



**AGENDA
REGULAR MEETING
FREEPORT CITY COUNCIL
MONDAY, OCTOBER 16, 2023 AT 6:00 PM**

Mayor:

Brooks Bass

Council Members:

Jeff Pena

Jerry Cain

George Matamoros

Winston Rossow

City Manager:

Timothy Kelty

THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, WILL MEET ON MONDAY, OCTOBER 16, 2023 AT 6:00 PM, AT THE FREEPORT, POLICE DEPARTMENT, MUNICIPAL COURT ROOM, 430 NORTH BRAZOSPORT BOULEVARD FREEPORT TEXAS

This meeting will be live streamed via YouTube Live and may be accessed on the City of Freeport Facebook page: <https://www.facebook.com/freeporttexas> or by visiting <https://www.youtube.com/@cityoffreeporttx8375/streams>

THE MEETING IS BEING HELD FOR THE FOLLOWING PURPOSES:

CALL TO ORDER: The Mayor will call the meeting to order, declare a quorum if present, and declare notices legally posted pursuant to Open Meetings Act.

INVOCATION AND PLEDGE OF ALLEGIANCE: (Council Member)

CITIZENS' COMMENTS:

Members of the public are allowed to address the City Council at this time, and must include name and address. Note, specific factual information or a recitation of existing policy may be furnished in response to an inquiry made, but any deliberation, discussion, or decision with respect to any subject about which the inquiry was made shall be limited to a proposal to place such subject on the agenda for a subsequent meeting for which notice is provided in compliance with the Texas Open meetings Act unless said notice appears herein. The public is reminded that there is a (4) minute time limit as approved by City Council on June 21, 2010.

PRESENTATIONS/ANNOUNCEMENTS: Announcements by Mayor, City Council and/or Staff.

1. Presentation for Employee of the Month, for the month of September 2023. **(Tim Kelty)**
2. Proclamation recognizing October 21st 2023, as Wildcat Social Club Day **(Tim Kelty)**

CONSENT AGENDA:

Consent Agenda items are considered to be routine in nature and may be acted upon in one motion. Any item requiring additional discussion may be withdrawn from the Consent Agenda by the Mayor, Councilmember or City Manager, and acted upon separately.

3. Consideration and possible action on the approval of City Council Meeting Minutes, from October 2, 2023. **(Betty Wells)**
4. Consideration and possible action approving the interlocal agreement with Brazoria County to continue the professional services of LJA Engineering for the regional stormwater management program and permit applications as part of the Brazoria County Stormwater Coalition. **(Laura Cramer)**

COUNCIL BUSINESS – REGULAR SESSION:

5. Consideration and possible action amending Ordinance No.1734 in regards to Reserve Officers. **(Jennifer Howell)**
6. Consideration and possible action approving the Fiscal Year 2023/2024 Brazoria County Interlocal Road Project. **(Lance Petty)**
7. Consideration and possible action to approve the proposal from CRG Texas for the removal of the existing underground fuel tanks at the Service Center. **(Lance Petty)**
8. Consideration and possible action approving Resolution No. 2023-2821 for EDC Budget Amendment #2 for Fiscal Year 2023. **(Cathy Ezell, Robert Johnson)**
9. Consideration and possible action approving Ordinance No. 2023-2711 for Budget Amendment #2 for Fiscal Year 2023. **(Cathy Ezell)**
10. Consideration and possible approving Resolution No. 2023-2820 amending the policy regarding public comments during a City Council meeting. **(Tim Kelty)**
11. Consideration and possible action granting a 4.7 acre drainage easement to the Velasco Drainage District, along the levee from behind the Pocket Park on Avenue A to Riverside Park. **(Tim Kelty)**
12. Consideration and possible action authorizing the City Manager to carry over unused vacation. **(Mayor Brooks Bass)**
13. Consideration and possible action amending the Zoning Ordinance allowing for and regulating the use of portable storage containers. **(Kacey Roman)**

14. Discussion and possible action to award a bid to the apparent low bidder for WWTP.
(Lance Petty, Cathy Ezell)
15. Consideration and possible action for a budget amendment to perform repairs needed at the Freeport Municipal Park Kitchen. **(Jerry Cain, George Matamoros)**

WORK SESSION:

16. The City Council may deliberate and make inquiry into any item specifically listed as a Subsection under the itemized Sections A-H below, an item appearing on the City Council agenda for this meeting, on matters related to community events, or on matters that are not within the jurisdiction of the City for consideration by City Council. The City Council may not deliberate on any City matters not specifically disclosed under this Work Session or on this posted City Council Meeting agenda. City Council members and the Mayor always reserve the right to request that a matter be placed on a future agenda for consideration.
 - A. Mayor Brooks Bass announcements and comments.
 - B. Councilman Pena Ward A announcements and comments.
 - C. Councilman Cain Ward B announcements and comments.
 - D. Councilman Matamoros Ward C announcements and comments.
 1. HOT
 2. Starbucks Agreement with EDC.
 - E. Councilman Rossow Ward D announcements and comments.
 - F. City Manager Tim Kelty announcements and comments.
 1. City Hall Renovation update.
 - G. Updates on current infrastructure.
 - H. Update on reports / concerns from Department heads.

CLOSED SESSION:

17. Executive Session regarding a.) Consultation with City attorney (Pending Litigation) Music v. City of Freeport, et al., Washington v. City of Freeport et al., City of Freeport v. Shri Maa, LLC d/b/a Motel 6, and Duncan V. City of Freeport; b.) personnel matters regarding complaints filed against Councilman Jeff Pena, in accordance with the Texas Government Code Annotated, Chapter 551, Sections 551.071 and 551.074.

COUNCIL BUSINESS – REGULAR SESSION:

18. Take any action resulting from Executive Session.

ADJOURNMENT:

19. Adjourn

Items not necessarily discussed in the order they appear on the agenda. The Council at its discretion may take action on any or all of the items as listed. This notice is posted pursuant to the Texas Open Meeting Act. (Chapter 551, Government Code).

The City Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.087 (Economic Development).

ACCESSIBILITY STATEMENT This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (979) 233-3526.

CERTIFICATE I certify the foregoing notice was posted in the official glass case at the rear door of the City Hall, with 24 hours a day public access, 200 West 2nd Street, Freeport Texas, before 6:00 p.m. in accordance with Open Meetings Act.



Betty Wells,
City Secretary, City of Freeport, Texas



PROCLAMATION

WHEREAS, In 2003, the Wildcat Social Club was created in the Freeport Community from the memory and inspiration of R. O'Hara Lanier School and the 1960 State Championship football team; and

WHEREAS, Billy Ray Pierce, Sr. was the founder and first president of the Wildcat Social Club from its inception; and in 2006, Charlie Hawkins became the president and holds that position to this day; and

WHEREAS, the Wildcat Social Club (WCSC) is a social club that goes beyond just being a social club; it encompasses the whole community by providing scholarships to high school seniors, quarterly visitations to area nursing homes, financial and moral support to individuals and organizations in need and participation in community parades and community activities; and

WHEREAS, the Wildcat Social Club endeavors to keep the spirit of the R. O'Hara Lanier School and the 1960 State Champion football team spirit and legacy alive in the community; and

WHEREAS, the Wildcat Social Club will continue to educate our future generations about R. O'Hara Lanier School and the 1960 State Championship football team so the memory of this great school will not be lost in this community's history; and

WHEREAS, this year the Wildcat Social Club is celebrating 20 years in this great community and will continue to keep our legacy and history alive and well.

NOW THEREFORE, be it resolved, that I, Brooks Bass, Mayor of the City of Freeport, do hereby proclaim October 21, 2023 as Wildcat Social Club Day in recognition of the involvement and dedication to this community.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the great seal of Freeport, Texas on this 21st day of October, 2023.

Mayor

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, October 2, 2023 at 6:00 PM at the Freeport, Police Department, Municipal Court Room, 430 North Brazosport Boulevard Freeport Texas for the purpose of considering the following agenda items:

City Council:

Mayor Brooks Bass
Councilman Jeff Pena
Councilman Jerry Cain
Councilman George Matamoros
Councilman Winston Rossow

Staff:

Tim Kelty, City Manager, Not Present
Lance Petty, Assistant City Manager/PWD
Betty Wells, City Secretary
David Olson, Interim City Attorney
Cathy Ezell, Finance Director
Toby Cohen, IT Manager
Donna Fisher, Human Resource Director
Chris Motley, Fire Chief
Jennifer Howell, Police Chief
Kacey Roman, Building Official
Wade Dillon, Museum Manager

Visitors:

David McGinty	Pam Dancy
Cathy Cox	Keith Morgan
Karla Clark	Kenny Hayes
Manning Rollerson	Thompson Pearl
Rolando deal Fuente	Melanie Oldham
Ron Bachman	Margaret Bachman
Sam Reyna	Leo Salazar
Tom Pearson	Desiree Pearson
Chris Duncan	

THE MEETING IS BEING HELD FOR THE FOLLOWING PURPOSES:

CALL TO ORDER:

Mayor Bass called the meeting to order at 6 P.M.

INVOCATION AND PLEDGE OF ALLEGIANCE:

Invocation and Pledge was led by Councilman Rossow.

CITIZENS' COMMENTS:

Pam Dancy 313 S. Front, spoke of campaigning. She said she would like to hear how Councilmembers make their vote now on items. She said the public would like to hear this. She said she would like the individual thoughts of the council, and would like to know if they read the information given beforehand. She asked that the EDC applicants be allowed to speak before the vote on appointing a member to the EDC Board.

Karla Clark 411 Sailfish, thanked the EDC, Hispanic Chamber and the City of Freeport for hosting the Expo. She said it was a nice event and hopes it continues next year. She thanked the PD and the FD for sponsoring National Night Out. She announced they will be registering people to vote at this time. She also asked that the EDC applicants be allowed to speak. She said she would like to hear their qualifications.

Thompson Pearl 1710 West 10th, spoke of the street repair on 10th Street. He said he has a lake in front of his house if it rains.

Manning Rollerson said there are things he wants cleared up: Braztex, the issue with Brimage being on Council and law enforcement. He said in Citizens Comments council can respond to a question, this is something council made up. He spoke of Starbucks being sold. He said EDC dropped the ball. He also asked how an EDC member can have a shipping container in their backyard.

Chris Duncan said he wanted to discuss the agenda item on tonight's agenda, he said he is withdrawing his request to buy the levee property behind his property on Mystery Harbor. He said he wanted to buy this property to open it up to the public. He spoke of tearing down the fences on the levee. He said behind his property he would be willing to build a public fishing pier, donated to the city. Allowing anyone from the public to go and fish on this pier. He said he invites all of council to help build this pier. He said he is going to build and pay for it regardless. He said he encourages Mr. Kelty to do the same with his property.

Sam Reyna, 2002 N. Ave G, said on Tuesday morning he contacted the City Manager that he and Eric Hayes wanted to place an item on the agenda. Mr. Reyna said he was told he could not at this time. Mr. Kelty asked what the item was about, Mr. Reyna said a discussion about our Building Official who is causing a lot of problems in our city. He said he would like an item about the removal of the Building Official.

Wade Dillon Museum Manager announced upcoming events. He said today two exhibits were opened, "Haunting Tales of the Texas Coast" and the "Dia de los Muertos". He spoke of the restructuring with the FY2023/2024 budget. He spoke of the 100th birthday of Mr. Nat Hickey. He said the Museum hours are Monday-Friday 8 A.M. to 5 P.M. and Saturday 10:00 A.M. to 4 P.M. and closed on Sunday. He said he invites everyone to come to the Freeport Museum.

CONSENT AGENDA:

Consideration and possible action on the approval of City Council Meeting Minutes, from September 18, 2023.

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Consideration and possible action to approve the Brazoria County Firefighter's Association Fire Protection Agreement with Brazoria County.

A motion was made by Councilman Matamoros, to approve the Consent Agenda, seconded by Councilman Rossow with all present voting "Aye" 5-0 council unanimously approved the Consent Agenda.

COUNCIL BUSINESS – REGULAR SESSION:

Public Hearing: Consideration and possible action approving replat for Willowbreeze Farm Section II a Subdivision of 55.168 Acres out of a 73.33 Acre Tract Being the same tract conveyed to SBK Family Homes LLC a Texas Limited Liability Company asrecorded in Clerk's File No. 2022-007505 of the Official Records of Brazoria County, Texas. William McDermott Survey Abstract 341 Brazoria County, Texas

Mayor Bass opened the Public Hearing at 6:21 P.M.

Building Official Kacey Roman presented to Council replat for Willowbreeze Farm Section II a Subdivision of 55.168 Acres out of a 73.33 Acre Tract Being the same tract conveyed to SBK Family Homes LLC a Texas Limited Liability Company asrecorded in Clerk's File No. 2022-007505 of the Official Records of Brazoria County, Texas. William McDermott Survey Abstract 341 Brazoria County, Texas. She said this was approved by Planning and Zoning.

Mayor Bass closed the Public Hearing at 6:23 P.M.

A motion was made by Councilman Cain to approve replat for Willowbreeze Farm Section II a Subdivision of 55.168 Acres out of a 73.33 Acre Tract Being the same tract conveyed to SBK Family Homes LLC a Texas Limited Liability Company asrecorded in Clerk's File No. 2022-007505 of the Official Records of Brazoria County, Texas. William McDermott Survey Abstract 341 Brazoria County, Texas, seconded by Councilman Matamoros with all present voting "Aye" 5-0, council unanimously approved the motion.

Public Hearing: Consideration and possible action amending an ordinance establishing regulations on the placement of portable storage containers.

Mayor Bass opened the Public Hearing at 6:24 P.M.

Building Official Kacey Roman presented to council the possible action amending an ordinance establishing regulations on the placement of portable storage containers. She said Planning and Zoning has held several meetings, and there has been a lot of discussion over the amendment. They have approved what is being presented tonight.

Sam Reyna said State Law allows these storage containers. He said we have to follow State Law.

There was discussion by council on the State Law, asking if we pass this ordinance and whether it would conflict with the State Law. There was discussion about the rusting of the storage containers. Ms. Roman said the containers must be maintained. There was discussion on containers that are now being used, Ms. Roman said they would be grandfathered in.

Mayor Bass closed the Public Hearing at 6:32.

A motion was made by Mayor Bass to table this item to give Legal the opportunity to look at Sate Law, seconded by Councilman Cain with all present voting "Aye", 5-0 council unanimously approved the motion.

Discussion regarding Rental Inspection Program.

Building Official Kacey Roman presented to council the discussion of the Rental Inspection Program. She spoke of residents calling and making complaints about what is wrong with their rental property, but they do not want an inspection done because of fear of the homeowner evicting them. She said the inspection would be a General Property Inspection. This will make sure everything works, all is safe and there are no health concerns such as mold. Ms. Roman said it protects the homeowner as well. She said there was an inspection sheet which stated that the inspection had passed.

There was a lengthy discussion by council over wanting to include houses as well as apartments at the start of

this program. There was discussion about units not having to be fully brought up to the current code, but having to meet code requirements from when they were built with all equipment being safe and operational. There was discussion that there would need to be an additional Inspector who would manage this program. They discussed notifying the homeowners and the apartment managers of this program prior to adoption.

Council directed staff to continue work and Mayor Bass said he expects this will take several months and much more discussion before being implemented.

Councilman Pena spoke about affordable housing.

Consideration and possible action approving Resolution No. 2023-2819, nominating candidate(s) for a position on the Board of Directors of the Brazoria County Appraisal District.

Assistant City Manager Lance Petty presented to council consideration and possible action approving Resolution No. 2023-2819, nominating candidate(s) for a position on the Board of Directors of the Brazoria County Appraisal District. He said Freeport City Council will have 18 votes.

Karla Clark 411 Sailfish, spoke of the Board that is now in place and said it is the same as it has been for many years. She said council needs to look at this and not replace them with the same members.

A motion was made by Councilman Cain to approve Resolution No. 2023-2819, nominating Eric Hayes and Karla Clark as candidate(s) for a position on the Board of Directors of the Brazoria County Appraisal District, seconded by Councilman Pena with all present and voting "Aye" 5-0 council unanimously approved the motion.

Consideration and Possible action authorizing additional funding for 2023 Super Feast

Assistant City Manager Lance Petty presented to council the consideration and possible action authorizing additional funding for 2023 Super Feast. Mr. Petty said the city has sponsored this for the last 10 years. He said that Pastor Ernie has stepped down and Pastor Andrew Dill is stepping up to lead this event. Pastor Dill said they would need at least an additional \$5000. Mr. Petty said staff recommends authorizing the additional \$5000.

Pam Dancy said this is a great event.

Sam Reyna said this is a great event.

Cathy Cox said she has volunteered for the last three years. She said they will have to start from scratch.

A motion was made by Mayor Bass to approve up to \$20,000 in funding for the 2023 Super Feast, seconded by Councilman Rossow with discussion that followed.

Councilman Pena suggested getting sponsorships within the next two weeks, so the city is not carrying this burden.

Mayor Bass said maybe we can set up a separate account where we can put any sponsorship funds. Ms. Ezell said yes, she could set up an account.

Councilman Cain said this has been going on for 17 years, and not just the City of Freeport residents, but people in surrounding cities.

Janet, 1123 West Broad, said she has worked at the Super Feast for the last four years. She said she agrees with sponsorships but she does not have the connections.

Mayor Bass called the motion to a vote, with all present and voting "Aye" 5-0, council unanimously approved the motion.

Consideration and possible action approving Resolution No. 2023-2817 of appointment for the open position on the Freeport EDC.

Assistant City Manager Lance Petty, presented to council Resolution No. 2023-2817 of appointment for the open position on the Freeport EDC. He said there is one open position on the Board and the City received three applications for this vacant position to fill the remainder of the term ending May 2025.

Karla Clark spoke to council as to why she would like to serve on this board. She said she feels she meets the qualifications to serve on this board.

