OFFICE
146985	US POSTMASTER	07/27/17	\$ 530.51	POSTAGE-FIRST NOTICE WATER BILLS
		TOTAL	\$ 130,172.61	

UTILITY DEPOSIT REFUND CHECKS				
146947	CULP, JACKSON	07/07/17	\$ 95.75	ACCT #01-01700-09 UTILITY DEPOSIT REFUND
146948	ATHERTON, DEBRA	07/07/17	\$ 14.88	ACCT #01-03320-02 UTILITY DEPOSIT REFUND
146949	ALMANZA, KLARISSA	07/07/17	\$ 107.75	ACCT #02-04152-04 UTILITY DEPOSIT REFUND
146950	CARDINAS, SAM D & GLORIA	07/07/17	\$ 21.11	ACCT #02-05722-01 UTILITY DEPOSIT REFUND
146951	CONTRERAS MONDR, ELIZABET	07/07/17	\$ 85.75	ACCT #02-18800-02 UTILITY DEPOSIT REFUND
146952	LOERA, ALEJANDRA	07/07/17	\$ 102.72	ACCT #03-04402-18 UTILITY DEPOSIT REFUND
146953	GALARZA, ASHLEE	07/07/17	\$ 110.77	ACCT #03-18859-08 UTILITY DEPOSIT REFUND
146954	VALDEZ, SANTIAGO JR	07/07/17	\$ 89.72	ACCT #03-20333-01 UTILITY DEPOSIT REFUND
		TOTAL	\$ 628.45	

7-31-2017 09:30 AM

CITY OF LOS FRESNOS
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: JULY 31ST, 2017

PAGE: 1

09 -COMMUNITY DEVELOPMENT COR
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 83.33

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>REVENUE SUMMARY</u>						
52-CDC DISBURSEMENTS	310,733	32,186.91	275,736.73	0.00	34,996.27	88.74
TOTAL REVENUES	310,733	32,186.91	275,736.73	0.00	34,996.27	88.74
<u>EXPENDITURE SUMMARY</u>						
52-CDC DISBURSEMENTS	310,733	847.79	157,350.32	71,161.55	82,221.13	73.54
TOTAL EXPENDITURES	310,733	847.79	157,350.32	71,161.55	82,221.13	73.54
REVENUE OVER/(UNDER) EXPENDITURES	0	31,339.12	118,386.41	(71,161.55) (	47,224.86)	0.00

Attachment: July finance report (2252 : Finance Report)

[illegible]

CITY OF LOS FRESNOS
SALES TAXES

	2012-13	% INCREASE	2013-14	% INCREASE	2014-15	% INCREASE	2015-16	% INCREASE	2016-17	% INCREASE
OCTOBER	38,798	6%	41,552	7%	55,747	34%	80,459	44%	87,321	9%
NOVEMBER	38,036	3%	37,995	0%	64,753	70%	108,190	67%	83,481	-23%
DECEMBER	34,573	9%	40,110	16%	60,284	50%	65,918	9%	74,817	14%
JANUARY	30,649	-9%	40,988	34%	38,870	-5%	62,275	60%	78,932	27%
FEBRUARY	35,241	-1%	51,097	45%	54,120	6%	141,377	161%	90,327	-36%
MARCH	30,807	-5%	41,484	35%	52,612	27%	68,151	30%	69,739	2%
APRIL	34,416	3%	44,921	31%	53,687	20%	74,460	39%	74,694	0%
MAY	44,112	-1%	51,179	16%	78,460	53%	97,208	24%	82,261	
JUNE	35,697	-4%	41,688	17%	74,721	79%	65,462	-12%	86,732	
JULY	38,062	5%	46,182	21%	67,819	47%	116,162	71%	96,561	
AUGUST	40,426	7%	48,107	19%	88,232	83%	94,235	7%		
SEPTEMBER	41,527	14%	47,769	15%	75,791	59%	77,142	2%		
ADJUSTMENT										
TOTAL SALES TAX	\$ 442,346	2.2%	\$ 533,072	21.7%	\$ 765,095	43.5%	\$ 1,051,038	37.4%	\$ 824,865	-6.9%