A motion was made by Councilman Pena to appoint Karla Clark to the open position on the Freeport EDC Board. The motion failed to get a second and failed.

A motion was made by Councilman Rossow to appoint Mark Parker to the Freeport EDC Board, seconded by Councilman Matamoros. With all present and voting 4-1, council approved Resolution 2023-2817 for appointment of Mark Parker to fill the remaining term of the open position on the Freeport EDC. Councilman Pena voted "Nay"

Consideration and possible action approving Resolution No. 2023-2818 of appointment for the open position on the Senior Citizen Commission.

Assistant City Manager Lance Petty presented to council Resolution No. 2023-2818 of appointment for the open position on the Senior Citizen Commission. He said there is one vacant position on the Senior Citizen Board. The term for this position will be until May of 2024. We have received one application for this vacancy from Linda Harrison.

A motion was made by Councilman Pena to approve Resolution No. 2023-2818 of appointment of Linda Harrison to fill the remaining term for the open position on the Senior Citizen Commission, seconded by Councilman Cain with all present voting "Aye" 5-0 council unanimously approved the motion.

Consideration and possible action on designation of City Representative to HGAC 2024 General Assembly.

Assistant City Manager Lance Petty presented to council designation of City Representative to HGAC 2024 General Assembly. He said the HGAC is a regional coalition of cities, counties and ISDs that serves the interests of the government agencies. Staff recommends appointment of elected representatives of the City Council to serve as the City's Representative and Alternate. Councilman Pena was appointed last year as the Representative, and Councilman Cain as the Alternate.

A motion was made by Councilman Matamoros to appoint Councilman Rossow as the Representative, seconded by Councilman Pena with all present and voting "Aye", 5-0, council unanimously approved the motion.

A motion was made by Councilman Pena to appoint Councilman Cain as the Alternate, seconded by Councilman Matamoros with all present and voting "Aye", 5-0 council unanimously approved the motion. .

Consideration and possible action regarding Ordinance 2023-2709 amending regulations for amplified sound.

Assistant City Manager Lance Petty, presented to council Ordinance 2023-2709 amending regulations for amplified sound. He said the existing regulations on amplified sound are very antiquated. They provide limited guidance to staff in regard to enforcement. The recommendation of the City Attorney is that the regulations be updated to more current and tested standards. Staff recommends that council discuss the proposed ordinance and make any changes they feel are necessary.

There was discussion by council on the decibel level being set at 68. They felt this was too low. There was discussion on the time frame of amplified sound in residential and non-residential areas. Council feels that 68 decibels is too low for non-residential. There was discussion about raising the decibel level to 75, but there needs to be a timeframe set for this. There was discussion that this ordinance affects the entire city.

Discussion on OSHA decibel level is 85 for extended exposure for a maximum eight hour period. There was discussion of the 85 decibel not being allowed after midnight.

Sam Reyna agrees with the 75 decibels.

Karla Clark said Caza Azul has a great atmosphere and brings a lot to the city.

Cassie, the owner of Caza Azul, said 85 decibels would be great.

Ron Bachman 96 Dolphin, spoke of avoiding sub woofers.

Karla Clark said the rules for Bridge Harbor are all different, because four or five residents are ruling our city.

Leo Salazar asked about the events that the city hosts. Its loud too. He also asked if they would need to get a permit for this month since the rules will not be applied yet? Mayor Bass said yes.

A motion was made by Councilman Matamoros to table this item, seconded by Mayor Bass with all present voting "Aye" 5-0 council unanimously approved the motion.

Consideration and possible action approving the sale of City owned levee property located at, and adjacent to, 104 Mystery Harbor Lane, to Chris Duncan

Chris Duncan announced that he was withdrawing his request to purchase this property. There was no further discussion on this item.

Consideration and possible action granting a 2.7 acre drainage easement to the Velasco Drainage, between Brazosport Blvd., and the Brazos River south of Riverside Park.

Assistant City Manager Lance Petty, presented to council the consideration and possible action granting a 2.7 acre drainage easement to the Velasco Drainage, between Brazosport Blvd., and the Brazos River south of Riverside Park. He said the Velasco Drainage District has requested that the city grant an easement of the levee area between the Brazos River and Brazosport Blvd. The Velasco Drainage District currently mows and maintains this area.

Mr. Williams with Velasco Drainage District said we cannot have any gaps in our levee. He said this is a federal mandate from the Army Corps of Engineers as this is a federally recognized levee. He said the Velasco Drainage District has requested that the city grant an easement of the levee area between the Brazos River and Brazosport Blvd

A motion was made by Councilman Cain to approve granting a 2.7 acre drainage easement to the Velasco Drainage, between Brazosport Blvd., and the Brazos River south of Riverside Park. seconded by Councilman Matamoros with discussion that followed.

Councilman Pena asked how long the gaps had existed? Mr. Williams said we just found it. Councilman Pena asked about the park. Mr. Williams said the easement can still be used for park purposes.

Mayor Bass called the motion to a vote, with all present voting "Aye", 5-0 council unanimously approved the motion.

Consideration and possible action to ratify the purchase of public safety vehicles

Finance Director Cathy Ezell presented to council possible action to ratify the purchase of public safety vehicles. Ms. Ezell said staff recommends the ratification of the purchase of two 2023 Chevy Tahoes in the amount of \$98,992 through the BuyBoard contract, and one 2023 Ford Responder F150 in the amount of \$51,647 through TIPS USA contract. She said this was included in this year's budget.

A motion was made by Councilman Cain to approve the action to ratify the purchase of public safety vehicles, seconded by Councilman Matamoros with all present voting "Aye", 5-0 council unanimously approved the motion.

Consideration and possible action approving the purchase of a vehicles for the Public Works Department.

Finance Director Cathy Ezell presented to council the possible action approving the purchase of vehicles for the Public Works Department. Ms. Ezell said staff recommends the purchase of a one-ton dump truck, and three trucks for the Public Works Department. She said staff requests authorization to purchase a 2022 Chevy Silverado 5500 truck BuyBoard Contract, and three 2023 Ford F150 EXT cab trucks. TIPS USA contract is over \$50,000, we need the approval of council. Funding was included in the FY2023/2024 budget.

A motion was made by Councilman Matamoros to approve the purchase of vehicles for the Public Works Department, seconded by Councilman Rossow with all present voting "Aye", 5-0 council unanimously approved the motion.

WORK SESSION:

The City Council may deliberate and make inquiry into any item specifically listed as a Subsection under the itemized Sections A-H below, an item appearing on the City Council agenda for this meeting, on matters related to community events, or on matters that are not within the jurisdiction of the City for consideration by City Council. The City Council may not deliberate on any City matters not specifically disclosed under this Work Session or on this posted City Council Meeting agenda. City Council members and the Mayor always reserve the right to request that a matter be placed on a future agenda for consideration

Mayor Brooks Bass announcements and comments.

Councilman Pena Ward A announcements and comments.

Councilman Pena thanked all that came and spoke at the meeting tonight. He said he wanted to echo Ms. Clark's voter registration. Councilman Pena said he put items on the agenda, and posted the agenda on some of his talking points. He said this was approved by the City Attorney. Councilman Pena said when he arrived this evening he was informed that he needed to make sure the city had the information and it was communicated to the city. He said we need clarification of what is allowed and not allowed to happen in work session. He said citizen comments by council members were not voted on by council. He said he wants this on the agenda for the next meeting. He said he would like the terms of policies and procedures put on the agenda as well.

Councilman Cain Ward B announcements and comments.

Councilman Cain thanked everyone for coming out. He announced National Night Out, tomorrow night at 6 P.M. he said he would be at this event. He announced the City Wide cleanup this Saturday. He said he would like on the next agenda the rehab of the kitchen at the park.

Councilman Matamoros Ward C announcements and comments.

* Hotel Occupancy Taxes (HOT)

Councilman Matamoros thanked all that came out and spoke and those that watched online. He thanked all that participated in the City Wide Garage Sale. He thanked all that attended his Town Hall. He also said he would be at National Night Out, for residents to come and speak with him. He announced there were quite a few break-ins in Ward C. He said to stay alert and be on the lookout and to be sure and contact law enforcement on anything that is not normal. Councilman Matamoros spoke of the item he requested to be put on the agenda: the

HOT taxes.. He asked Ms. Ezell how AirB&B pays the HOT taxes they collect? Ms. Ezell explained that AirB&B collects and pays State Hotel Occupancy taxes, but not local Hotel Occupancy taxes. The responsibility to collect and pay local HOT taxes remains the responsibility of the property owner. Councilman Matamoros spoke of the article in the Fact's newspaper about a Councilman not paying their HOT taxes. That Councilman is a STR owner. He said that Councilman has not paid them for years. He said these taxes are collected from visitors and they should be forwarded to the city. These funds could be used to beautify the beaches. Councilman Matamoros said in his opinion this is theft. He said it is not a justified excuse for not agreeing with an ordinance which does not give you the right to not pay these taxes. He said this has cost the city \$29,339 dollars in legal fees on this issue, from the lawsuit filed by the Councilman in Ward A. Councilman Matamoros said he believes the Councilman from Ward A should remit payment for all back HOT taxes tomorrow morning. If payment is not made, the city should start collection efforts on those taxes by whatever legal means necessary.

Councilman Pena said he agrees 100%. He said, "I am happy to make the payments as long as we get this resolved.

Councilman Matamoros said until those taxes are paid, Councilman Pena should remove himself from any elected city duties. Being fat, lazy and stupid are not excuses to steal from the city.

Councilman Pena said, "as I said on social media, if there is a discrepancy, let's resolve it. I am not going to be responding to George Matamoros' timetable. I am not going to compromise my legal position in terms of registering for that ordinance."

Councilman Rossow Ward D announcements and comments.

Councilman Rossow said Ward D is doing good. He said he has not heard of any problems. He said if there is a problem he promises that he would get on it. He said he attended Matamoros' Town Hall. He said it was a success as far as he is concerned. He said come and meet me tomorrow night at the National Night Out. He said he wants this city to stay positive. He said everybody has a job, and if we let the people do their job we would not have all this bickering and fussing. He said nationwide people watch our meetings and they comment that they are entertaining. He said he is glad Ave A is open, and stop signs that were knocked down are back up in a timely manner.

City Manager Tim Kelty announcements and comments.

Updates on current infrastructure.

Update on reports / concerns from Department heads.

Kacey Roman - Citizen Serve website portal

Kacey Roman said the Citizen Serve portal is up and running. She said she wants to commend her staff they have worked hard on this. She said citizens can now apply for permits online. She said we are working with finance so we are able to make payments online. She said this is pulling us into the next generation. She said the permit approval was less than 30 minutes. She said there are checks and balances in place.

ADJOURNMENT:

Adjourn

A motion was made by Councilman Cain to adjourn the meeting, seconded by Councilman Matamoros Mayor Bass adjourned the meeting at 8:27 P.M.

Brooks Bass, Mayor

Betty Wells, City Secretary



City Council Agenda Item #4.

Title: Consideration and possible action approving the interlocal agreement with Brazoria County to continue the professional services of LJA Engineering for the regional stormwater management program and permit applications as part of the Brazoria County Stormwater Coalition.

Date: October 16, 2023

From: Laura Cramer, Special Projects Supervisor

Staff Recommendation: Staff recommends approval of this item.

Item Summary: Due to our population, the State of Texas requires Freeport to report annually on stormwater prevention action items required by law. Examples include public education, illicit discharge detection and elimination, construction site and post-construction stormwater management and runoff and housekeeping of municipal operations. The Brazoria County Stormwater Coalition has eleven members including cities and drainage districts. This interlocal also covers the city for TCEQ audits and annual reports.

Background Information: The last interlocal agreement was signed five years ago in November of 2018. We have been involved with the stormwater coalition and meeting since the mid-2000s.

Special Considerations: LJA has staff specializing in stormwater and represents Freeport in any interactions with the state. The coalition is currently under an audit and represented fully by LJA.

Financial Impact: The costs for the interlocal agreement for the regional stormwater management program are minimized by every agency sharing the cost. The cost per year ranges from \$13,000-\$14,000.

Board or 3rd Party Recommendation: N/A

Supporting Documentation:

1. Interlocal Agreement for a Regional Stormwater Management Program
2. Permit Term 4 - Estimated Budget
3. Proposed Permit

THE STATE OF TEXAS §
 §
COUNTY OF BRAZORIA §

INTERLOCAL AGREEMENT FOR A REGIONAL STORMWATER
MANAGEMENT PROGRAM

WHEREAS, the Parties, which consist of the City of Lake Jackson, the City of Clute, the City of Alvin, the City of Angleton, the City of Freeport, the City of Richwood, Brazoria County (hereinafter called “Entities”), and Velasco Drainage District, Angleton Drainage District, Brazoria County Conservation and Reclamation District 3, and Brazoria County Drainage District 4 (hereinafter called “Districts”), agree that it would be advantageous to continue implementation of a regional stormwater management program and associated permit application forms for the Texas Pollutant Discharge Elimination System Phase II Stormwater Discharge Permit, which is required by the TCEQ in TPDES General Permit TXR040000 originally issued August 13, 2007 and subsequently renewed every five years; and

WHEREAS, the governing bodies of each party find that the subject of this agreement is necessary for the benefit of the public, and that each party has the legal authority to perform and to provide the governmental function or service which is the subject matter of this agreement; and

WHEREAS, the governing bodies of each party find that the performance of this agreement is in the common interest of all parties.

NOW THEREFORE, BE IT RESOLVED that the parties, pursuant to Chapter 791 of the Texas Government Code (Interlocal Cooperation Act) each acting through their respective governing bodies, hereby enter into this Interlocal Agreement.

I. RECITALS

All the recitals and preambles hereinabove stated are found to be true and correct and are incorporated herein and made a part of this agreement.

II. PURPOSE

The purpose of this agreement is to develop and implement a regional stormwater management program (SWMP) and associated permit application forms for the Texas Pollutant Discharge Elimination System (TPDES) Phase II Stormwater Discharge Permit (the Project).

III. Scope of Services

(a) Each Entity and District agrees to pay a proportionate share of the cost of every expense incurred in performing the Project. Estimated costs are attached as Exhibit A. Each Entity and District

understands that the proportionate costs shall increase or decrease as parties join or withdraw from this Agreement.

(b) Each Entity and District shall appoint one representative to the steering committee. Decisions to develop and implement the project shall be by a majority decision of the steering committee.

(c) Brazoria County will be responsible for drafting agreements related to consulting services necessary to implement the project. The agreements will be submitted to the steering committee before Brazoria County executes the agreements.

(d) All Entities and Districts will have an opportunity to review and provide input to the permit application and submittals prior to submission to TCEQ.

(e) Brazoria County will bill monthly the Entities/Districts for their share of the cost for implementation of the SWMP.

(f) All of the Entities and Districts shall pay said bill within 30 days of receipt.

IV. TERM OF AGREEMENT

The Effective Date of this Agreement is October 1, 2023.

This Agreement will be in effect for one year from the Effective Date hereof and will be considered automatically renewed for each succeeding year. This Agreement shall not be renewed past September 30, 2028.

V. AMENDMENTS

Amendments may be made to this Agreement upon the approval of the governing body of each Entity and District.

VI. WITHDRAWING FROM OR JOINING AGREEMENT

A party may withdraw from this Agreement, following a vote of its governing body, provided it has notified the steering committee of such action in writing at least 60 days before its intended withdrawal date. Withdrawal shall not relieve any Entity or District of any obligation incurred prior to the withdrawal.

Additional political subdivisions may become parties to this Agreement by first obtaining endorsement by the steering committee, approving the terms and conditions of the Agreement, providing funding support that shall be determined by the steering committee, providing a certified copy of a resolution or order by the political subdivision's governing body indicating its consent to join this Agreement, and affixing hereto the signature of its authorized representative indicating the date of approval of this Agreement by said entity.

VII. TERMINATION

This Agreement may be dissolved at any time by the written consent of a majority of the parties, in the event of the dissolution of the Agreement, whether voluntary or involuntary or by operation of law. Any funds remaining after payment of the debts and obligations accrued pursuant to this Agreement shall be returned to the Entities and Districts on an equal basis.

VIII. CURRENT REVENUES

Each party shall pay for the performances of services under this agreement from current revenues.

IX. DISCRIMINATION

No one, on the grounds of race, creed, color, national origin, disability, age, or gender, shall be subject to discrimination in the performance of this Agreement.

X. FORCE MAJEURE

No Party shall be deemed in violation of this Agreement if it cannot perform any of the obligations hereunder by reason of strikes, boycotts, labor disputes, embargoes, act of God, acts of the public enemy, acts of superior governmental authority, riots, rebellion, sabotage, or other circumstances for which it is not responsible or which is not within its control.

XI. MISCELLANEOUS PROVISIONS

- a) Venue: Venue for any lawsuit involving this agreement shall be in Brazoria County, Texas.
- b) Choice of Law: This Agreement is governed by the laws of the State of Texas
- c) Entire Agreement: This Agreement constitutes the entire agreement between the Entities and Districts, and all negotiations and all understandings between the Parties are merged herein. The terms and conditions of this agreement specifically replace and supersede any prior discussions, terms, documents, correspondence, conversations, or other written or oral understanding not contained herein or specifically adopted by reference.
- d) Exhibits: All exhibits are attached and are incorporated into the agreement.
- e) Partial Invalidity: If any term, provision, covenant, or condition of this agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the provisions shall remain in full force and effect and shall in no way be affected, impaired, or invalidated.

- f) **Survival:** Any provisions which by their terms survive the termination of this agreement shall bind its legal representatives, heirs, and assigns as set forth herein.
- g) **Assignment:** The Parties shall not assign, transfer, or encumber any right or interest in this agreement, in whole or in part, without prior written approval of the other Party.
- h) **Benefits:** This agreement shall bind, and the benefits thereof shall inure to the respective parties hereto, their heirs, legal representative, executors, administrators, successors, and assigns.
- i) **Amendments:** This agreement can be supplemented and/or amended only by a dated written document executed by both parties.
- j) **Gender:** Words or any gender used in this agreement shall be held and constructed to include any other gender and words in the singular number shall be held to include the plural, and vice versa, unless the context requires otherwise.
- k) **Multiple Copies:** This agreement may be executed in multiple counterparts each of which constitutes an original.
- l) **Article and Section Headings:** The Article and Section headings contained herein are for convenience and reference and are not intended to define or limit the scope of any provision of this agreement.
- m) **Misspelled Words:** Misspelling of one or more words in this agreement shall not void this agreement. Such misspelled words shall be read so as to have the meaning apparently intended by the parties.

This agreement shall take effect upon execution by all signatories.

BRAZORIA COUNTY

By _____

Title _____

Date _____

CITY OF LAKE JACKSON

By _____

Title _____

Date _____

CITY OF ALVIN

By _____

Title _____

Date _____

CITY OF FREEPORT

By _____

Title _____

Date _____

CITY OF CLUTE

By _____

Title _____

Date _____

**BRAZORIA COUNTY DRAINAGE
DISTRICT 4**

By _____

Title _____

Date _____

CITY OF ANGLETON

By _____

Title _____

Date _____

VELASCO DRAINAGE DISTRICT

By _____

Title _____

Date _____

ANGLETON DRAINAGE DISTRICT

By _____

Title _____

Date _____

CITY OF RICHWOOD

By _____

Title _____

Date _____

**BRAZORIA COUNTY CONSERVATION
AND RECLAMATION DISTRICT 3**

By _____

Title _____

Date _____

Brazoria County Stormwater Quality Coalition

Brazoria County, City of Lake Jackson, City of Angleton, City of Alvin, City of Freeport, City of Clute, City of Richwood,
Angleton DD, Velasco DD, Brazoria DD4, Brazoria C&R3

**Stormwater Management Program Implementation
Estimated Budget**

	Implementation Cycle 1 (FY 2024)	Implementation Cycle 2 (FY 2025)	Implementation Cycle 3 (FY 2026)	Implementation Cycle 4 (FY 2027)	Implementation Cycle 5 (FY 2028)
Key Implementation Activities by MCM					
1.0 Public Education, Outreach, and Involvement					
Development of Public Education Materials	\$17,500.00	\$17,500.00	\$17,500.00	\$17,500.00	\$17,500.00
Annual SWMP Review					
Development and Maintenance of Stormwater Website					
Reproduction Costs for Flyers/Brochures					
Conduct Public Involvement Sessions					
SWMP Committee Meetings					
Record Maintenance/Data Entry					
2.0 Illicit Discharge Detection and Elimination					
Regulatory Compliance Assistance	\$19,500.00	\$19,500.00	\$19,500.00	\$19,500.00	\$19,500.00
Standard Operating Procedure Development					
Outfall Inspections/Mapping					
TCEQ Complaint Referral Assistance					
Maintain/Update Outfall Inventory Map					
Record Maintenance/Data Entry					
3.0 Construction Site Stormwater Runoff Control					
Regulatory Compliance Assistance	\$49,000.00	\$49,000.00	\$49,000.00	\$49,000.00	\$49,000.00
Standard Operating Procedure Development					
TCEQ Complaint Referral Assistance					
NOI Inventory Tracking					
Construction Plan Review Assistance					
Construction Site Inspections					
Record Maintenance/Data Entry					
4.0 Post-Construction Stormwater Management					
Regulatory Compliance Assistance	\$10,500.00	\$10,500.00	\$10,500.00	\$10,500.00	\$10,500.00
Standard Operating Procedure Development					
Inspection of Post-Construction Controls					
TCEQ Complaint Referral Assistance					
Record Maintenance/Data Entry					
5.0 Good Housekeeping for Municipal Operations					
MS4 Employee Training Programs	\$17,500.00	\$17,500.00	\$17,500.00	\$17,500.00	\$17,500.00
Municipal Facility Inspections					
Pollution Prevention Plan Annual Review/Updates					
SOP Annual Review					
Maintain/Update MS4 Facility Inventory					
Record Maintenance/Data Entry					
TMDL/Impaired Water Bodies					
TMDL/Stakeholder Representation	\$8,500.00	\$8,500.00	\$8,500.00	\$8,500.00	\$8,500.00
Annual Impaired Water Bodies Review					
Focused BMP Implementation					
Additional Services					
TCEQ Stakeholder Representation	\$31,500.00	\$20,500.00	\$20,500.00	\$20,500.00	\$20,500.00
Permit Renewal Tasks					
Development/Submittal of Annual Reports					
Total Annual Cost for Combined Activities	\$154,000.00	\$143,000.00	\$143,000.00	\$143,000.00	\$143,000.00
Total Annual Cost Per Entity (based on 11 coalition members)	\$14,000.00	\$13,000.00	\$13,000.00	\$13,000.00	\$13,000.00

*All scope items listed will be implemented in accordance with the measureable goals established in the Stormwater Management Program.

(Each implementation cycle will run from October 1st - September 30th)

This document is a **draft proposed permit**. This document is not considered the final permit, and is subject to change prior to final issuance.

Texas Commission on Environmental Quality



GENERAL PERMIT TO DISCHARGE UNDER THE TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM

under provisions of
402 of the Clean Water Act
and Chapter 26 of the Texas Water Code

This permit supersedes and replaces
TPDES General Permit No. TXR040000, issued January 24, 2019

Small (Phase II) Municipal Separate Storm Sewer Systems located in the state of Texas may discharge directly to surface water in the state only according to requirements and conditions set forth in this general permit, as well as the rules of the Texas Commission on Environmental Quality (TCEQ or Commission), the laws of the State of Texas, and other orders of the TCEQ. The issuance of this general permit does not grant to the permittee the right to use private or public property for conveyance of stormwater and certain non-stormwater discharges along the discharge route. This includes property belonging to but not limited to any individual, partnership, corporation, or other entity. Neither does this general permit authorize any invasion of personal rights nor any violation of federal, state, or local laws or regulations. It is the responsibility of the permittee to acquire property rights as may be necessary to use the discharge route.

This general permit and the authorization contained herein shall expire at midnight, five years after the permit effective date.

EFFECTIVE DATE:

ISSUED DATE:

For the Commission

**TCEQ GENERAL PERMIT NUMBER TXR040000
RELATING TO DISCHARGES FROM
SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS**

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Part I. Definitions

Arid Areas – Areas with an average annual rainfall of less than ten inches.

Benchmarks – A benchmark pollutant value is a guidance level indicator that helps determine the effectiveness of chosen best management practices (BMPs). This type of monitoring differs from “compliance monitoring” in that exceedances of the indicator or benchmark level are not permit violations, but rather indicators that can help identify problems at the Municipal Separate Storm Sewer System (MS4) with exposed or unidentified pollutant sources; or control measures that are either not working correctly, whose effectiveness need to be re-considered, or that need to be supplemented with additional BMP(s).

Best Management Practices (BMPs) – Schedules of activities, prohibitions of practices, maintenance procedures, structural controls, local ordinances, and other management practices to prevent or reduce the discharge of pollutants. BMPs also include treatment requirements, operating procedures, and practices to control runoff, spills or leaks, waste disposal, or drainage from raw material storage areas.

Catch Basins – Storm drain inlets and curb inlets to the storm drain system. Catch basins typically include a grate or curb inlet that may accumulate sediment, debris, and other pollutants.

Classified Segment – A water body that is listed and described in Appendix A or Appendix C of the Texas Surface Water Quality Standards, at 30 Texas Administrative Code (TAC) § 307.10.

Clean Water Act (CWA) – The Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972, Pub.L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483, and Pub. L. 97-117, 33 U.S.C. 1251 et. seq.

Common Plan of Development or Sale – A construction activity that is completed in separate stages, separate phases, or in combination with other construction activities. A common plan of development or sale is identified by the documentation for the construction project that identifies the scope of the project, and may include plats, blueprints, marketing plans, contracts, building permits, a public notice or hearing, zoning requests, or other similar documentation and activities.

Construction Activity – Soil disturbance, including clearing, grading, excavating, and other construction related activities (e.g., stockpiling of fill material and demolition); and not including routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site (e.g., the routine grading of existing dirt roads, asphalt overlays of existing roads, the routine clearing of existing right-of-ways, and similar maintenance activities). Regulated construction activity is defined in terms of small and large construction activity.

Small Construction Activity is construction activity that results in land disturbance of equal to or greater than one acre and 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 equal to or greater than one and less than five acres of land.

Large Construction Activity is construction activity that results in land disturbance of equal to or greater than five acres of land. Large construction activity also includes the disturbance of less than five acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than five acres of land.

Construction Site Operator – The entity or entities associated with a small or large construction project that meet(s) either of the following two criteria:

- (a) The entity or entities that have operational control over construction plans and specifications (including approval of revisions) to the extent necessary to meet the requirements and conditions of this general permit; or
- (b) The entity or entities that have day-to-day operational control of those activities at a construction site that are necessary to ensure compliance with a stormwater pollution prevention plan (SWP3) for the site or other permit conditions (for example they are authorized to direct workers at a site to carry out activities required by the SWP3 or comply with other permit conditions).

Control Measure – Any BMP or other method used to prevent or reduce the discharge of pollutants to water in the state.

Conveyance – Curbs, gutters, man-made channels and ditches, drains, pipes, and other constructed features designed or used for flood control or to otherwise transport stormwater runoff.

Discharge – When used without a qualifier, refers to the discharge of stormwater runoff or certain non-stormwater discharges as allowed under the authorization of this general permit.

Edwards Aquifer – As defined in 30 TAC § 213.3 (relating to the Edwards Aquifer), that portion of an arcuate belt of porous, water-bearing, predominantly carbonate rocks known as the Edwards and Associated Limestones in the Balcones Fault Zone trending from west to east to northeast in Kinney, Uvalde, Medina, Bexar, Comal, Hays, Travis, and Williamson Counties; and composed of the Salmon Peak Limestone, McKnight Formation, West Nueces Formation, Devil's River Limestone, Person Formation, Kainer Formation, Edwards Formation, and Georgetown Formation. The permeable aquifer units generally overlie the less-permeable Glen Rose Formation to the south, overlie the less-permeable Comanche Peak and Walnut Formations north of the Colorado River, and underlie the less-permeable Del Rio Clay regionally.

Edwards Aquifer Recharge Zone – Generally, that area where the stratigraphic units constituting the Edwards Aquifer crop out, including the outcrops of other geologic formations in proximity to the Edwards Aquifer, where caves, sinkholes, faults, fractures, or other permeable features would create a potential for recharge of surface waters into the Edwards Aquifer. The recharge zone is identified as that area designated as such on official maps located on the TCEQ website or in the offices of the TCEQ.

Final Stabilization – A construction site where any of the following conditions are met:

- (a) All soil disturbing activities at the site have been completed and a uniform (for example, evenly distributed, without large bare areas) 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.
- (b) For individual lots in a residential construction site by either:
 - (1) The homebuilder completing final stabilization as specified in condition (a) above; or
 - (2) The homebuilder establishing temporary stabilization for an individual lot prior to the time of transfer of the ownership of the home to the buyer and after informing the homeowner of the need for, and benefits of, final stabilization.

- (c) For construction activities on land used for agricultural purposes (for example 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 condition (a) above.
- (d) In arid, semi-arid, and drought-stricken areas only, all soil disturbing activities at the site have been completed and both of the following criteria have been met:
 - (1) Temporary erosion control measures (e.g., degradable rolled erosion control product) are selected, designed, and installed along with an appropriate seed base to provide erosion control for at least three years without active maintenance by the operator, and
 - (2) The temporary erosion control measures are selected, designed, and installed to achieve 70 percent (%) vegetative coverage within three years.

General Permit – A permit issued to authorize the discharge of waste into or adjacent to water in the state for one or more categories of waste discharge within a geographical area of the state or the entire state as provided by Texas Water Code (TWC) § 26.040.

Groundwater Infiltration – For the purposes of this permit, groundwater that enters a municipal separate storm sewer system (including sewer service connections and foundation drains) through such means as defective pipes, pipe joints, connections, or manholes.

High Priority Facilities – High priority facilities are facilities with a high potential to generate stormwater pollutants. These facilities must include, at a minimum, the MS4 operator's maintenance yards, hazardous waste facilities, fuel storage locations, and other facilities where chemicals or other materials have a high potential to be discharged in stormwater. Among the factors that must be considered when giving a facility a high priority ranking are: the amount of urban pollutants stored at the site, the identification of improperly stored materials, activities that must not be performed outside (for example, changing automotive fluids, vehicle washing), proximity to water bodies, proximity to sensitive aquifer recharge features, poor housekeeping practices, and discharge of pollutant(s) of concern to impaired water(s).

Hyperchlorinated Water – Water resulting from hyperchlorination of waterlines or vessels, with a chlorine concentration greater than 10 milligrams per liter (mg/L).

Illicit Connection – Any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.

Illicit Discharge – Any discharge to an MS4 that is not entirely composed of stormwater, except discharges pursuant to this general permit or a separate authorization and discharges resulting from emergency fire-fighting activities.

Impaired Water – A surface water body that is identified as impaired on the latest U.S. Environmental Protection Agency (EPA) approved Clean Water Act (CWA) § 303(d) List or waters with an EPA approved or established TMDL that are found on the latest EPA approved *Texas Integrated Report of Surface Water Quality for CWA Sections 305(b) and 303(d)* which lists the category 4 and 5 water bodies.

Implementation Plan (I-Plan) – A detailed plan of action that describes the measures or activities necessary to achieve the pollutant reductions identified in the total maximum daily load (TMDL).

Indian Country – Defined in 18 U.S.C. § 1151 as:

- (a) All land within the limits of any Indian reservation under the jurisdiction of the United States (U.S.) Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation;
- (b) All dependent Indian communities within the borders of the U.S. whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state; and
- (c) All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same. This definition includes all land held in trust for an Indian tribe.

Indicator Pollutant – An easily measured pollutant, that may or may not impact water quality that indicates the presence of other stormwater pollutants.

Industrial Activity – Any of the ten categories of industrial activities included in the definition of “stormwater discharges associated with industrial activity” as defined in 40 Code of Federal Regulations (CFR) § 122.26(b)(14)(i)-(ix) and (xi).

Infeasible – For the purpose of this permit, infeasible means not technologically possible, or not economically practicable and achievable in light of best industry practices. The TCEQ notes that it does not intend for any small MS4 general permit requirement to conflict with state water right laws.

Maximum Extent Practicable (MEP) – The technology-based discharge standard for MS4s to reduce pollutants in stormwater discharges that was established by the CWA § 402(p). A discussion of MEP as it applies to small MS4s is found in 40 CFR § 122.34.

MS4 Operator – For the purpose of this permit, the public entity or the entity contracted by the public entity, responsible for management and operation of the small municipal separate storm sewer system that is subject to the terms of this general permit.

Municipal Separate Storm Sewer System (MS4) – A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

- (a) Owned or operated by the U.S., a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over the disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under the CWA § 208 that discharges to surface water in the state;
- (b) That is designed or used for collecting or conveying stormwater;
- (c) That is not a combined sewer; and
- (d) That is not part of a publicly owned treatment works (POTW) as defined in 40 CFR § 122.2.

Non-traditional Small MS4 – A small MS4 that often cannot pass ordinances and may not have the enforcement authority like a traditional small MS4 would have to enforce the stormwater management program. Examples of non-traditional small MS4s include counties, transportation authorities (including the Texas Department of Transportation), municipal utility districts, drainage districts, military bases, prisons, and universities.

Notice of Change (NOC) – A written notification from the permittee to the executive director providing changes to information that was previously provided to the agency in a Notice of Intent.

Notice of Intent (NOI) – A written submission to the executive director from an applicant requesting coverage under this general permit.

Notice of Termination (NOT) – A written submission to the executive director from a permittee authorized under a general permit requesting termination of coverage under this general permit.

Outfall – A point source at the point where a small MS4 discharges to Waters of the U.S. and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels, or other conveyances that connect segments of the same stream or other Waters of the U.S. and are used to convey Waters of the U.S. For the purpose of this permit, sheet flow leaving a linear transportation system without channelization is not considered an outfall. Point sources such as curb cuts; traffic or right-of-way barriers with drainage slots that drain into open culverts, open swales, or an adjacent property, or otherwise not actually discharging into Waters of the U.S. are not considered an outfall.

Permittee – The MS4 operator authorized under this general permit.

Point Source – (from 40 CFR § 122.22) 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. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

Pollutant(s) of Concern (POCs) – For the purpose of this permit, includes biochemical oxygen demand (BOD), sediment or a parameter that addresses sediment (such as total suspended solids (TSS), turbidity or siltation), pathogens, oil and grease, and any pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from an MS4. (Definition from 40 CFR § 122.32(e)(3)).

Redevelopment – Alterations of a property that changed the “footprint” of a site or building in such a way that there is a disturbance of equal to or greater than one acre of land. This term does not include such activities as exterior remodeling, routine maintenance activities, and linear utility installation.

Semiarid Areas – Areas with an average annual rainfall of at least ten inches, but less than 20 inches.

Small Municipal Separate Storm Sewer System (MS4) – A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

- (a) Owned or operated by the U.S., a state, city, town, borough, county, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under CWA § 208;
- (b) Designed or used for collecting or conveying stormwater;
- (c) Which is not a combined sewer;
- (d) Which is not part of a POTW as defined in 40 CFR § 122.2; and

- (e) Which was not previously regulated under a National Pollutant Discharge Elimination System (NPDES) or a Texas Pollutant Discharge Elimination System (TPDES) individual permit as a medium or large municipal separate storm sewer system, as defined in 40 CFR §§ 122.26(b)(4) and (b)(7).