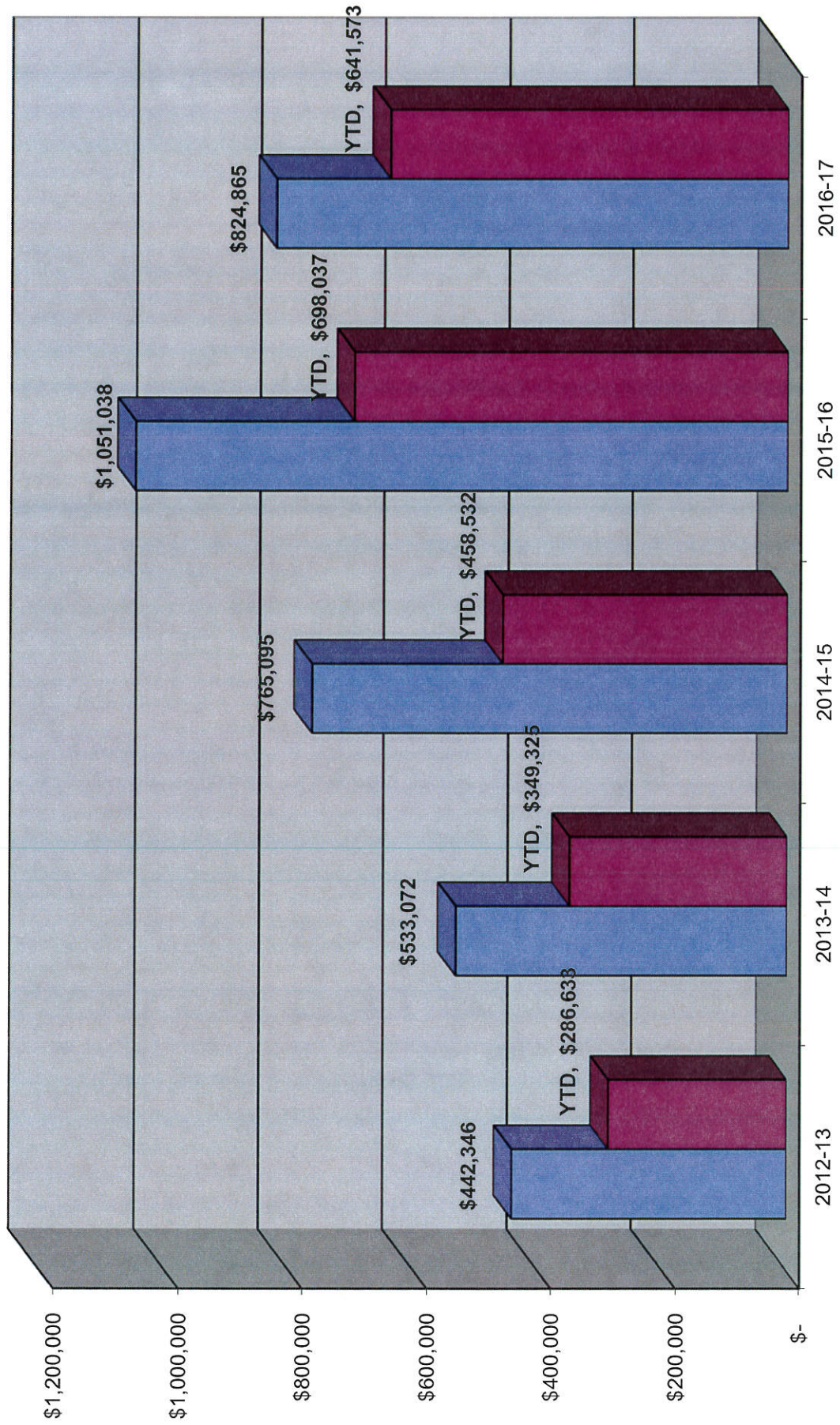
CITY OF LOS FRESNOS
CDC SALES TAXES

	2012-13	% INCREASE	2013-14	% INCREASE	2014-15	% INCREASE	2015-16	% INCREASE	2016-17	% INCREASE
OCTOBER	12,933	6%	13,851	7%	18,582	34%	26,820	44%	29,107	9%
NOVEMBER	12,679	3%	12,665	0%	21,584	70%	36,063	67%	27,827	-23%
DECEMBER	11,524	9%	13,370	16%	20,095	50%	21,973	9%	24,939	14%
JANUARY	10,216	-9%	13,663	34%	12,957	-5%	20,758	60%	26,311	27%
FEBRUARY	11,747	-1%	17,032	45%	18,040	6%	47,126	161%	30,109	-36%
MARCH	10,269	-5%	13,828	35%	17,537	27%	22,717	30%	23,246	2%
APRIL	11,472	3%	14,974	31%	17,896	20%	24,820	39%	24,898	0%
MAY	14,704	-1%	17,060	16%	26,153	53%	32,403	24%	27,420	
JUNE	11,899	-4%	13,896	17%	24,907	79%	21,821	-12%	28,911	
JULY	12,687	5%	15,394	21%	22,606	47%	38,721	71%	32,187	
AUGUST	13,475	7%	16,036	19%	29,411	83%	31,412	7%		
SEPTEMBER	13,842	14%	15,923	15%	25,264	59%	25,714	2%		
ADJUSTMENT										
TOTAL SALES TAX	\$ 147,449	2.2%	\$ 177,691	21.7%	\$ 255,032	43.5%	\$ 350,346	37.4%	\$ 274,955	-6.9%