This term includes systems similar to separate storm sewer systems at military bases, large hospitals or prison complexes, and highways and other thoroughfares. This term does not include separate storm sewers in very discrete areas, such as individual buildings. For the purpose of this permit, a very discrete system also includes storm drains associated with certain municipal offices and education facilities serving a nonresidential population, where those storm drains do not function as a system, and where the buildings are not physically interconnected to a small MS4 that is also operated by that public entity.

Stormwater and Stormwater Runoff – Rainfall runoff, snow melt runoff, and surface runoff and drainage.

Stormwater Associated with Construction Activity – Stormwater runoff from an area where there is either a large construction or a small construction activity.

Stormwater Management Program (SWMP) – A comprehensive program to manage the quality of discharges from the MS4.

Structural Control (or Practice) – A pollution prevention practice that requires the construction of a device, or the 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, bioretention, infiltration basins, stormwater wetlands, silt fences, earthen dikes, drainage swales, vegetative lined ditches, vegetative filter strips, sediment traps, check dams, subsurface drains, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins.

Surface Water in the State – Lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, wetlands, marshes, inlets, canals, the Gulf of Mexico inside the territorial limits of the state (from the mean high water mark (MHW) 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 nonnavigable, and including the beds and banks of all water courses and bodies of surface water, that are wholly or partially inside or bordering the state or subject to the jurisdiction of the state. Waters in treatment systems which are authorized by state or federal law, regulation, or permit, and which are created for the purpose of waste treatment are not considered to be water in the state.

Total Maximum Daily Load (TMDL) – The total amount of a substance that a water body can assimilate and still meet the Texas Surface Water Quality Standards.

Traditional Small MS4 – A small MS4 that can pass ordinances and have the enforcement authority to enforce the stormwater management program. An example of traditional MS4s includes cities.

Urban Area – A statistical geographic entity consisting of a densely settled core created from census blocks and contiguous qualifying territory that together have at least 2,000 housing units or 5,000 persons as defined and used by the U.S. Census Bureau in the 2020 Decennial Census.

Urbanized Area (UA) – A retired statistical geographic entity type consisting of a densely settled core created from census tracts or blocks and adjacent densely settled territory that together have a minimum population of 50,000 people which was used by the U.S. Census Bureau in the 2000 and the 2010 Decennial Census.

Waters of the United States – Waters of the United States or Waters of the U.S. means the term as defined in 40 CFR § 122.2.

Part II. Permit Applicability and Coverage

This Comprehensive General Permit provides authorization for stormwater and certain non-stormwater discharges from small (Phase II) municipal separate storm sewer systems (MS4) to surface water in the state. The general permit contains the required permit terms and conditions along with clear, specific, and measurable requirements applicable to all small MS4s that are eligible for coverage under this general permit (see 40 CFR § 122.28(d)(1)).

Section A. Small MS4s Eligible for Authorization under this General Permit

Discharges from a small MS4 must be authorized if any of the following criteria are met and may be authorized under this general permit if coverage is not otherwise prohibited.

1. Small MS4s Located in an Urban Area with a Population of at Least 50,000 People

Operators of small MS4s that are fully or partially located within an urban area with a population of at least 50,000 people, as determined by the 2000, 2010, or 2020 Decennial Censuses by the U.S. Census Bureau, must obtain authorization for the discharge of stormwater runoff and are eligible for coverage under this general permit unless otherwise prohibited.

NOTE: Urban areas with a population of at least 50,000 people were referred to as Urbanized Areas in the 2000 and 2010 Decennial Censuses by the U.S. Census Bureau. The term Urbanized Area was retired in the 2020 Decennial Census by the U.S. Census Bureau.

2. Designated Small MS4s

A small MS4 that is outside an urban area with a population of at least 50,000 people that is *designated* by TCEQ based on evaluation criteria as required by 40 CFR §§ 122.32(a)(2) or 122.26(a)(1)(v) and adopted by reference in 30 TAC § 281.25, is eligible for coverage under this general permit. The criteria that the executive director may consider is as follows:

- The location of the discharge with respect to Waters of the U.S. as defined at 40 CFR § 122.2;
- The size of the discharge;
- The quantity and nature of the pollutants discharged to Waters of the U.S.; and
- Other relevant factors.

Following designation, operators of small MS4s must obtain authorization under this general permit or apply for coverage under a TPDES individual stormwater permit within 180 days of notification of their designation.

3. Regulated Portion of Small MS4

The portion of the small MS4 that is required to meet the conditions of this general permit are those portions that are located within the urban area with a population of at least 50,000

people as defined and used by the U.S. Census Bureau in the 2000, 2010, or 2020 Decennial Censuses, as well as any portion of the small MS4 that is designated by TCEQ.

For the purpose of this permit, the regulated portion of a small MS4 for a transportation entity is the land owned by the permittee within the urban area with a population of at least 50,000 people which functions as or is integral to a transportation system with drainage conveyance. Non-contiguous property that does not drain into the transportation drainage system is not subject to this general permit.

Section B. Categories of Regulated Small MS4s

This general permit defines small MS4 operators by the following categories, or levels, based on the population served by the MS4 within the 2020 urban area with a population of at least 50,000 people. The level of an MS4 is based on population in the most recent Decennial Census at the time of permit issuance. A national Census held during a permit term will not affect the level of an MS4 until the next permit renewal.

For the purpose of this section, “serve a population” means the residential population within the *regulated* portion of the small MS4 based on the population data from the 2020 Decennial Census, except for non-traditional small MS4s listed in Level 2b below.

The level of a small MS4 may change during the permit term based on the MS4 operator acquiring or giving up regulated area(s), such as by annexing land or if land is annexed away. However, the level of a small MS4 will not change during the permit term based on other population fluctuations.

- Level 1: Operators of traditional small MS4s that serve a population of less than 10,000 within an “urban area with a population of at least 50,000 people”.
- Level 2a: Operators of traditional small MS4s that serve a population of at least 10,000 but less than 40,000 within an “urban area with a population of at least 50,000 people”.
- Level 2b: Operators of all non-traditional small MS4s such as counties, drainage districts, transportation entities, military bases, universities, colleges, correctional institutions, municipal utility districts and other special districts regardless of population served within the “urban area with a population of at least 50,000 people”, unless the non-traditional MS4 can demonstrate that it meets the criteria for a waiver from permit coverage based on the population served.
- Level 3: Operators of traditional small MS4s that serve a population of at least 40,000 but less than 100,000 within an “urban area with a population of at least 50,000 people”.
- Level 4: Operators of traditional small MS4s that serve a population of 100,000 or more within an “urban area with a population of at least 50,000 people”.

Section C. Available Waivers from Coverage

The TCEQ may waive permitting requirements for regulated small MS4 operators if the criteria are met for Waiver Option 1 or Option 2 below. To obtain Waiver Option 1 or Option 2, the MS4 operator must submit the request on the appropriate waiver form submitted electronically via the NPDES Electronic Reporting Tool for MS4s (NeT-MS4) online electronic permitting (e-permitting) system available through the TCEQ website, unless the MS4 operator requested and obtained an Electronic Reporting Waiver as described in Part II.F.11. MS4 operators that are granted an Electronic

Reporting Waiver shall submit the request for a waiver from permit coverage on a paper Waiver Option 1 or Option 2 form, as applicable, provided by the executive director.

NOTE: To obtain Waiver Option 2, the MS4 operator must contact the executive director and coordinate the activities required to meet the waiver conditions prior to preparing and submitting the Waiver Option 2 form.

Provisional coverage begins upon electronic submittal of the appropriate waiver form that is administratively complete via the NeT-MS4 online e-permitting system available through the TCEQ website. Alternatively, for paper applications with an approved Electronic Reporting Waiver provisional coverage begins 30 days after an administratively complete paper waiver form is postmarked for delivery to TCEQ.

Following review of the small MS4's waiver form, the executive director may:

- (1) determine that the waiver form is technically complete and approve the waiver by providing a notification and a waiver number;
- (2) determine that the waiver form is incomplete and deny the waiver until a technically completed waiver form is submitted; or
- (3) deny the waiver and require that permit coverage be obtained by submitting an application.

If the conditions of an approved waiver are not met by the MS4 operator, then the MS4 operator must submit an application for coverage under this general permit or a separate TPDES individual permit application.

At any time, TCEQ may require a previously waived MS4 operator to comply with this general permit or another TPDES permit if circumstances change so that the conditions of the waiver are no longer met. Changed circumstances can also allow a regulated MS4 operator to request a waiver at any time.

The TCEQ can request to review any waivers granted to MS4 operators to determine whether any of the information required for granting the waiver has changed, at any time. At a minimum TCEQ will review all waivers when MS4 operators submit their renewal waiver applications.

For the purpose of obtaining an Option 1 or Option 2 Waiver, the population served refers to:

- the residential population within the regulated portion of the small MS4 for
 - traditional small MS4s, and
 - certain non-traditional small MS4s with a residential population (such as counties and municipal utility districts), or
- the number of people using the small MS4 on an average operational day for certain non-traditional small MS4s without a residential population.

1. Waiver Option 1:

The small MS4 serves a population of less than 1,000 within an urban area with a population of at least 50,000 people and meets the following criteria:

- (a) The small MS4 is not contributing substantially to the pollutant loadings of a physically interconnected MS4 that is regulated by the NPDES / TPDES stormwater program (40 CFR § 122.32(d)); and
- (b) If the small MS4 discharges any pollutant(s) that have been identified as a cause of impairment of any water body to which the small MS4 discharges, stormwater controls

are not needed based on waste load allocations that are part of an EPA approved or established Total Maximum Daily Load (TMDL) that addresses the pollutant(s) of concern (POCs).

2. Waiver Option 2:

The small MS4 serves a population under 10,000 within an urban area with a population of at least 50,000 people and meets the following criteria:

- (a) The TCEQ has evaluated all Waters of the U.S., including small streams, tributaries, lakes, and ponds, that receive a discharge from the small MS4;
- (b) For all such waters, the TCEQ has determined that stormwater controls are not needed based on waste load allocations that are part of an approved or established TMDL that addresses the POCs or, if a TMDL has not been developed or approved, an equivalent analysis that determines sources and allocations for the POCs;
- (c) The TCEQ has determined that future discharges from the small MS4 do not have the potential to exceed Texas Surface Water Quality Standards, including impairment of designated uses, or other significant water quality impacts, including habitat and biological impacts; and
- (d) For the purpose of Waiver Option 2, the POCs include biochemical oxygen demand (BOD), sediment or a parameter that addresses sediment (such as total suspended solids (TSS), turbidity or siltation), pathogens, oil and grease, and any pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the small MS4.

Section D. Allowable Non-Stormwater Discharge

The following non-stormwater sources may be discharged from the small MS4 and are not required to be addressed in the small MS4's Illicit Discharge and Detection or other minimum control measures, unless they are determined by the permittee or TCEQ to be significant contributors of pollutants to the small MS4, or they are otherwise prohibited by the MS4 operator:

1. Water line flushing (excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life);
2. Runoff or return flow from landscape irrigation, lawn irrigation, and other irrigation utilizing potable water, groundwater, or surface water sources;
3. Discharges from potable water sources that do not violate Texas Surface Water Quality Standards;
4. Diverted stream flows;
5. Rising ground waters and springs;
6. Uncontaminated ground water infiltration;
7. Uncontaminated pumped ground water;
8. Foundation and footing drains;
9. Air conditioning condensation;
10. Water from crawl space pumps;
11. Individual residential vehicle washing;

12. Flows from wetlands and riparian habitats;
13. Dechlorinated swimming pool discharges that do not violate Texas Surface Water Quality Standards;
14. Street wash water excluding street sweeper wastewater;
15. Discharges or flows from emergency fire-fighting activities (emergency fire-fighting activities do not include washing of trucks, runoff water from training activities, test water from fire suppression systems, and similar activities);
16. Other allowable non-stormwater discharges listed in 40 CFR § 122.26(d)(2)(iv)(B)(1);
17. Non-stormwater discharges that are specifically listed in the TPDES Multi-Sector General Permit (MSGP) TXR050000 or the TPDES Construction General Permit (CGP) TXR150000;
18. Discharges that are authorized by a TPDES or NPDES permit or that are not required to be permitted; and
19. Other similar occasional incidental non-stormwater discharges such as spray park water, unless the TCEQ develops permits or regulations addressing these discharges.

Section E. Limitations on Permit Coverage

1. Discharges Authorized by Another TPDES Permit

Discharges authorized by an individual or other general TPDES permit may be authorized under this TPDES general permit only if the following conditions are met:

- (a) The discharges meet the applicability and eligibility requirements for coverage under this general permit;
- (b) A previous application or permit for the discharges has not been denied, terminated, or revoked by the executive director as a result of enforcement or water quality related concerns. The executive director may provide a waiver to this provision based on new circumstances at the regulated small MS4; and
- (c) The executive director has not determined that continued coverage under an individual permit is required based on consideration of an approved TMDL model and TMDL Implementation Plan, anti-backsliding policy, history of substantive non-compliance or other 30 TAC Chapter 205 considerations and requirements, or other site-specific considerations.

2. Discharges of Stormwater Mixed with Non-Stormwater

Stormwater discharges that combine with sources of non-stormwater are not eligible for coverage by this general permit, unless either the non-stormwater source is described in Part II.D of this general permit or the non-stormwater source is authorized under a separate TPDES permit.

3. Compliance with Texas Surface Water Quality Standards

Discharges to surface water in the state that would cause, has the reasonable potential to cause, or contribute to a violation of Texas Surface Water Quality Standards (30 TAC Chapter 307) or that would fail to protect and maintain existing designated uses are not eligible for coverage under this general permit except as described in Part III. The executive director may require an application for a TPDES individual permit or alternative general

permit to authorize discharges to surface water in the state if the executive director determines that an activity will cause has the reasonable potential to cause, or contribute to, a violation of Texas Surface Water Quality Standards or is found to cause, have the reasonable potential to cause, or contribute to the impairment of a designated use of surface water in the state. The executive director may also require an application for a TPDES individual permit based on factors described in Part II.G.2.

4. Discharges to the Edwards Aquifer Recharge Zone

Discharges of stormwater from regulated small MS4s, and other non-stormwater discharges, are not authorized by this general permit where those discharges are prohibited by 30 TAC Chapter 213 (Edwards Aquifer Rule). New discharges located within the Edwards Aquifer Recharge Zone, or within that area upstream from the recharge zone and defined as the Contributing Zone, must meet all applicable requirements of, and operate according to, 30 TAC Chapter 213 (Edwards Aquifer Rule) in addition to the provisions and requirements of this general permit.

For existing discharges, the requirements of the TCEQ approved Water Pollution Abatement Plan (WPAP) under the Edwards Aquifer Rule are in addition to the requirements of this general permit. BMPs and maintenance schedules for structural stormwater controls, for example, may be required as a provision of the rule. All applicable requirements of the Edwards Aquifer Rule for reductions of suspended solids in stormwater runoff are in addition to the effluent limitation requirements found in Part VII.E.7. of this general permit.

The permittee's TCEQ approved WPAPs that are required by the Edwards Aquifer Rule must be referenced in the SWMP. Additional TCEQ approved WPAPs received after the SWMP submittal must be recorded in the annual report required by this general permit for each respective permit year. For discharges originating from the small MS4 permitted area and located on or within ten stream miles upstream of the Edwards Aquifer recharge zone, applicants must also submit a copy of the MS4 Notice of Intent (NOI) to the appropriate TCEQ Regional Office with each WPAP application.

Counties: Comal, Bexar, Medina, Uvalde, and Kinney

Contact:

TCEQ, Water Program Manager

San Antonio Regional Office

14250 Judson Road

San Antonio, Texas 78233-4480

(210) 490-3096

Counties: Williamson, Travis, and Hays

Contact:

TCEQ, Water Program Manager

Austin Regional Office

12100 Park 35 Circle, Bldg. A, Rm 179

Austin, Texas 78753

(512) 339-2929

5. Discharges to Specific Watersheds and Water Quality Areas

Discharges of stormwater from regulated small MS4s and other non-stormwater discharges are not authorized by this general permit where prohibited by 30 TAC Chapter 311 (relating to Watershed Protection) for water quality areas and watersheds.

6. Protection of Streams and Watersheds by Home Rule Municipalities

This general permit does not limit the authority of a home-rule municipality established in Texas Statute.

7. Indian Country Lands

Stormwater runoff from small MS4s that occur on Indian Country lands are not under the authority of the TCEQ and are not eligible for coverage under this general permit. If discharges of stormwater require authorization under federal NPDES regulations, authority for these discharges must be obtained from EPA.

8. Endangered Species Act

Discharges that would adversely affect a listed endangered or threatened species or its critical habitat are not authorized by this general permit. Federal requirements related to endangered species apply to all TPDES permitted discharges, and site-specific controls may be required to ensure that protection of endangered or threatened species is achieved. If a permittee has concerns over potential impacts to listed species, the permittee shall contact TCEQ for additional information prior to submittal of the NOI. If adverse impact is determined after submittal of the NOI, the permittee shall contact TCEQ immediately to determine corrective action.

Section F. Obtaining Authorization

1. Application for Coverage

Applicants seeking authorization to discharge under this general permit must prepare a SWMP as described in Part II.F.5 and Part IV prior to submitting a complete NOI for coverage as described in Part II.F.4 to the executive director. The NOI must be submitted electronically via the NeT-MS4 online e-permitting system available through the TCEQ website, unless the MS4 operator requested and obtained an Electronic Reporting Waiver as described in Part II.F.11. MS4 operators that are granted an Electronic Reporting Waiver shall submit the request on a paper NOI form provided by the executive director.

Following review of the NOI, the executive director may: 1) determine that the submission is complete and approve the NOI; 2) determine that the NOI is incomplete, deny coverage, and require that a new complete NOI be submitted; 3) determine that the NOI needs revisions, provide a written description of the required revisions along with any compliance schedule(s), and approve the NOI after revisions are complete; or 4) deny coverage under this general permit and provide a deadline by which the small MS4 operator must submit an application for a TPDES individual permit.