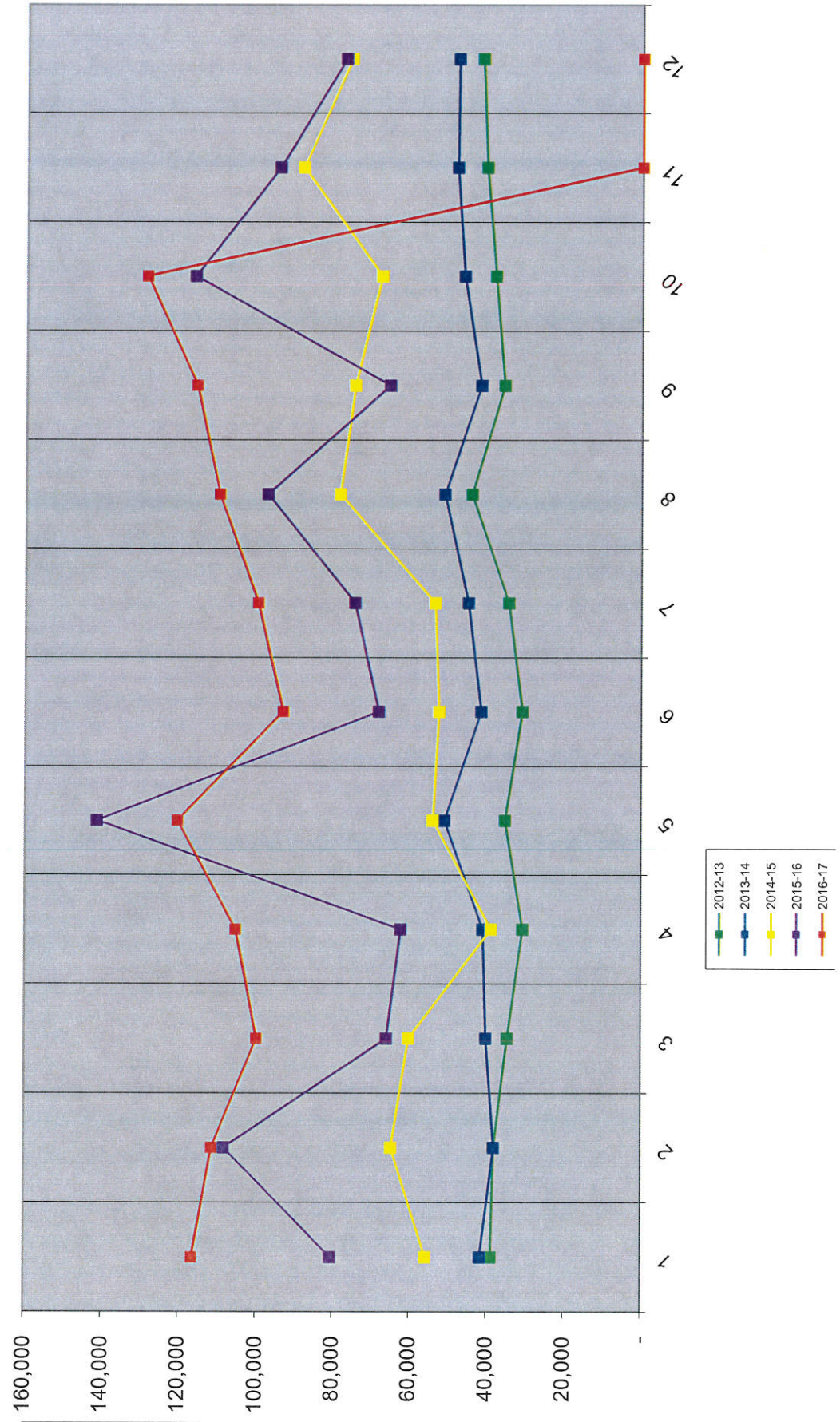
CITY OF LOS FRESNOS
TOTAL CITY SALES TAXES