Following approval of the NOI by the executive director, either with or without changes, the applicant is authorized to discharge upon notification by TCEQ. Denial of coverage under this general permit is subject to the requirements of 30 TAC § 205.4(c).

2. Application Deadlines

Application deadlines are as follows:

- (a) Small MS4s Located in a 2000 or 2010 urban area with a population of at least 50,000 people (Previously Regulated Small MS4s)
 - (1) Operators of small MS4s described in Part II.A.1 that applied for authorization under the 2019 TPDES Small MS4 General Permit TXRo40000 based on the 2000 and 2010 urban areas with a population of at least 50,000 people shall submit an NOI within 180 days following the effective date of this general permit.
 - (2) Operators of small MS4s described in Part II.A.1 that did not submit an application for authorization under the 2019 TPDES Small MS4 General Permit TXRo40000 and were required to obtain permit coverage based on the 2000 and 2010 urban areas with a population of at least 50,000 people shall submit an NOI immediately.
- (b) Designated and Newly Regulated Small MS4s Located in a 2000, 2010, or 2020 urban area with a population of at least 50,000 people as defined by the U.S. Census Bureau
 - (1) Following designation, operators of small MS4s described in Part II.A.2 shall develop and maintain a SWMP and submit an NOI, or apply for coverage under a TPDES individual permit, within 180 days of being notified in writing by the TCEQ of the need to obtain permit coverage.
 - (2) Operators of small MS4s newly regulated under this general permit due to a change in ownership or operational control shall develop and maintain a SWMP and submit an NOI, or apply for coverage under a TPDES individual permit, within 180 days of obtaining ownership or operational control of a small MS4 in a regulated area.
 - (3) Operators of small MS4s newly regulated under this general permit due to the new or expanded urban areas with a population of at least 50,000 people in the 2020 Decennial Census shall develop and maintain a SWMP and submit an NOI, or apply for coverage under a TPDES individual permit, within 180 days following the effective date of this general permit.
- (c) Individual Permit Alternative

If an operator of a small MS4 described in Part II.A.1 of this general permit elects to apply for a TPDES individual permit, the application must be submitted within 90 days following the effective date of this general permit.

3. Late Submission of the NOI

If an NOI is submitted by a small MS4 operator after the deadlines established in Part II.F.2, then this general permit provides authorization only for discharges that occur after permit coverage is obtained. The TCEQ reserves the right to take appropriate enforcement actions for any unpermitted discharges.

4. Contents of the NOI

The NOI must contain the following minimum information:

- (a) MS4 Operator Information
 - (1) The name, mailing address, electronic mail (email) address, telephone number, and facsimile (fax) number of the MS4 operator; and

- (2) The legal status of the MS4 operator (for example, federal government, state government, county government, city government, or other government).
- (b) Site Information
- (1) The name, physical location description, and latitude and longitude of the approximate center of the regulated portion of the small MS4;
 - (2) County or counties where the small MS4 is located;
 - (3) An indication if all or a portion of the small MS4 is located on Indian Country Lands;
 - (4) The name, mailing address, telephone number, email (if available) and fax number of the designated person(s) responsible for implementing or coordinating implementation of the SWMP;
 - (5) A signature and certification on the NOI, according to 30 TAC § 305.44, that a SWMP has been developed according to the provisions of this general permit;
 - (6) The name of each classified segment that receives discharges, directly or indirectly, from the small MS4. If one or more of the discharge(s) is not directly to a classified segment, then the name of the first classified segment that those discharges reach must be identified;
 - (7) The name of any MS4 receiving the discharge prior to discharge into Waters of the U.S.;
 - (8) The name of all surface water(s) receiving discharges from the small MS4 that are on the latest EPA-approved CWA § 303(d) List of impaired waters;
 - (9) An indication of whether the small MS4 discharges within the Recharge Zone, the Contributing Zone or the Contributing Zone within the Transition Zone of the Edwards Aquifer; and
 - (10) Any other information deemed necessary by the executive director.
- (c) General Characteristics
- (1) An indication of the activities/BMPs and measurable goals to be implemented in the SWMP for each MCM;
 - (2) An indication of the activities/BMPs and measurable goals to be implemented in the SWMP for impaired water bodies, if applicable;
 - (3) For small MS4 operators participating in a coalition to implement a shared SWMP:
 - a. The names of all participating small MS4 operators;
 - b. An indication of which small MS4 operator is responsible for each activity/BMP and measurable goal to be implemented in the SWMP;
 - (4) Any other information deemed necessary by the executive director.

5. SWMP General Requirements

A SWMP must be developed for eligible discharges that will reach Waters of the U.S., including discharges from the regulated small MS4 to other MS4s or to privately-owned separate storm sewer systems that subsequently drain to Waters of the U.S. The SWMP must

be developed according to the requirements of Part IV of this general permit prior to submitting an NOI to obtain authorization to discharge.

The SWMP must include, as appropriate, the months and years in which the permittee will undertake required actions, including interim milestones and the frequency of the action throughout the permit term.

New elements in the SWMP must be completely implemented within five years of the effective date of this general permit, or within five years of being designated for those small MS4s which are designated following their permit authorization issuance. Previously regulated MS4s shall assess existing SWMP elements set forth in the previous permit term, modify as necessary, and develop and implement new elements, as necessary, to continue reducing the discharge of pollutants from the small MS4 to the maximum extent practicable (MEP).

6. Changes to the NOI Submitted and SWMP

Changes to the NOI and SWMP that are made after TCEQ approval of the NOI may be made by submittal and approval of a Notice of Change (NOC) unless the changes are non-substantial. Changes may be made as follows:

(a) Changes to the SWMP that do not require an NOC

The following changes may be implemented without submitting an NOC. The changes may be made immediately following revision of the SWMP.

Minor modifications to the SWMP that include administrative or non-substantial changes as follows:

- (1) A change in personnel, or a reorganization of departments responsible for implementing the SWMP or portions of the SWMP;
- (2) Minor clarifications to the existing BMPs;
- (3) Correction of typographical errors; or
- (4) Other similar administrative or non-substantive comments.

(b) Changes to the NOI and SWMP that require an NOC

Modifications to the NOI and SWMP that include, but are not limited to, the following changes require submittal of an NOC. The changes may be implemented once the permittee receives TCEQ approval of the NOC.

- (1) Changing one or more contacts listed in the NOI or updating their contact information;
- (2) Adding components, controls, or requirements to the SWMP;
- (3) Adding areas such as by annexing land, or otherwise acquire additional land that expands the boundary of the small MS4, or subtracting areas, such as by de-annexing lands;
- (4) Adding impaired water bodies that are identified pursuant to Part III.;
- (5) Adding more frequent monitoring or reporting by the permittee; or
- (6) Replacing a BMP specifically identified in the NOI and SWMP with an alternative BMP, (for example, replacing a structural BMP with a non-structural BMP would

be considered a replacement). The SWMP must include documentation for changes as described below:

- a. For changes to BMPs for impaired water bodies with a TMDL, document the following:
 - (i) an analysis of why the BMP is ineffective or infeasible (including cost prohibitive);
 - (ii) expectations of the effectiveness of the replacement BMP; and
 - (iii) an analysis of why the replacement BMP is expected to achieve the goals of the BMP to be replaced.
- b. For all other BMP changes, document the reason for the change.

7. Notice of Change (NOC)

If the small MS4 operator becomes aware that it failed to submit any relevant facts, or submitted incorrect information in the NOI, the correct information must be provided to the executive director in an NOC within 30 days after discovery. If any information provided in the NOI changes, an NOC must be submitted within 30 days from the time the permittee becomes aware of the change. The NOC must be submitted electronically via the NeT-MS4 online e-permitting system available through the TCEQ website, unless the MS4 operator requested and obtained an Electronic Reporting Waiver as described in Part II.F.11. MS4 operators that are granted an Electronic Reporting Waiver shall submit the request on a paper NOC form provided by the executive director.

Any revisions that are made to the SWMP must be made in accordance with Parts II.F.6 and Part IV.A-B. Changes that are made to the NOI and SWMP following NOI approval must be made using an NOC form, in accordance with Part II.F.6.

8. Change in Operational Control of a Small MS4

If the operational control of the regulated small MS4 changes, the previous small MS4 operator must submit a Notice of Termination (NOT) and the new small MS4 operator must prepare a SWMP and submit an NOI. The NOT and NOI must be submitted concurrently not more than ten calendar days after the change occurs. Existing permittees who are expanding coverage of their MS4 area (e.g., city annexes part of unincorporated county MS4) are not required to submit a new NOI but must submit an NOC and update the SWMP in accordance with Part II.F.7 and Part IV.C.1.(c).

9. Notice of Termination (NOT)

A permittee may terminate coverage under this general permit by submitting an NOT electronically via the NeT-MS4 online e-permitting system available through the TCEQ website, unless the permittee requested and obtained an Electronic Reporting Waiver as described in Part II.F.11. Permittees that are granted an Electronic Reporting Waiver shall submit the request on a paper NOT form provided by the executive director.

Authorization to discharge terminates immediately following confirmation of receipt of the electronic NOT form by the TCEQ or at midnight on the day that a paper NOT is postmarked for delivery to the TCEQ. An NOT must be submitted within 30 days after the small MS4 operator obtains coverage under an individual permit.

10. Signatory Requirement for NOI, NOT, NOC, and Waiver Forms

All NOI, NOT, NOC, Waiver Option 1 or Option 2, and Electronic Reporting Waiver forms must be signed and certified consistent with 30 TAC § 305.44(a) and (b) (relating to Signatories to Applications).

11. Electronic Reporting Waiver

To request a waiver from electronic reporting, small MS4 operators must contact the TCEQ Stormwater Team to obtain the Request for Electronic Reporting Waiver Form (TCEQ-20754). This form must be submitted along with submittal of a paper application (NOI, NOT, NOC, Waiver Option 1 and 2) for authorization under this general permit.

A waiver from electronic reporting may be granted to small MS4 operators in limited cases, such as for lack of internet access, or when additional training to submit applications electronically is needed. Electronic Reporting Waivers are not transferrable and expire on the same date as the authorization to discharge except for waivers granted to small MS4 operators who need additional training to submit applications electronically which will expire after one year.

12. Fees

An application fee of \$400.00 must be submitted with each NOI. A fee is not required for submission of the following forms: Waiver Option 1, Waiver Option 2, NOT, or NOC.

A permittee authorized under this general permit must pay an annual Water Quality fee of \$100.00 as authorized under TWC § 26.0291 and 30 TAC Chapter 205 (relating to General Permits for Waste Discharges).

13. Permit Expiration

- (a) This general permit is effective for five years from the permit effective date. Authorizations for discharge under the provisions of this general permit will continue until the expiration date of the general permit. This general permit may be amended, revoked, or canceled by the commission or renewed by the TCEQ for an additional term not to exceed five years.
- (b) If the executive director proposes to reissue this general permit before the expiration date, the general permit will remain in effect until the date on which the commission takes final action on the proposal to reissue this general permit. For existing permittees, general permit coverage will remain in effect after the expiration date of the existing general permit, in accordance with 30 TAC Chapter 205. No new NOIs will be accepted, and no new authorizations will be processed under the general permit after the expiration date.
- (c) Following issuance of a renewed or amended general permit, all permittees, including those covered under the expired general permit, may be required to submit an NOI according to the requirements of the new general permit or to obtain a TPDES individual permit for those discharges. The renewed permit will include a deadline to apply for coverage, and authorization for existing permittees will be automatically extended until the deadline to apply for coverage, or until an application is submitted for renewal, whichever occurs first.

- (d) If TCEQ does not propose to reissue this general permit within 90 days before the expiration date, permittees must apply for authorization under a TPDES individual permit or an alternative general permit. If the application for an individual permit is submitted before the expiration date of this general permit, authorization under this expiring general permit remains in effect until the issuance or denial of an individual permit.

14. Suspension of Permit Coverage

The executive director may suspend an authorization under this general permit for the reasons specified in 30 TAC § 205.4(d) by providing the discharger with written notice of the decision to suspend that authority, and the written notice will include a brief statement of the basis for the decision. If the decision requires an application for an individual permit or an alternative general permit, the written notice will also include a statement establishing the deadline for submitting an application. The written notice will state that the authorization under this general permit is either suspended on the effective date of the commission's action on the permit application, unless the commission expressly provides otherwise, or immediately, if required by the executive director.

Section G. Permitting Options

1. Authorization Under the General Permit

An operator of a small MS4 is required to obtain authorization either under this general permit, or under a TPDES individual permit if the MS4 is located in an urban area with a population of at least 50,000 people or designated by the TCEQ as per Part II.A.2. Multiple small MS4s with separate operators must individually submit an NOI to obtain coverage under this general permit, regardless of whether the systems are physically interconnected, located in the same urban area with a population of at least 50,000 people, or are located in the same watershed.

Coalition Participants

Multiple small MS4s that are physically interconnected, located in the same urban area with a population of at least 50,000 people, or are located in the same watershed may combine or share efforts as a coalition in meeting one or more of the BMP requirements described in the general permit. Each regulated small MS4 will be required to submit an individual NOI and be issued a distinct permit authorization number. MS4 operators in a coalition that share SWMP development and implementation responsibilities must meet the following conditions:

- (a) The SWMP must clearly list the name and permit number for each MS4 operator that chooses to contribute to development or implementation of the SWMP, and provide written confirmation that the contributing MS4 operator(s) has/have agreed to contribute. If a contributing small MS4 has submitted an NOI to TCEQ, but has not yet received written notification of approval, along with the accompanying permit authorization number, a copy of the submitted NOI form must be made readily available or be included in the SWMP.
- (b) Each permittee is entirely responsible for meeting SWMP requirements within the boundaries of its small MS4. Where a separate MS4 operator is contributing to implementation of the SWMP, the SWMP must clearly define each minimum control measure and the component(s) each entity agrees to implement, within which MS4 area(s) each entity agrees to implement and clearly identify the contributing MS4

operator. The obligation and written acceptance for each coalition participant shall be described and maintained as part of the SWMP.

2. Alternative Coverage Under an Individual TPDES Permit

A small MS4 operator eligible for coverage under this general permit may alternatively be authorized under a TPDES individual permit according to 30 TAC Chapter 305 (relating to Consolidated Permits). The executive director may require a small MS4 operator, authorized by this general permit, to apply for a TPDES individual permit because of: the conditions of an approved TMDL or TMDL implementation plan (I-Plan); a history of substantive non-compliance; or other 30 TAC Chapter 205 considerations and requirements; or other site-specific considerations. The executive director shall deny or suspend a facility's authorization for disposal under this general permit based on a rating of "unsatisfactory performer" according to commission rules in 30 TAC § 60.3, Use of Compliance History. An applicant who owns or operates a facility classified as an "unsatisfactory performer" is entitled to a hearing before the commission prior to having its coverage denied or suspended, in accordance with TWC § 26.040(h).

Part III. Impaired Water Bodies and Total Maximum Daily Load (TMDL) Requirements

Discharges of the POCs to impaired water bodies for which there is a TCEQ and EPA approved TMDL are not eligible for this general permit unless they are consistent with the approved TMDL. A water body is impaired for purposes of the permit if it has been identified, pursuant to the latest TCEQ and EPA approved CWA § 303(d) List or the *Texas Integrated Report of Surface Water Quality for CWA Sections 305(b) and 303(d)* which lists the category 4 and 5 water bodies, as not meeting Texas Surface Water Quality Standards.

The permittee shall check annually, in conjunction with preparation of the annual report, whether an impaired water body within its permitted area has been added to the latest EPA approved CWA § 303(d) List or the *Texas Integrated Report of Surface Water Quality for CWA Sections 305(b) and 303(d)* which lists the category 4 and 5 water bodies. Within two years following the approval date of the new list(s) of impaired waters, the permittee shall comply with the requirements of Part III.B (with the exception of 1.(c), and shall identify any newly listed waters in the annual report (consistent with Part V.B.2.f) and SWMP (consistent with Part IV.C.2.f).

The permittee shall control the discharges of POCs parameters to impaired waters and waters with approved TMDLs as provided in Sections A and B below, and shall assess the progress in controlling those pollutants.

Section A. Discharges to Water Quality Impaired Water Bodies with an Approved TMDL

If the small MS4 discharges to an impaired water body with an approved TMDL, where stormwater has the potential to cause or contribute to the impairment, the permittee shall include in the SWMP controls targeting the POCs along with any additional or modified controls required in the TMDL and this section.

The SWMP and required annual reports must include information on implementing any targeted controls required to reduce the POCs as described below:

1. Targeted Controls

The SWMP must include a detailed description of all targeted controls to be implemented, including at a minimum, expanding or modifying the following:

- (a) existing Public Education and Outreach and Public Involvement/Participation programs to reduce the discharge of POCs,
- (b) existing Illicit Discharge Detection and Elimination program to specifically address the POCs, and
- (c) existing ordinances or other regulatory mechanisms to require the reduction or control of POCs, enforcement procedures for noncompliance, and develop additional ordinances, or other regulatory mechanisms, as necessary.

2. Measurable Goals

For each targeted control, the SWMP must include a measurable goal and an implementation schedule describing activities/BMPs to be implemented during each year of the permit term.

3. Identification of Benchmarks

The SWMP must identify a benchmark for the POCs. Benchmarks are designed to assist in determining if the BMPs established are effective in addressing the POCs in stormwater discharge(s) from the MS4 to the MEP. The BMPs addressing the POC must be re-evaluated on an annual basis for progress towards the benchmarks and modified as necessary within an adaptive management framework. These benchmarks are not numeric effluent limitations or permit conditions but intended to be guidelines for evaluating progress towards reducing pollutant discharges consistent with the benchmarks. The exceedance of a benchmark is not a permit violation and does not in itself indicate a violation of instream water quality standards.