	2012-13	% INCREASE	2013-14	% INCREASE	2014-15	% INCREASE	2015-16	% INCREASE	2016-17	% INCREASE
OCTOBER	51,731	6%	55,403	7%	74,329	34%	107,278	44%	116,428	9%
NOVEMBER	50,715	3%	50,660	0%	86,337	70%	144,253	67%	111,308	-23%
DECEMBER	46,098	9%	53,479	16%	80,378	50%	87,891	9%	99,757	14%
JANUARY	40,865	-9%	54,651	34%	51,827	-5%	83,033	60%	105,243	27%
FEBRUARY	46,987	-1%	68,129	45%	72,160	6%	188,503	161%	120,436	-36%
MARCH	41,076	-5%	55,311	35%	70,149	27%	90,868	30%	92,986	2%
APRIL	45,888	3%	59,895	31%	71,582	20%	99,280	39%	99,592	0%
MAY	58,816	-1%	68,239	16%	104,613	53%	129,611	24%	109,682	
JUNE	47,596	-4%	55,584	17%	99,628	79%	87,282	-12%	115,643	
JULY	50,749	5%	61,576	21%	90,425	47%	154,883	71%	128,748	
AUGUST	53,902	7%	64,143	19%	117,642	83%	125,647	7%	-	
SEPTEMBER	55,370	14%	63,693	15%	101,055	59%	102,856	2%	-	
ADJUSTMENT										
TOTAL SALES TAX	\$ 589,794	2.2%	\$ 710,762	21.7%	\$ 1,020,126	43.5%	\$ 1,401,385	37.4%	\$ 1,099,820	-6.9%

ANNUAL GENERAL FUND SALES TAX REVENUE



CITY OF LOS FRESNOS GENERAL FUND SALES TAX REVENUE
(5-Year Comparison)



City Council
200 North Brazil
Los Fresnos, TX 78566

Meeting: 08/08/17 06:00 PM
Department: City Secretary
Category: Report
Prepared By: Pam Denny
Initiator: Pam Denny
Sponsors:
DOC ID: 2253 A

SCHEDULED

ACTION ITEM (ID # 2253)

**Public Works Report 1. Water and Wastewater Activity 2.
Calls for Service 3. Building Permits 4. Recycling**

Call with questions.

**City of Los Fresnos
Water Treatment Plant
And
Wastewater Treatment Plant**

Activity for the month of July 2017

Water Treatment Plant

Total Output: 16,542,900
Daily Average: 533,642
% of Capacity: 53.3%

Waste Water Treatment Plant

Total Output: 15,230,000
Daily Average: 491,290
% of Capacity: 49.1%

CITY OF LOS FRESNOS
PUBLIC WORKS DEPARTMENT
MONTHLY REPORT
JULY 2017

CALLS FOR SERVICE	MONTH TOTAL	YEAR TO DATE
Service Connects/Disconnects	118	716
Rereads/Meter Info	48	356
Water Taps	0	18
Sewer Taps	0	0
Change Meter	0	36
Service Check for Water Leak at Account	11	113
Repaired Leak	1	15
Call for Sewer Stoppage	5	59
City Sewer Lines Unstopped	1	35
Code Enforcement/Other	81	498
Pothole Repairs	0	178
Street Repairs	0	0
Street Sign Replacement/Repaired	1	12
Asphalt Used (ton)	0	9.9
Gravel Used (ton)	2	22
Fire Hydrants Flushed and Oiled	5	46
Fire Hydrants Repaired	0	0
Valves Repaired	0	0
Manholes Cleaned/Repaired	4	29


Carlos Salazar, Director of Public Works

Attachment: July public works report (2253 : Public Works Report)

CITY OF LOS FRESNOS
BUILDING PERMITS ISSUED

	BUILDING PERMITS			PLUMBING PERMITS			ELECTRICAL PERMITS			MECHANICAL PERMITS			MOVING PERMITS			MONTH & YEAR		July, 2017
	MONTH	YTD	MONTH	MONTH	YTD	MONTH	MONTH	YTD	MONTH	MONTH	YTD	MONTH	MONTH	YTD	MONTH	VALUATION	VALUATION	
SINGLE FAMILY	2	20			14			15			9		1	4		\$93,000.00	\$1,284,000.00	
DUPLEXES/APARTMENTS																		
PUD DEVELOPMENT		1			1												\$600,000.00	
HOTEL/MOTEL / BANK																		
OFFICES/ STORAGE		1			1												\$300,000.00	
DOCTOR OFFICE																		
STORES/RESTAURANTS								1										
SIGNS	1	6														\$11,400.00	\$19,080.00	
CHURCHES/OTHER BUILDINGS																		
FENCE/DRIVEWAY/REROOF	6	39														\$10,216.40	\$101,843.32	
SWIMMING POOLS		1			1			1									\$43,540.00	
RESIDENTIAL ADD/REMODEL	1	28			4			7			1					\$3,000.00	\$215,235.00	
APARTMENT REMODEL																		
COMMERCIAL ADD/REMODEL		5			3			3									\$109,200.00	
STORAGE/GARAGES/CARPORTS	1	16						1								\$860.00	\$29,329.00	
Fire/Work Stands		8															\$2,400.00	
TOTALS	11	125	0	0	24	0	0	28	0	0	10	1	4		\$118,476.40	\$2,704,627.32		

**City of Los Fresnos
Recycling Program
Total Number of Guest
July 2017**

Date	Tuesdays at Memorial Park
07/04/17	0
07/11/17	28
07/18/17	30
07/25/17	24
Totals	82

Date	Thursdays at Community Park
07/06/17	26
07/13/17	26
07/20/17	22
07/27/17	25
Totals	99

Date	Saturdays at City Hall
07/01/17	23
07/08/17	22
07/15/17	25
07/22/17	21
07/29/17	19
Totals	110

Total attendance for the Month of July	291
---	------------

City Council
200 North Brazil
Los Fresnos, TX 78566

Meeting: 08/08/17 06:00 PM
Department: City Secretary
Category: Report
Prepared By: Pam Denny
Initiator: Pam Denny
Sponsors:

SCHEDULED

ACTION ITEM (ID # 2254)

DOC ID: 2254 A

**Police Department Report 1. Arrests 2. Incidents 3.
Accidents**

Call with questions.

LOS FRESNOS POLICE DEPARTMENT

Arrests - By Violation

07\01\2017
thru 07\31\2017

Violation	# of Offenses
ABANDON ENDANGER CHILD CRIMINAL NEGLIGENCE	1
ASSAULT CAUSES BODILY INJURY FAMILY VIOLENCE 13c	1
ASSAULT FAM/HOUSE MEM IMPEDE BREATH/CIRCULAT 13a	1
DRIVING WHILE INTOXICATED	6
DRIVING WHILE INTOXICATED 3RD OR MORE	1
DRIVING WHILE INTOXICATED BAC >= 0.15	1
DRIVING WHILE LICENSE SUSPENDED UNDER PROVISIONS OF DL LAWS	2
EXECUTION OF CAPIAS OR ARREST WARRANT	17
FAILURE TO IDENTIFY	2
HARASSMENT	1
HOLD FOR CUSTOMS	2
INDECENT EXPOSURE	1
LEAVING SCENE OF ACCIDENT	1
POSS CS PG 3 < 28G	1
POSS MARIJ <2OZ	2
PUBLIC INTOXICATION BY MINOR	1
RESIST ARREST SEARCH OR TRANSPORT	1
THEFT	2
Total Violations	44
Total Arrests	33

Attachment: july Police report (2254 : Police Department Report)

LOS FRESNOS POLICE DEPARTMENT

Incidents - By Violation

07\01\2017
thru 07\31\2017

Violation	Incidents
ABANDON ENDANGER CHILD CRIMINAL NEGLIGENCE	1
ABANDONED VEHICLES	8
ALARMS	14
ANIMAL CONTROL	33
ASSAULT CAUSES BODILY INJURY FAMILY VIOLENCE 13a	3
ASSAULT FAM/HOUSE MEM IMPEDE BREATH/CIRCULAT 13a	1
BURGLARY OF BUILDING	2
BURGLARY OF HABITATION	1
BURGLARY OF VEHICLE 23f	2
CHILD IN NEED OF SUPERVISION RUNAWAY	1
CITY ORD VIOLATION	1
CREDIT CARD OR DEBIT CARD ABUSE	1
CRIMINAL MISCHIEF >=\$50<\$500	4
CRIMINAL MISCHIEF/CLASS C	1
DEMOLITION AND REMOVAL OF BUILDING	1
DOG AT LARGE	12
DRIVING WHILE INTOXICATED 3RD OR MORE	1
DRIVING WHILE INTOXICATED BAC >= 0.15	2
DRIVING WHILE LICENSE SUSPENDED UNDER PROVISIONS OF DL LAWS	2
EXECUTION OF CAPIAS OR ARREST WARRANT	17
FAILURE TO IDENTIFY	2
FIREWORK/FIREARMS	1
GARAGE SALES	7
GRAFFITI OFFENSE	1
HARASSMENT	2
HARBORING OF BEES	2
ILLEGAL DUMPING >5 LBS < 500 LBS	3
INTOXICATION ASSAULT W/VEHICLE SBI	1
LEAVING SCENE OF ACCIDENT	1
LOUD NOISE	2
PEDDLERS AND SOLICITORS	1
PERMIT OF FOOD SERVICE ESTABLISHMENT	5
POSS CS PG 3 < 28G	2
POSS MARIJ <2OZ	1
POSSESSION OF DRUG PARAPHERNALIA	2
PUBLIC INTOXICATION BY MINOR	1
RECKLESS DRIVING	1
REGULATES & RESTRICTS THE LOCATION AND USE OF BUILDING	2
RESIST ARREST SEARCH OR TRANSPORT	1
RIGHT OF WAYS/BASKETBALL NETS	2
SEMI TRUCK ROUTE	2
TERRORISTIC THREAT 13a	2
THEFT	10
THEFT OF SERV >=\$1,500<\$20K	1
WEEDED OR RUBBISH LOT	88
Total Violations	251
Total Incidents	232