The benchmark must be determined based on only one of the following options:

- (a) If the small MS4 is subject to a TMDL that identifies a Waste Load Allocation(s) (WLA) for permitted MS4 stormwater sources, then the SWMP may identify it as the benchmark. Where an aggregate allocation is used as a benchmark, all affected MS4 operators are jointly responsible for progress in meeting the benchmark and shall (jointly or individually) develop a monitoring/assessment plan as required in Part III.A.6.
 - (1) When TCEQ revises a TMDL WLA identified by the MS4 to decrease the load, permittees must revise the SWMP and submit an NOC to identify the revised WLA within 90 days of TCEQ publishing the change.
 - (2) When TCEQ revises a TMDL WLA identified by the MS4 to increase the load, permittees are not required to update the SWMP or submit an NOC to identify the revised WLA until the next permit term.
- (b) Alternatively, if multiple small MS4s are discharging into the same impaired water body with an approved TMDL, with an aggregate WLA for all permitted stormwater MS4s, then the MS4s may combine or share efforts to determine an alternative sub-benchmark value for the POCs (e.g., bacteria) for their respective small MS4. The SWMP must clearly define this alternative approach and must describe how the sub-benchmark value would cumulatively support the aggregate WLA. Where an aggregate benchmark has been broken into sub-benchmark values for individual

MS4s, each permittee is only responsible for progress in meeting its sub-benchmark value.

4. Annual Report

The annual report must include an analysis of how the selected activities/BMPs will be effective in contributing to achieving the benchmark value.

5. Impairment for Bacteria

If the POC is bacteria, the permittee shall implement BMPs addressing the below areas, as applicable, in the SWMP and implement as appropriate. If a TMDL I-Plan is available, the permittee must do one of the following: (1) refer to the I-Plan for appropriate BMPs, or (2) implement alternative equivalent BMPs. The SWMP and annual report must include the selected BMPs. Permittees may not exclude BMPs associated with the minimum control measures (MCMs) required under 40 CFR § 122.34 from their list of BMPs.

The BMPs shall, as appropriate, address the following including Table 1.:

(a) Sanitary Sewer Systems

- (1) Make improvements to sanitary sewers to reduce overflows;
- (2) Address lift station inadequacies;
- (3) Improve reporting of overflows; and
- (4) Strengthen sanitary sewer use requirements to reduce blockage from fats, oils, and grease.

(b) On-site Sewage Facilities (for entities with appropriate jurisdiction)

- (1) Identify and address failing systems; and
- (2) Address inadequate maintenance of on-site sewage facilities (OSSFs) (i.e., septic systems).

(c) Illicit Discharges and Dumping

Place additional effort to reduce waste sources of bacteria, for example, from OSSFs, grease traps, and grit traps.

(d) Animal Sources

Expand existing management programs to identify and target animal sources such as zoos, pet waste, and horse stables.

(e) Residential Education

Increase focus to educate residents on:

- (1) Bacteria discharging from a residential site either during runoff events or directly;
- (2) Fats, oils, and grease clogging sanitary sewer lines and resulting overflows;
- (3) Maintenance and operation of decorative ponds; and
- (4) Proper disposal of pet waste.

Table 1: Required BMPs for Bacteria Impaired Water Bodies with an Approved TMDL

Activity/BMP	Measurable Goal
Sanitary Sewer Systems as described by Part III.A.5.(a).	Conduct review of 100% of the sanitary sewer system to identify areas for improvement within the first two years of the permit term. Initiate all feasible improvement projects by the end of the permit term. Conduct weekly lift station inspections at 100% of the MS4 owned and operated lift stations each year. Investigate and address 100% of sanitary sewer overflow complaints identified through the public reporting mechanism implemented by the MS4 each year. Strengthen sanitary sewer use requirements to reduce blockage from fats, oils, and grease by reviewing and updating ordinances or other regulatory mechanisms and inspection programs at least one time annually.
On Site Sewage Facilities (OSSFs) as described by Part III.A.5.(b).	Identify 100% of OSSFs in the MS4 area and determine if they are failing. Maintain an inventory of 100% of the identified OSSFs and their status each year. Review and update this inventory at least one time each year to address changes or additions. Investigate and address 100% of OSSF complaints identified through the public reporting mechanism implemented by the MS4 each year.
Illicit Discharges and Dumping as described by Part III.A.5.(c).	Ensure 100% of procedures and ordinances or other regulatory mechanisms established for BMPs in MCM 3: Illicit Discharge Detection and Elimination address discharges that may contribute bacteria including from OSSFs, grease traps, and grit traps.
Animal Sources as described by Part III.A.5.(d).	Implement at least one of the following: • Provide and maintain at least one pet waste station in 100% of public parks or similar greenspaces in the MS4 area each year. • Assess and address, if feasible, 100% of complaints received about feral hogs within the MS4 area each year. If infeasible to address the complaint, maintain documentation of the reason. • Develop and distribute educational materials related to animal sources of bacteria to reach 75% of the target audiences identified by the MS4 in MCM 1: Public Education and Outreach each year.

Activity/BMP	Measurable Goal
Residential Education as described by Part III.A.5.(e).	Each year, implement one additional BMP from MCM 1: Public Education and Outreach and Table 4 and ensure one BMP implemented as required for MCM 1: Public Education and Outreach focus on the following: • Bacteria discharging from a residential site either during runoff events or directly; • Fats, oils, and grease clogging sanitary sewer lines and resulting overflows; • Maintenance and operation of decorative ponds; and • Proper disposal of pet waste.

6. Monitoring or Assessment of Progress

The permittee shall develop a Monitoring/Assessment Plan to monitor or assess progress in achieving benchmarks and determine the effectiveness of BMPs, and shall include documentation of this monitoring or assessment in the SWMP and annual reports. In addition, the SWMP must include methods to be used.

- (a) The permittee may use either of the following methods to evaluate progress towards the benchmark and improvements in water quality in achieving the water quality standards as follows:

(1) Evaluating Program Implementation Measures

The permittee may evaluate and report progress towards the benchmark by describing the activities and BMPs implemented, by identifying the appropriateness of the identified BMPs, and by evaluating the success of implementing the measurable goals.

The permittee may assess progress by using program implementation indicators such as: (1) number of sources identified or eliminated; (2) decrease in the number of illegal dumpings; (3) increase in illegal dumping reporting; (4) number of educational opportunities conducted; (5) reductions in sanitary sewer overflows (SSOs); or (6) increase in illegal discharge detection through dry screening, etc.

(2) Assessing Improvements in Water Quality

The permittee may assess improvements in water quality by using available data for segment and assessment units of water bodies from other reliable sources, or by proposing and justifying a different approach such as collecting additional instream or outfall monitoring data, etc. Data may be acquired from TCEQ, local river authorities, partnerships, or other local efforts as appropriate.

- (a) Progress towards achieving the benchmark shall be reported in the annual report. Annual reports shall report the benchmark and the year(s) during the permit term that the MS4 conducted additional sampling or other assessment activities.

7. Observing No Progress Towards the Benchmark

If, by the end of the third year from the effective date of the permit, the permittee observes no progress toward the benchmark either from SWMP implementation or water quality assessments as described in Part III.A.6, the permittee shall identify alternative focused BMPs that address new or increased efforts towards the benchmark or, as appropriate, shall develop a new approach to identify the most significant sources of the POCs and shall develop alternative focused BMPs for those sources (this may also include information that identifies issues beyond the MS4's control). These revised BMPs must be included in the SWMP and subsequent annual reports.

Where the permittee originally used a benchmark value based on an aggregated WLA, the permittee may combine or share efforts with other MS4s discharging to the same watershed to determine an alternative sub-benchmark value for the POCs for their respective small MS4s, as described in Part III.A.3(b) above. Permittees must document, in their SWMP for the next permit term, the proposed schedule for the development and subsequent adoption of alternative sub-benchmark value(s) for the POCs for their respective MS4s and associated assessment of progress in meeting those individual benchmarks.

Section B. Discharges Directly to Water Quality Impaired Water Bodies Without an Approved TMDL

The permittee shall also determine whether the permitted discharge is directly to one or more water quality impaired water bodies where a TMDL has not yet been approved by TCEQ and EPA. If the permittee discharges directly into an impaired water body without an approved TMDL, the permittee shall perform the following activities:

1. Discharging a Pollutant of Concern

- (a) The permittee shall determine whether the small MS4 may be a source of the POCs by referring to the CWA § 303(d) List and then determining if discharges from the MS4 would be likely to contain the POCs at levels of concern.
- (b) If the permittee determines that the small MS4 may discharge the POCs, the permittee shall ensure that the SWMP includes focused BMPs, along with corresponding measurable goals, that the permittee will implement, to reduce, the discharge of POCs that contribute to the impairment of the water body.
- (c) In addition, the permittee shall submit an NOC to amend the SWMP in accordance with Part II.F.6 to include any additional BMPs to address the POCs. This requirement does not apply to BMPs implemented to address impaired waters that are listed after a small MS4's permit authorization pursuant to Part III.

2. Impairment for Bacteria

Where the impairment is for bacteria, the permittee shall identify potential significant sources and develop and implement focused BMPs for those sources. The permittee may implement the BMPs listed in Part III.A.5 and Table 1, or proposed and approved alternative BMPs as appropriate.

3. Annual Report

The annual report must include information on compliance with the Discharges Directly to Water Quality Impaired Water Bodies Without an Approved TMDL section, including results of any sampling conducted by the permittee.

Part IV. Stormwater Management Program (SWMP)

To the extent allowable under state and local law, a SWMP must be developed, implemented, and enforced according to the requirements of Part II.F.5 and Part IV of this general permit for stormwater discharges that reach Waters of the U.S., regardless of whether the discharge is conveyed through a separately operated storm sewer system. The SWMP must be developed, implemented, and enforced to reduce the discharge of pollutants from the small MS4 to the MEP, to protect water quality, and to satisfy the appropriate water quality requirements of the CWA and the TWC.

A permittee that implements activities/BMPs and measurable goals consistent with the provisions of this general permit fulfills the requirements to reduce pollutants to the MEP and will be deemed in compliance with Part IV of this permit. This general permit does not extend any compliance deadlines set forth under the 2019 TPDES Small MS4 General Permit TXRo40000.

Section A. SWMP Review

The permittee shall participate in an annual review of its SWMP in conjunction with preparation of the annual report required in Part V.B.2. Results and date(s) of the review shall be documented in the annual report.

Section B. SWMP Updates Required by TCEQ

Changes may be made to the SWMP during the permit term. The TCEQ may notify the permittee of the need to modify the SWMP to be consistent with the general permit, in which case the permittee will have 90 days to finalize such changes to the SWMP, unless otherwise directed by TCEQ.

Section C. Developing a Stormwater Management Program (SWMP)

1. SWMP Development and Schedule

(a) Existing Regulated Small MS4s

Permittees who were regulated under the 2019 TPDES Small MS4 General Permit TXRo40000, shall develop and update the SWMP under this general permit prior to submittal of the NOI for coverage.

Existing small MS4 operators shall ensure full implementation of any new elements in the revised SWMP as soon as practicable, but no later than five years from the permit effective date. Permittees authorized under any previous TPDES Small MS4 General Permit TXRo40000 shall continue to implement existing elements in their latest TCEQ approved SWMP until the renewal NOI has been approved.

(b) Designated and Newly Regulated Small MS4s

Small MS4 operators that operate either:

- a designated small MS4 as per Part II.A.2, or
- a newly regulated small MS4 under this general permit,

must develop a SWMP under this general permit prior to submittal of the NOI for coverage and achieve full implementation of the SWMP as soon as practicable, but no later than five years from designation or obtaining ownership or operational control of a newly regulated small MS4, as applicable.

(c) **Transfer of Ownership, Operational Authority, or Responsibility**

The permittee that has been transferred ownership, operational authority, or responsibility of an MS4 area located in an urban area with a population of at least 50,000 people or designated by TCEQ shall implement the SWMP:

- (1) on all new areas added to its portion of the small MS4 (or where the permittee becomes responsible for implementation of stormwater quality controls) as expeditiously as possible, but no later than three years from addition of the new area. Implementation may be accomplished in a phased manner to allow additional time for controls that cannot be implemented immediately; and
- (2) within ninety (90) days of a transfer of ownership, operational authority, or responsibility for SWMP implementation, the permittee shall have a plan for implementing the SWMP in all affected areas. The plan must include schedules for implementation, and information on all new annexed areas. Any resulting updates required to the SWMP shall be submitted in the annual report.

2. Contents of the SWMP

At a minimum, the permittee shall include the following information in its SWMP:

- (a) A description of MCMs with measurable goals, including, as appropriate, the months and years when the permittee will undertake required actions, including interim milestones and the frequency of the action for each required MCM and if selected, the optional 8th MCM described in Part IV.D;
- (b) A measurable goal that includes the development of ordinances or other regulatory mechanisms allowed by state, federal and local law, providing the legal authority necessary to implement and enforce the requirements of this permit, including information on any limitations to the legal authority;
- (c) The measurable goals selected by the permittee must be clear, specific, and measurable (40 CFR §122.34);
- (d) A summary of written procedures (e.g., periodic review of ordinances or other enforcement mechanisms, tracking of SWMP implementation by relevant departments, etc.) describing how the permittee will implement the provisions in Parts III and IV of this general permit;
- (e) A description of a program or a plan of compliance with the impaired water bodies and TMDL requirements in Part III; and
- (f) Identification of any impaired waters that have been added in accordance with Part III.

3. Legal Authority

- (a) Traditional small MS4s, such as cities:
 - (1) Within two years from the permit effective date, the permittee shall review and revise, if needed, its relevant ordinance(s) or other regulatory mechanism(s), or shall adopt a new ordinance(s) or other regulatory mechanism(s) that provide the

permittee with adequate legal authority to control pollutant discharges into and from its small MS4 in order to meet the requirements of this general permit.

- (2) To be considered adequate, this legal authority must, at a minimum, address the following:
 - a. Authority to prohibit illicit discharges and illicit connections;
 - b. Authority to respond to and contain other releases e.g., control the discharge of spills, and prohibit dumping or disposal of materials other than stormwater into the small MS4);
 - c. Authority to require compliance with conditions in the permittee's ordinances, permits, contracts, or orders;
 - d. Authority to require installation, implementation, and maintenance of control measures;
 - e. Authority to receive and collect information, such as stormwater plans, inspection reports, and other information deemed necessary to assess compliance with this permit, from operators of construction sites, new or redeveloped land, and industrial and commercial facilities;
 - f. Authority, as needed, to enter and inspect private property including facilities, equipment, practices, or operations related to stormwater discharges to the small MS4;
 - g. Authority to respond to non-compliance with BMPs required by the small MS4;
 - h. Authority to assess penalties, including monetary, civil, or criminal penalties; and
 - i. Authority to enter into interagency or interlocal agreements or other maintenance agreements, as necessary.
- (b) Non-traditional small MS4s, such as counties, drainage districts, transportation entities, municipal utility districts, military bases, prisons, and universities:
 - (1) Where the permittee lacks the authority to develop ordinances or to implement enforcement actions, the permittee shall exert enforcement authority as required by this general permit for its facilities, employees, contractors, and any other entity over which it has operational control within the portion of the urban area with a population of at least 50,000 people under the jurisdiction of the permittee. For discharges from third party actions, the permittee shall perform inspections and exert enforcement authority to the MEP.
 - (2) If the permittee does not have inspection or enforcement authority and is unable to meet the goals of this general permit through its own powers, then, unless otherwise stated in this general permit, the permittee shall perform the following actions in order to meet the goals of the permit:
 - a. Enter into interlocal agreements with municipalities where the small MS4 is located. These interlocal agreements must state the extent to which the municipality will be responsible for inspections and enforcement authority in order to meet the conditions of this general permit; or

- b. If it is not feasible for the permittee to enter into interlocal agreements, the permittee shall report discharges or incidents that it cannot itself enforce against to an adjacent MS4 operator with enforcement authority or the appropriate TCEQ Regional Office. In determining feasibility for entering into interlocal agreements, the permittee shall consider all factors, including, without limitations, financial considerations and the willingness of the municipalities in which the small MS4 is located.

4. Resources

It is the permittee's responsibility to ensure that it has adequate resources and funding to implement the requirements of this general permit.

5. Effluent Limitations

The controls and activities/BMPs included in the SWMP constitute effluent limitations for the purposes of compliance with state rules. This includes the requirements of 30 TAC Chapter 319, Subchapter B (Hazardous Metals), which lists the maximum allowable concentrations of hazardous metals for discharge to water in the state.

6. Enforcement Measures

Permittees with enforcement authority (i.e., traditional small MS4s) shall develop a standard operating procedure (SOP) to respond to violations to the extent allowable under state and local law. When the permittee does not have enforcement authority over the violator, and the violations continue after violator has been notified by the permittee, or the source of the illicit discharge is outside the small MS4's boundary, the permittee shall notify either the adjacent MS4 operator with enforcement authority or the appropriate TCEQ Regional Office.

7. General Requirements

Permittees shall provide information in the SWMP documenting the development and implementation of the program. At a minimum, the documentation must include:

- (a) A list of all small MS4 operators contributing to the development and implementation of the SWMP, including a clear description of the role and responsibilities of each small MS4 operator, if applicable;
- (b) A list of any public or private entities assisting with the development or implementation of the SWMP, including a clear description of the relationship, role, and responsibilities of each entity, if applicable;
- (c) A list of all activities/BMPs and measurable goals for each of the MCMs;
- (d) A schedule for the implementation of all SWMP requirements. The schedule must include, as appropriate, the months and years in which the permittee will undertake required actions, including interim milestones and the frequency of the action throughout the permit term;
- (e) A description of how each measurable goal will be evaluated; and
- (f) A rationale statement that addresses the overall program, including how the activities/BMPs and measurable goals were selected.

Section D. Minimum Control Measures (MCMs)

Operators of small MS4s seeking coverage under this general permit shall develop, implement, and maintain a SWMP that includes the following eight MCMs, as applicable.