Attachment: july Police report (2254 : Police Department Report)

LOS FRESNOS POLICE DEPARTMENT

Accident - By Street & Intersection

07\01\2017
thru 07\31\2017

Street & Intersection	Accidents	Fatalities	Vehicles	Injured
10TH & ARROYO	1	0	0	0
6TH & EBANO	1	0	2	0
8TH & PALMA	1	0	2	0
ARROYO & OLD PORT	1	0	0	0
FM 1575 & HWY 100 & STATE HWY 100	1	0	2	0
FM 803	1	0	2	0
HWY 100 & FM 803	1	0	2	0
OCEAN & ALAMO	1	0	2	0
OCEAN & EVERGREEN	3	0	4	0
OCEAN & FM 803	2	0	2	0
OCEAN & MESQUITE	1	0	0	0
OCEAN & OLMO	1	0	2	0
OCEAN & PITA	1	0	2	0
OLD ALICE & OCEAN	1	0	2	0
STATE HIGHWAY 100 & FM 803 & FM 803	1	0	2	0
STATE HWY 100 & FM 1575	1	0	2	0
STATE HWY 100 & FM 803	1	0	2	0
STATE HWY 100 & FM 803 & FM 803	1	0	2	0
Total	21	0	32	0

Attachment: july Police report (2254 : Police Department Report)

City Council
200 North Brazil
Los Fresnos, TX 78566

Meeting: 08/08/17 06:00 PM
Department: City Secretary
Category: Report
Prepared By: Pam Denny
Initiator: Pam Denny
Sponsors:
DOC ID: 2255 A

SCHEDULED

ACTION ITEM (ID # 2255)

Municipal Court Report 1. Monthly Report

Call with questions.

OFFICIAL MUNICIPAL COURT MONTHLY REPORT

MUNICIPAL COURT OF <u>Los Fresnos</u> FOR MONTH <u>July</u> YEAR <u>2017</u>		TRAFFIC		NON-TRAFFIC MISDEMEANORS	
		NON-PARKING	PARKING	STATE LAW	CITY ORDINANCE
1. New Cases Filed During the Month		568		18	2
2. Dispositions Prior to Trial:					
A. Bond Forfeitures					
B. Fined <i>(Before trial only. If the defendant goes to trial, enter in Item 3.)</i>					
C. Cases Dismissed <i>(Do not include dismissals that are to be reported in Items 3C and 4 below.)</i>					
3. Dispositions at Trial:					
A. Trial by Judge					
(1) Finding of Guilty		265		8	0
(2) Finding of Not Guilty					
B. Trial by Jury					
(1) Finding of Guilty					
(2) Finding of Not Guilty					
C. Dismissed at Trial		50		3	1
4. Cases Dismissed:					
A. After Driver Safety Course <i>(C.C.P., Art. 45.0511)</i>		47			
B. After Deferred Disposition <i>(C.C.P., Art. 45.051)</i>		49		3	
C. After Proof of Financial Responsibility <i>(Transportation Code, Sec. 601.193)</i>		11			
D. Compliance Dismissal <i>(Proof of Inspection, License, or Registration)</i>		20			
5. Community Service Ordered <i>(For satisfaction of fine or costs only.)</i>		14			
6. Cases Appealed					
7. Juvenile / Minor Activity:					
A. Transportation Code Cases Filed		3		8. Parent Contributing to Nonattendance Cases Filed <i>(Education Code, Sec. 25.093)</i>	
B. Non-Driving Alcoholic Beverage Code Cases Filed		1		9. Safety Responsibility and Driver's License Suspension Hearings Held	
C. Driving Under the Influence of Alcohol Cases Filed				10. Search Warrants Issued <i>(Do not include warrants for arrest.)</i>	
D. Health & Safety Code (Tobacco) Cases Filed				11. Arrest Warrants Issued:	
E. Failure to Attend School Cases Filed <i>(Education Code, Sec. 25.094)</i>				A. Class C Misdemeanors Only	
F. Education Code (Except Failure to Attend) Cases Filed				B. Felonies and Class A and B Misdemeanors Only	
G. Violation of Local Daytime Curfew Ordinance Cases Filed <i>(Loc. Govt. Code, Sec. 341.903)</i>				12. Magistrate Warnings Given: <i>(Given to defendants charged with county or district court offense.)</i>	
H. All Other Non-Traffic Fine-Only Cases Filed				A. Class A and B Misdemeanors Only	
I. Waiver of Jurisdiction of Non-Traffic Cases <i>(Family Code, Sec. 51.08(b))</i>				B. Felonies	
J. Referred to Juvenile Court for Delinquent Conduct <i>(C.C.P., Art. 45.050 (c)(1))</i>				9	
K. Held in Contempt, Fined, or Denied Driving Privileges <i>(C.C.P., Art. 45.050 (c)(2))</i>				3	
Magistrate Warnings Given (Juvenile):				13. Emergency Mental Health Hearings Held	
L. Warnings Administered				14. Magistrate's Orders for Emergency Protection	
M. Statements Certified				15. Total Revenue \$ <u>89,947.80</u>	
<i>(Include all revenue collected during month to be remitted to city or state)</i>					