- MCMs 1-6 apply to all small MS4s regardless of their level as described in Part II.B.
- MCM 7 only applies to Level 4 small MS4s and MCM 8 is optional.
- Specific program elements under each MCM shall be implemented by all MS4 operators, unless otherwise noted as applicable for certain levels of small MS4s.

Existing permittees shall assess program elements that were described in their previous TCEQ approved SWMP. Permittees must modify their SWMP as necessary to develop and implement new elements or revise existing BMPs to comply with the requirements in this general permit and continue reducing the discharge of pollutants from the small MS4 to the MEP.

Permittees shall provide justification within the SWMP for any requirements that were not implemented because they were not applicable as described in each MCM. For example, where a small MS4 operator does not have OSSFs in their MS4 area, the requirement to inspect these facilities is not applicable to that small MS4 operator.

1. Public Education and Outreach

- (a) The small MS4 operator shall implement a public education and outreach program to distribute educational materials to the community and conduct equivalent outreach about the impacts of stormwater discharges on water bodies and the steps that the public can take to reduce pollutants in stormwater runoff.
 - (1) The public education and outreach program shall at a minimum include the following target audiences, as applicable:
 - a. *Traditional MS4s* and counties shall address the residents being served;
 - b. *Non-traditional MS4s* (other than counties) shall address the community served by the MS4 as listed below:
 - (i) Universities shall target the faculty, other staff, and students;
 - (ii) Military bases shall target military personnel (and dependents), and employees (including contractors);
 - (iii) Prison complexes or other multi-building complexes shall target staff and contractors;
 - (iv) Municipal Utility Districts and other special districts shall target staff and contractors; and
 - (v) Transportation authorities shall address staff, contractors, and users.
 - c. Small MS4 operators shall address additional target audiences within the small MS4 service area (such as but not limited to, those listed in Table 2) as listed below:
 - (i) Levels 1, 2a, and 2b: No requirement for additional audiences;
 - (ii) Level 3: A minimum of one additional audience; or
 - (iii) Level 4: A minimum of two additional audiences.

Table 2: Additional Target Audiences

Additional Target Audiences
Schools, educational organizations, or youth service and youth groups
Businesses, including commercial facilities, home-base and mobile businesses
Institutions or formal organizations such as churches, hospitals, and service organizations
Developers or construction site operators
Homeowner or neighborhood associations
Industrial facilities
Visitors/tourists

- (2) Small MS4 operators shall target specific pollutant(s) in the permittee's education program (such as, but not limited to, those listed in Table 3). Each small MS4 shall have a minimum of one target pollutant for each target audience from Part IV.D.1(a)(1).a-c of this permit. Small MS4s may implement more than one target pollutant where desired or appropriate to address pollutants in stormwater discharges to the MEP. The target pollutant must be appropriate for the target audience. The same pollutant may be used for more than one target audience and the target pollutant(s) may change annually as needed.

Table 3: Pollutants and Sources

Pollutants and Sources
Grass clippings and leaf litter
Fertilizer and pesticides
Litter, trash containment, balloon releases
Dumping of solid waste
Illegal disposal of household hazardous waste
Pet waste
Failing septic systems
Swimming pool discharge, including saltwater pools
De-icing/rock salt usage/ storage
Oil, grease, fluids from vehicles
Sediment runoff from construction activities
Unauthorized discharge of restaurant waste
Vehicle washing
Washwater/grey water

- (3) Small MS4 operators must use appropriate educational resources as BMPs (materials, events, activities, etc.) in conjunction with the selected pollutants for the selected audiences. The message delivered by these BMPs must be applicable to the target audience and relate to the target pollutant (such as a newsletter article about updated illegal dumping and discharge ordinances distributed to auto mechanic businesses or a hazardous household waste disposal flyer when applying for trash or recycling services). BMPs which are ongoing throughout the year or permit term may be counted as one annual BMP. Permittees shall explain how each BMP relates to the target pollutant and target audience. Small MS4 operators may change BMPs during the permit cycle if determined appropriate through annual reviews and a different BMP may be more effective for the small MS4's target pollutant or target audience. Any changes shall be reflected in the SWMP and explained in the annual report.
- a. If the permittee has a public website, the permittee shall post its SWMP and the annual reports required under Part V.B.2 or a summary of the annual report on the permittee's website.
 - (i) The SWMP must be posted no later than 30 days after the NOI or NOC approval date; and
 - (ii) The annual report no later than 30 days after the due date.
 - b. Over the permit term, small MS4 operators shall implement a minimum number of public education and outreach BMPs from Table 4, as follows:
 - (i) Level 1: three BMPs;
 - (ii) Levels 2a and 2b: four BMPs; or
 - (iii) Levels 3 and 4: five BMPs.

Table 4: Required Public Education and Outreach BMPs

Activity/BMP	Measurable Goals
Information on the MS4 operator's website.	Maintain a webpage with current and accurate information and working links. • All links shall be checked, and the page shall be updated as necessary at a minimum of once annually. • Must be maintained for the full year, each year.

Activity/BMP	Measurable Goals
Social media posts, social media campaign.	Post a minimum of four times each year on a minimum of one social media platform. • The message shall address ways attendees can minimize or avoid adverse stormwater impacts or practices to improve the quality of stormwater runoff. • The messages shall be seasonally appropriate. • Must make a minimum of one post per quarter and all quarterly posts must be visible by attendees for the full year, each year.
Maintain or mark storm drains and inlets with, “No Dumping – Drains to Creek” or a similar message.	Placard, stencil, or paint a minimum of 10% of all known stormwater inlets in the MS4 area each year. Where all known stormwater inlets have been marked, inspect, and maintain the markers for a minimum of 15% of all known stormwater inlets in the MS4 area each year.
Media/advertising campaign/public service announcements in areas of high visibility: Billboard/poster; Bus shelter/bench; radio/television/movie theatre; and kiosks.	Develop topics that address activities or pollutants of concern. Advertisement must be active for a minimum of three weeks each year; or must have an estimated public exposure for the duration of the advertising campaign that is equal to twice the population for the small MS4 area (based on the most recent U.S. Census Bureau decennial population value for the small MS4 area).
Publish articles in local newspaper or newsletter, may be electronic.	Develop article topics that are group specific and address activities or pollutants of concern at a seasonally appropriate time. A minimum of two articles must be published or emailed to target audience groups each year.
Fact sheets/brochures/utility bill inserts/door hangers.	Develop material topics that are group specific and address activities or pollutants of concern. The number of fact sheets, brochures, bill inserts, door hangers, or handouts distributed each year shall at a minimum be enough to reach at least 75% of the intended audience.
Permanent stormwater related signage.	Place signage in a location where the message is relevant, and highly visible to target audience. Signage will count as an annual BMP for the year it was put in place and for each subsequent year of this permit cycle as long as each of those years, the permittee inspects and maintains, as necessary, 100% of the signage once annually.

Activity/BMP	Measurable Goals
Promote, host, or develop educational meetings, seminar, or trainings.	Hold, host, or promote a minimum of two events annually. • The events shall address ways attendees can minimize or avoid adverse impacts to stormwater or practices to improve the quality of stormwater runoff. • These events may address different pollutants and audiences.
Targeted education campaign via mail, email, or in person.	Minimum of one campaign annually or with a specific event to reach at least 75% of the intended audience. (Examples: Sediment control with small building permit; leaf litter email during street sweeping season, or education brochure to all businesses conducting certain activity)

- c. Small MS4 operators shall create or support the public education and outreach BMP(s) in Part IV.D.1.(a)(3). To be considered support given to the coordinating groups, the small MS4 operator shall at minimum conduct the following or similar:
 - (i) Plan, or assist with planning, the distribution of materials;
 - (ii) Coordinate volunteers;
 - (iii) Contribute supplies, materials, tools, or equipment;
 - (iv) Provide assistance from MS4 staff to distribute the materials; or
 - (v) Provide financial support.
- d. Small MS4 operators may partner with other MS4 operators to maximize the program and cost effectiveness of the required outreach.

2. Public Involvement/Participation

All permittees, except prisons/correctional facilities, shall involve the public, and, at minimum, comply with any state and local public notice requirements in the planning and implementation activities related to developing and implementing the SWMP. The small MS4 operator must create opportunities, or support activities that are coordinated by citizen groups, for residents and others to become involved with the SWMP. The activities/BMPs must demonstrate an impact on stormwater runoff by improving water quality.

- (a) Over the permit term, small MS4 operators shall implement a minimum number of public involvement/participation activities and measurable goals from Table 5 as follows:
 - (1) Level 1 small MS4: two BMPs;
 - (2) Levels 2a and 2b small MS4: three BMPs; or
 - (3) Levels 3 and 4 small MS4: four BMPs.

Table 5: Public Involvement/Participation BMPs

Activity/BMP	Measurable Goals
Stream/lake or watershed clean-up events; litter/trash clean-up events such as Texas Stream Team, Adopt-A-Highway, Adopt-A-Spot, Adopt-A-Street, Adopt-A-Stream, etc.	Host at a minimum two events annually. - To be considered an event, the land area cleaned must be a minimum of: - two acres, 400 yards of stream/streambank/riparian area, or - two miles of roadside - These may be combined (such as one acre of land and 200 yards of stream).
Habitat improvement; Tree planting; Invasive Vegetation removal; Stream restoration.	Host at a minimum two events annually. - To be considered an event, the project must be a minimum of 0.5 acres or 25 yards. - An event may take place in streams, parks, areas adjacent to public waterways, or other green space. - An event may be a combination of locations and areas.
Volunteer water quality monitoring.	Host a minimum one event annually. To be considered an event, the monitoring must be conducted at minimum once each year.
Stormwater related speaker series.	Provide a minimum of two sessions each year. These may be different speakers or audiences.
MS4 area-wide stormwater survey for input on program implementation.	Provide a minimum of one public survey annually for input on the program implementation to be distributed to reach at least 75% of the intended audience.
Hold events to train residents, or work a project for homeowner associations (HOAs), or other public groups to cover stormwater topics such as: Building rain barrels; Fertilizer application training; Rain garden/bio retention creation or maintenance; How to recognize illicit discharge activities and communicate observations to appropriate MS4 staff.	Provide at minimum one project or training annually.

Activity/BMP	Measurable Goals
Educational display/booth at a school, public event, or similar event to provide information or displays that work to improve public understanding of issues related to water quality.	Provide one booth or display at minimum annually. The booth or display must be staffed during the time which the event is open to the public.
Public meeting for input on the program implementation such as a city council meeting, board meeting, or stakeholder meeting.	Host a minimum of one meeting annually for input on the program implementation to be advertised to reach at least 75% of the intended audience.

- (b) Small MS4 operators shall create or support the public involvement/participation BMP(s) in Part IV.D.2.(a). To be considered support given to the coordinating groups the small MS4 operator shall at minimum conduct the following or similar:
- (1) Plan, or assist with planning, the event or activity;
 - (2) Contribute supplies, materials, tools, or equipment;
 - (3) Provide assistance from MS4 staff during the activity;
 - (4) Provide assistance with recruiting volunteers for events;
 - (5) Make a space available for projects, meetings, or events;
 - (6) Advertisement for the events;
 - (7) Supply disposal services;
 - (8) Arrange land or stream access;
 - (9) Provide financial support; or
 - (10) Provide donations of goods and services such as food.
- (c) Small MS4 operators may partner with other MS4 operators to maximize the program and cost effectiveness of the required public involvement/participation activities.

3. Illicit Discharge Detection and Elimination (IDDE)

- (a) Program Development
- (1) All permittees shall develop, implement, and enforce a program to investigate, detect, and eliminate illicit discharges into the small MS4. The program must include a plan to detect and address non-stormwater discharges, including illegal dumping to the small MS4.

The Illicit Discharge Detection and Elimination (IDDE) program must include the following:
 - a. A current and accurate MS4 map (see Part IV.D.3.(c)(1));

- b. Methods for informing and training MS4 field staff (see Part IV.D.3.(c)(2));
 - c. Methods for facilitating public reporting of illicit discharges and illegal dumping (see Part IV.D.3.(c)(3));
 - d. Procedures for responding to illicit discharge, illegal dumping, and spills (see Part IV.D.3.(c)(4));
 - e. Procedures for tracing the source of an illicit discharge and illegal dumping (see Part IV. D.3.(c)(5));
 - f. Procedures for removing the source of the illicit discharge and illegal dumping (see Part IV.D.3.(c)(5));
 - g. Conduct inspections in response to complaints including follow-up inspections, and procedures for inspections (see Part IV.D.3.(c)(6));
 - h. For Levels 2, 3 and 4, if applicable, procedures to prevent and correct any leaking on-site sewage disposal systems that discharge into the small MS4;
 - i. For Level 4, procedures for identifying priority areas within the small MS4 likely to have illicit discharges and illegal dumping, and a list of all such areas identified in the small MS4 (see Part IV.D.3.(e)(1));
 - j. For Level 4, dry weather field screening to detect illicit discharges and illegal dumping (see Part IV.D.3.(e)(2)); and
 - k. For Level 4, procedures to reduce the discharge of floatables in the small MS4 (see Part IV.D.3.(e)(3)).
- (2) For non-traditional small MS4s, if illicit connections, illegal dumping, or illicit discharges are observed related to another operator's MS4, the permittee shall notify the other MS4 operator within 48 hours of discovery. If notification to the other MS4 operator is not practicable, then the permittee shall notify the appropriate TCEQ Regional Office of the possible illicit connection, illegal dumping, or illicit discharge.
- (3) If another MS4 operator notifies the permittee of an illegal connection, illegal dumping, or illicit discharge to the small MS4, then the permittee shall follow the requirements specified in Part IV.D.3.(c)(5).
- (b) Allowable Non-Stormwater Discharges
- Non-stormwater discharges listed in Part II.D do not need to be considered by the permittee as an illicit discharge requiring elimination unless the permittee or the TCEQ identifies the discharge as a significant source of pollutants to the small MS4.
- (c) Requirements for All Permittees
- All permittees shall meet all the following requirements, including Table 6.
- (1) MS4 Mapping
- All permittees shall maintain a current and accurate MS4 map, which must be located on site and available for review by TCEQ. The MS4 map must show at a minimum the following information:
- a. The location of all small MS4 outfalls that are operated by the permittee and that discharge into Waters of the U.S.;

- b. The location and name of all surface waters receiving discharges from the small MS4 outfalls; and
 - c. Priority areas identified under Part IV.D.3.(e)(1), if applicable.
- (2) Education and Training
- All permittees shall implement a method for informing or training all the permittee's field staff that may come into contact with or otherwise observe an illicit discharge, illegal dumping, or illicit connection to the small MS4 as part of their normal job responsibilities. Training program materials and attendance lists must be maintained onsite and made available for review by the TCEQ.
- (3) Public Reporting of Illicit Discharges and Spills
- All permittees shall publicize and facilitate public reporting of illicit discharges, illegal dumping, or water quality impacts associated with discharges into or from the small MS4. The permittee shall provide a central contact point to receive reports; for example, by including a telephone number for complaints and spill reporting.
- (4) All permittees shall develop and maintain onsite procedures for responding to illicit discharges, illegal dumping, and spills.
- (5) Source Investigation and Elimination
- a. Minimum Investigation Requirements – Upon becoming aware of an illicit discharge or illegal dumping, all permittees shall conduct an investigation to identify and locate the source of such illicit discharge or illegal dumping as soon as practicable.
 - (i) All permittees shall prioritize the investigation of discharges based on their relative risk of pollution. For example, sanitary sewage may be considered a high priority discharge.
 - (ii) All permittees shall report to the TCEQ immediately upon becoming aware of the occurrence of any illicit flows believed to be an immediate threat to human health or the environment.
 - (iii) All permittees shall track all investigations and document, at a minimum, the date(s) the illicit discharge or illegal dumping was observed; the results of the investigation; any follow-up of the investigation; and the date the investigation was closed.
 - b. Identification and Investigation of the Source of the Illicit Discharge –All permittees shall investigate and document the source of illicit discharges and illegal dumping where the permittees have jurisdiction to complete such an investigation. If the source of illicit discharge or illegal dumping extends outside the permittee's boundary, all permittees shall notify the adjacent permitted MS4 operator or the appropriate TCEQ Regional Office.
 - c. Corrective Action to Eliminate Illicit Discharge
- If and when the source of the illicit discharge or illegal dumping has been determined, all permittees shall immediately notify the responsible party of the problem, and shall require the responsible party to perform all necessary corrective actions to eliminate the illicit discharge and illegal dumping.

- (6) Inspections – The permittee shall conduct inspections, in response to complaints, and shall conduct follow-up inspections to ensure that corrective measures have been implemented by the responsible party.

The permittee shall develop written procedures describing the basis for conducting inspections in response to complaints and conducting follow-up inspections.

Table 6: Required IDDE BMPs

Activity/BMP	Measurable Goals
Maintain a current and accurate MS4 map as described in Part IV.D.3.(c)(1).	Review and update, as necessary, at least one time annually to include features which have been added, removed, or changed.
Conduct training for all the permittee's field staff as described in Part IV.D.3.(c)(2). Training may be conducted in person or using self-paced training materials such as videos or reading materials.	Conduct a minimum of one training annually for 100% of MS4 field staff that may come into contact with or otherwise observe an illicit discharge, illegal dumping, or illicit connection to the small MS4 as part of their normal job responsibilities.
Maintain and publicize a public reporting method for the public to report illicit discharges, illegal dumping, or water quality impacts associated with discharges into or from the small MS4 such as a reporting hotline, online form, or other similar mechanism as described in Part IV.D.3.(c)(3).	Maintain a minimum of one public reporting mechanism 100% of the time during the permit term. Publicize the public reporting mechanism a minimum of two times annually in a method designed to reach at least 75% of the intended audience. In addition, if the MS4 operator has a public website, the public reporting mechanism must be publicized on the public website 100% of the time during the permit term.
Develop and maintain procedures for responding to illicit discharges, illegal dumping, and spills as described in Part IV.D.3.(c)(4).	Review and update the procedures at least one time annually to address changes and make improvements to the established procedures where applicable.