Attachment: July municipal court report (2255 : Municipal Court Report)

Citation No.	Docket No.	Violator	***** TOTAL FOR REPORT *****			
Code	Payments	Refunds	Net	G/L	Acct No.	
FINE	454 27,129.90	6 264.60-	26,865.30	01	407-0240	
TLFTA1	54 999.60	0 0.00	999.60	01	2512	
TLFTA2	51 300.10	0 0.00	300.10	01	2517	
TLFTA3	52 204.50	0 0.00	204.50	01	407-0240	
CCC04	579 22,281.00	5 180.00-	22,101.00	01	2512	
AR	551 2,741.50	4 17.00-	2,724.50	01	407-0240	
TECH	554 2,149.30	3 12.00-	2,137.30	01	407-0241	
MCBS	536 1,595.00	3 9.00-	1,586.00	01	407-0270	
SJRF	534 2,129.00	3 12.00-	2,117.00	01	2512	
SJFCT2	535 2,877.20	3 16.20-	2,861.00	01	2512	
JFCI	535 321.00	3 1.80-	319.20	01	407-0240	
IDF	533 1,066.00	3 6.00-	1,060.00	01	2512	
TP-L-J	40 100.00	0 0.00	100.00	01	407-0260	
TP-S	51 543.90	0 0.00	543.90	01	2512	
TP-L	48 417.20	0 0.00	417.20	01	407-0240	
TFC	500 1,500.00	3 9.00-	1,491.00	01	407-0240	
STF	500 14,388.00	2 60.00-	14,328.00	01	2512	
WRNTEE	55 2,560.70	0 0.00	2,560.70	01	407-0240	
TPF	520 1,038.00	3 6.00-	1,032.00	01	2512	
COLAGY	37 2,409.44	0 0.00	2,409.44	01	2513	
CJFS	450 40.50	1 0.09-	40.41	01	2512	
CJFC	450 4.50	1 0.01-	4.49	01	407-0240	
CS2	6 97.70	0 0.00	97.70	01	407-0280	
DSC	83 821.70	0 0.00	821.70	01	407-0240	
OCL	1 9.00	0 0.00	9.00	01	2512	
LEOA	1 1.00	0 0.00	1.00	01	2512	
LEOCE	1 2.00	0 0.00	2.00	01	2512	
JCPT	1 1.00	0 0.00	1.00	01	2512	
CVC	4 60.00	0 0.00	60.00	01	2512	
CCC	4 68.00	0 0.00	68.00	01	2512	
FA	4 20.00	0 0.00	20.00	01	2512	
JCD	4 1.00	0 0.00	1.00	01	2512	
MSB	1 9.00	0 0.00	9.00	01	2513	
JCPT2	3 6.00	0 0.00	6.00	01	2512	
JFCT	2 6.10	0 0.00	6.10	01	2512	
SPEX	67 4,462.60	0 0.00	4,462.60	01	407-0290	
AF2	17 330.00	0 0.00	330.00	01	407-0240	
TXSBLT	6 178.50	0 0.00	178.50	01	2515	
AF	4 40.00	1 10.00-	30.00	01	407-0240	
ACC	3 60.00	0 0.00	60.00	01	407-0240	
Total:	7825 92,969.94	44 603.70-	92,366.24			

city 39967
convict 2137.2
Bldg. 1586.
omni 300.1
coll. 2418.4
incl. 100.
child 97.7
op State 45759

Attachment: July municipal court report (2255 : Municipal Court Report)

Cash Payments....+ \$90,124.94
 Bond Forfeited....+ \$0.00
 Bond Applied.....+ \$2,550.30
 Payment Refunded.- \$309.00-
 Fees/Fines Paid...= \$92,366.24
 Cash (Payments)...+ \$90,124.94

City Council
200 North Brazil
Los Fresnos, TX 78566

Meeting: 08/08/17 06:00 PM
Department: City Secretary
Category: Report
Prepared By: Pam Denny
Initiator: Pam Denny
Sponsors:
DOC ID: 2256 A

SCHEDULED

ACTION ITEM (ID # 2256)

Library Report 1. Monthly Report

Call with questions.



**ETHEL L. WHIPPLE MEMORIAL LIBRARY
LIBRARIAN'S REPORT
JULY 2017**

Number of Patron Checking Out Materials

Adult	835
Children	215
Teens	33



Material Types Checked Out

Adult Books	259
Children Books	207
Young Adult Books	5314
Videos	323
Audios	1
Other Language Books	38
Hotspots	9



Items Downloaded

eBooks	98
eAudiobooks	25



Patron Access Computer Use

Total Sessions	940
Total Time	619 hours
Guest Passes	150



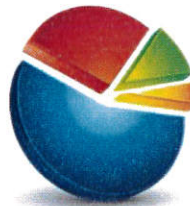
Free WiFi Access Use

Total Sessions	750 Library WiFi
Total Time	1,965 hours
Total Sessions	285 Park WiFi
Total Time	712 hours



What Happened In the Library

Hours Open	160 hours
Visits	3,230
Children Program Attendance	575
Volunteer Hours	858
New Cards Issued	40
Cards Renewed	118
New Books Added	79
New eBooks Added	41
New Videos Added	19
Hotspots	9
Books Weeded	305
Videos Weeded	39
Reference Questions	550
Assists in Computer Lab	336
Patron Copies	1,389
Patron Faxes sent	146
Patron Printouts	1,399
Library Staff Copies	790
Replacement Cards	18



City Council
200 North Brazil
Los Fresnos, TX 78566

Meeting: 08/08/17 06:00 PM
Department: City Secretary
Category: Report
Prepared By: Pam Denny
Initiator: Pam Denny
Sponsors:
DOC ID: 2257 A

SCHEDULED

ACTION ITEM (ID # 2257)

Fire Marshal's Report 1. Monthly Report

Call with questions.



FIRE MARSHAL'S OFFICE
200 NORTH BRAZIL
LOS FRESNOS, TEXAS 78566

FIRE INSPECTION REPORT

MONTHLY INFORMATION REPORT
MONTH OF JULY 2017

<u>FIRES</u>	<u>INSIDE CITY</u>	<u>OUTSIDE CITY</u>
Business Structures	_____	_____
Dwellings	_____	<u>1</u>
Mobile Homes	_____	_____
Grass	_____	<u>8</u>
Refuse	_____	<u>1</u>
Institutional	_____	_____
Motor Vehicles	_____	<u>1</u>
Rescue Calls	<u>2</u>	<u>5</u>
Incendiary or Suspicious Fires	_____	_____
Other Calls	<u>3</u>	<u>5</u>
TOTAL ALARMS		<u>26</u>

MONTHLY FIRE PREVENTION INSPECTIONS

Commercial Businesses	<u>3</u>	Institutions	<u>2</u>
Industrial Structures	_____	Homes	<u>3</u>
Public Buildings	<u>2</u>	Apartments	_____
Hotels/Motels	_____		
TOTAL INSPECTIONS	<u>10</u>		

SCHOOL, HOSPITAL AND NURSING HOME FIRE DRILLS SUPERVISED: _____

LECTURES-PRESENTATIONS MADE/FILMS: SHOWN _____ TOTAL AUDIENCE _____

FIRES INVESTIGATED: (ACCIDENTAL) _____ (INCENDIARY) _____


FIRE MARSHAL, CITY OF LOS FRESNOS

Attachment: July fire marshal report (2257 : Fire Marshal's Report)

City Council
200 North Brazil
Los Fresnos, TX 78566

Meeting: 08/08/17 06:00 PM
Department: City Secretary
Category: Workshop
Prepared By: Pam Denny
Initiator: Pam Denny
Sponsors:
DOC ID: 2258 A

SCHEDULED

ACTION ITEM (ID # 2258)

Budget Workshop for fiscal year 2017/2018.

We will begin the process of going through the budget.