Activity/BMP	Measurable Goals
Source investigation and elimination of illicit discharges and illegal dumping as described in Part IV.D.3.(c)(5).	Respond to 100% of known illicit discharges and illegal dumping incidents each year to investigate sources (or some Level 2b MS4s must notify the appropriate agency with the authority to act). Each year, respond to 100% of high priority discharges each year, such as sanitary sewer discharges within 24 hours (or some Level 2b MS4s must notify the appropriate agency with the authority to act). For 100% of known illicit discharges or illegal dumping incidents where the small MS4 does not have jurisdiction, notify the adjacent MS4 operator or the applicable TCEQ regional office each year. Notify TCEQ immediately of 100% of illicit flows believed to be an immediate threat to human health or the environment throughout the permit term.
Corrective action to eliminate illicit discharges and illegal dumping as described in Part IV.D.3.(c)(5).	For 100% of illicit discharges or illegal dumping where a source has been determined, notify the responsible party of the problem within 24 hours. Require the responsible party to perform all necessary corrective actions to eliminate the illicit discharge.
Inspection Procedures as described in Part IV.D.3.(c)(6).	Review and update the procedures at least one time annually to address changes and make improvements to the established procedures where applicable.
Inspections in response to complaints as described in Part IV.D.3.(c)(6).	Conduct inspections in response to 100% of complaints each year according to the established procedures (or some Level 2b MS4s must notify the appropriate agency with the authority to act). Conduct follow up inspections in 100% of cases each year where necessary as described in the established procedures (except for some Level 2b MS4s without the appropriate authority to act).

(d) Additional Requirements for Levels 3 and 4 small MS4s

In addition to the requirements described in Parts IV.D.3.(c), permittees who operate Levels 3 or 4 small MS4s shall meet the following requirements, including those described in Table 7.

Source Investigation and Elimination

Permittees who operate Levels 3 or 4 small MS4s shall upon being notified that the discharge has been eliminated, conduct a follow-up investigation or field screening, consistent with Part IV.D.2.(e)(2), to verify that the discharge has been eliminated.

Follow-up investigations shall be completed within five business days, on average. The permittee shall document its follow-up investigation. The permittee may seek recovery and remediation costs from responsible parties consistent with Part IV.C.3, and require compensation-related costs. Resulting enforcement actions must follow the procedures for enforcement action in Part IV.C.3 and 6. If the suspected source of the illicit discharge is authorized under an NPDES/TPDES permit or the discharge is listed as an authorized non-stormwater discharge, as described in Part II.D, no further action is required.

Table 7: Additional Required IDDE BMPs for Levels 3 and 4 small MS4s

Activity/BMP	Measurable Goals
Conduct follow-up investigations or field screenings when notified that a discharge has been eliminated.	Conduct follow-up investigations or field screening in response to 100% of notifications each year. Complete the follow-up investigations within five business days, on average.

(e) Additional Requirements for Level 4 Small MS4s

In addition to the requirements described in Parts IV.D.3.(c)-(d) above, permittees who operate Level 4 small MS4s shall meet the following requirements including Table 8:

(1) Identification of Priority Areas

Permittees who operate Level 4 small MS4s shall identify priority areas likely to have illicit discharges or illegal dumping, shall document the basis for the selection of each priority area, and shall create a list of all priority areas identified. This priority area list must be available for review by the TCEQ.

(2) Dry Weather Field Screening

By the end of the permit term, permittees who operate Level 4 small MS4s shall develop and implement a written dry weather field screening program to assist in detecting and eliminating illicit discharges and illegal dumping to the small MS4. Dry weather field screening program must consist of (1) field observations; and (2) field screening as described below.

For dry weather field screening, at a minimum, the permittee shall:

- a. Conduct dry weather field screening in priority areas as identified by the permittee in Part IV.D.3.(e)(1). By the end of the permit term, all of those priority areas, although not necessarily all individual outfalls, must be screened.
- b. Field observation requirements – The permittee shall develop written procedures for observing flows from outfalls when there has been at least 72 hours of dry weather. The written procedures must include the basis used to determine which outfalls will be observed. The permittee shall record visual observations such as odor, color, clarity, floatables, deposits, or stains.
- c. Field screening requirements – The permittee shall develop written procedures to determine which dry weather flows will be screened, based on

results of field observations or complaint from the public or the permittee's trained field staff. At a minimum, when visual observations indicate a potential problem such as discolored flows, foam, surface sheen, and other similar indicators of contamination, the permittee shall conduct a field screening analysis for selected indicator pollutants. The basis for selecting the indicator pollutants must be described in the written procedures. Screening methodology may be modified based on experience gained during the actual field screening activities. The permittee shall document the method used.

(3) Reduction of Floatables

The permittee shall implement a program to reduce the discharge of floatables (for example, litter and other human-generated solid refuse) in the small MS4. The permittee shall include source controls at a minimum and structural controls and other appropriate controls where necessary.

The permittee shall maintain two locations where floatable material can be removed before the stormwater is discharged to or from the small MS4. Floatable material shall be collected at the frequency necessary for maintenance of the removal devices, but not less than twice per year. The amount of material collected shall be estimated by weight, volume, or by other practical means. Results shall be included in the annual report.

Table 8: Additional Required IDDE BMPs for Level 4 small MS4s

Activity/BMP	Measurable Goals
Identification of priority areas as described in Part IV.D.3.(e)(1).	Develop and maintain a list of 100% of the priority areas identified by the small MS4 operator each year. At a minimum, small MS4 operators must consider the following in developing the priority areas: • Sanitary sewer lines • Industrial areas • Commercial areas • Areas with history of past illicit discharges or illegal dumping Review and update the list at least one time annually to include new, removed, or changed areas based on the criteria established by the small MS4 for identifying priority areas.

Activity/BMP	Measurable Goals
Dry weather field screening as described in Part IV.D.3.(e)(2).	Develop and implement written procedures to determine which dry weather flows will be screened, based on results of field observations or complaint from the public or the permittee's trained field staff. Review and update the procedures at least one time annually to address changes and make improvements to the established procedures where applicable. New Level 4 small MS4s shall develop the procedures within one year of obtaining their authorization under this general permit. Develop and implement written procedures for observing flows from outfalls when there has been at least 72 hours of dry weather. Review and update the procedures at least one time annually to address changes and make improvements to the established procedures where applicable. New Level 4 small MS4s shall develop the procedures within one year of obtaining their authorization under this general permit. Conduct dry weather field screening in 100% of the priority areas as identified by the permittee in Part IV.D.2.(e)(1) by the end of the permit term with interim milestones established for screening each year.
Floatable Reduction as described in Part IV.D.3.(e)(3).	Develop and implement at least two source controls each year to address floatables such as, but not limited to, establishing and maintaining waste collection sites, clean-up events, and anti-littering campaigns. Develop and implement at least two structural controls each year such as, but not limited to, inlet protections, boom sites, hazardous materials traps, trash racks, outfall netting, and catch basins. Annually maintain at least two locations where floatable material can be removed before the stormwater is discharged to or from the small MS4. These locations may be the same as the areas where source controls and structural controls are implemented. Floatable material shall be collected at the frequency necessary for maintenance of the removal devices, but not less than two times per year.

4. Construction Site Stormwater Runoff Control

(a) Requirements and Control Measures

All permittees shall develop, implement, and enforce a program requiring operators of small and large construction activities to select, install, implement, and maintain

stormwater control measures that prevent illicit discharges to the MEP. The program must include the development and implementation of an ordinance or other regulatory mechanism, as well as sanctions to ensure compliance to the extent allowable under state, federal, and local law, to require erosion and sediment control.

If TCEQ waives requirements for stormwater discharges associated with small construction from a specific site(s), the permittee is not required to enforce the program to reduce pollutant discharges from such site(s).

(b) Requirements for All Permittees

All permittees shall meet the following requirements including Table 9.

- (1) All permittees shall require that construction site operators implement appropriate erosion and sediment control BMPs. The permittee's construction program must ensure erosion and sediment controls, soil stabilization, and BMP requirements are effectively implemented for all small and large construction activities discharging to its small MS4 consistent with the TPDES CGP, TXR150000.
- (2) Prohibited Discharges - The following discharges are prohibited:
 - a. Wastewater from washout of concrete and wastewater from water well drilling operations, unless managed by an appropriate control;
 - b. Wastewater from washout and cleanout of stucco, paint, from release oils, and other construction materials;
 - c. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;
 - d. Soaps or solvents used in vehicle and equipment washing; and
 - e. Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, unless managed by appropriate BMPs.
- (3) Construction Plan Review Procedures

To the extent allowable by state, federal, and local law, all permittees shall maintain and implement site plan review procedures that describe which plans will be reviewed as well as when an operator may begin construction. For those permittees without legal authority to enforce site plan reviews, this requirement is limited to those sites operated by the permittee and its contractors and located within the permittee's regulated area. The site plan procedures must meet the following minimum requirements:

 - a. The site plan review procedures must incorporate consideration of potential water quality impacts.
 - b. The permittee may not approve any plans unless the plans contain appropriate site-specific construction site control measures that, at a minimum, meet the requirements described in the TPDES CGP, TXR150000.

The permittee may require and accept a plan, such as a stormwater pollution prevention plan (SWP3), that has been developed pursuant to the TPDES CGP, TXR150000.
- (4) Construction Site Inspections and Enforcement

To the extent allowable by state, federal, and local law, all permittees shall implement procedures for inspecting large and small construction projects. Permittees without legal authority to inspect construction sites shall at a minimum conduct inspection of sites operated by the permittee or its contractors and that are located in the permittee's regulated area.

- a. The permittee shall conduct inspections based on the evaluation of factors that are a threat to water quality, such as: soil erosion potential; site slope; project size and type; sensitivity of receiving water bodies; proximity to receiving water bodies; non-stormwater discharges; and past record of non-compliance by the operators of the construction site.
- b. Inspections must occur during the active construction phase.
 - (i) All permittees shall develop and implement updated written procedures outlining the inspection and enforcement requirements. These procedures must be maintained on-site or in the SWMP and be made available to TCEQ.
 - (ii) Inspections of construction sites must, at a minimum:
 1. Determine whether the site has appropriate coverage under the TPDES CGP, TXR150000. If no coverage exists, notify the permittee of the need for permit coverage;
 2. Conduct a site inspection to determine if control measures have been selected, installed, implemented, and maintained according to the small MS4's requirements;
 3. Assess compliance with the permittee's ordinances and other regulations; and
 4. Provide a written or electronic inspection report.
- c. Based on site inspection findings, all permittees shall take all necessary follow-up actions (for example, follow-up-inspections or enforcement) to ensure compliance with permit requirements and the SWMP. These follow-up and enforcement actions must be tracked and documentation maintained for review by the TCEQ.

For non-traditional small MS4s with no enforcement powers, the permittee shall notify the adjacent MS4 operator with enforcement authority or the appropriate TCEQ Regional Office.

(5) Information Submitted By the Public

All permittees shall develop, implement, and maintain procedures for receipt and consideration of information submitted by the public.

(6) MS4 Staff Training

All permittees shall ensure that all staff whose primary job duties are related to implementing the construction stormwater program (including permitting, plan review, construction site inspections, and enforcement) are informed or trained to conduct these activities. The training may be conducted by the permittee or by outside trainers.

Table 9: Required Construction Site Stormwater Runoff Control BMPs

Activity/BMP	Measurable Goals
Develop and maintain an ordinance or other regulatory mechanism as described in Part IV.D.4.(a).	Review and update the ordinance or other regulatory mechanism at least one time during the permit term to address changes and make improvements to the ordinance where applicable.
Prohibit discharges as described in Part IV.D.4.(b)(2).	Develop and maintain an ordinance or other regulatory mechanism to prohibit these discharges. Review and update the ordinance or other regulatory mechanism at least one time during the permit term to address changes and make improvements to the ordinance where applicable.
Maintain and implement site plan review procedures that describe which plans will be reviewed as well as when an operator may begin construction as described in Part IV.D.4.(b)(3).	Review and update site plan review procedures at least one time annually to address changes and make improvements to the established procedures where applicable. Implement site plan review procedures for 100% of new construction site plans received each year.
Implement procedures for inspecting large and small construction projects as described in Part IV.D.4.(b)(4).	Review and update inspection procedures at least one time annually to address changes and make improvements to the established procedures where applicable.
Conduct construction site inspections as described in Part IV.D.4.(b)(4).	Conduct inspections at 80% of active construction sites annually according to the established procedures (or some Level 2b small MS4s must notify the appropriate agency with the authority to act). Each year, conduct follow up inspections in 100% of cases where necessary as described in the established procedures (except for some Level 2b small MS4s without the appropriate authority to act).
Develop, implement, and maintain procedures for receipt and consideration of information submitted by the public as described in Part IV.D.4.(b)(5).	Review and update procedures for the receipt and consideration of information submitted by the public at least one time annually to address changes and make improvements to the established procedures where applicable. Maintain one webpage, hotline, or similar method for receipt of information submitted by the public throughout the permit term.

Activity/BMP	Measurable Goals
Conduct training for all the MS4 staff whose primary job duties are related to implementing the construction stormwater program as described in Part IV.D.4.(b)(6). Training may be conducted in person or using self-paced training materials such as videos or reading materials.	Conduct a minimum of one training annually for 100% of MS4 staff whose primary job duties are related to implementing the construction stormwater program.

(c) Additional Requirements for Levels 3 and 4 small MS4s

In addition to the requirements described in Parts IV.D.4.(b) above, permittees who operate Levels 3 or 4 small MS4s shall meet the following requirements including Table 10.

Construction Site Inventory

Permittees who operate Levels 3 or 4 small MS4s shall maintain an inventory of all TPDES permitted active public and private construction sites in the small MS4 area, that result in a total land disturbance of one or more acres or that result in a total land disturbance of less than one acre if part of a larger common plan or development or sale. Notification to the small MS4 must be made by submittal of a copy of an NOI or a small construction site notice, as applicable. The permittee shall make this construction site inventory in the small MS4 area available to the TCEQ upon request for review.

Table 10: Additional Required Construction Site Stormwater Runoff Control BMPs for Levels 3 and 4 Small MS4s

Activity/BMP	Measurable Goals
Maintain a Construction Site inventory as described in Part IV.D.4.(c).	Maintain an annual inventory of 100% of TPDES permitted active public and private construction sites in the small MS4 area, that result in a total land disturbance of one or more acres or that result in a total land disturbance of less than one acre if part of a larger common plan or development or sale. New Levels 3 or 4 small MS4s shall develop the inventory within one year of obtaining their authorization under this general permit.

5. Post Construction Stormwater Management in New Development and Redevelopment

(a) Post-Construction Stormwater Management Program

All permittees shall meet the requirements below including Table 11.

- (1) All permittees shall develop, implement, and enforce a program, to the extent allowable under state, federal, and local law, to control stormwater discharges from new development and redeveloped sites that discharge into the small MS4 that disturb one acre or more, including projects that disturb less than one acre that are part of a larger common plan of development or sale. The program must be established for private and public development sites. The program may utilize an offsite mitigation and payment in lieu of components to address this requirement.
- (2) All permittees shall use, to the extent allowable under state, federal, and local law and local development standards, an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects. The permittees shall establish, implement, and enforce a requirement that owners or operators of new development and redeveloped sites design, install, implement, and maintain a combination of structural and non-structural BMPs appropriate for the community and that protects water quality. If the construction of permanent structures is not feasible due to space limitations, health and safety concerns, cost effectiveness, or highway construction codes, the permittee may propose an alternative approach to TCEQ.

(b) Requirements for All Permittees

All permittees shall meet all the following requirements including Table 11.

- (1) All permittees shall document and maintain records of enforcement actions and make them available for review by the TCEQ.
- (2) Long-Term Maintenance of Post-Construction Stormwater Control Measures

All permittees shall, to the extent allowable under state, federal, and local law, ensure the long-term operation and maintenance of structural stormwater control measures installed through one or both of the following approaches:

 - a. Maintenance performed by the permittee. (See Part IV.D.6)
 - b. Maintenance performed by the owner or operator of a new development or redeveloped site under a maintenance plan. The maintenance plan must be filed in the real property records of the county in which the property is located. The permittee shall require the owner or operator of any new development or redeveloped site to develop and implement a maintenance plan addressing maintenance requirement for any structural control measures installed on site. The permittee shall require operation and maintenance performed is documented and retained on site, such as at the offices of the owner or operator, and made available for review by the small MS4.

Table 11: Required Post Construction Stormwater Management in New Development and Redevelopment BMPs

Activity/BMP	Measurable Goals
Develop and maintain an ordinance or other regulatory mechanism as described in Part IV.D.5.(a)(2).	Review and update the ordinance or other regulatory mechanism at least one time during the permit term to address changes and make improvements to the ordinance where applicable.
Document and maintain records of enforcement actions and make them available for review by the TCEQ as described in Part IV.D.5.(b)(1).	Maintain records of 100% of enforcement actions taken each year. Make 100% of enforcement records available to TCEQ for review within 24 hours of request.
Ensure the long term operation and maintenance of structural stormwater control measures installed as described in Part IV.D.5.(b)(2).	Maintain 100% of stormwater control measures each year where the MS4 operator is responsible for maintenance. Each year, require 100% of the owners or operators of any new development or redeveloped sites to develop and implement a maintenance plan addressing maintenance requirement for any structural control measures installed on site. Require the site owner or operators to maintain documentation onsite of 100% of the maintenance performed and made available for review by the small MS4 operator or TCEQ within 24 hours of the request.

(c) Additional Requirements for Level 4 small MS4s

In addition to the requirements described in Parts IV.D.5.(b)(1)-(2), permittees who operate Level 4 small MS4s shall meet the following requirements including Table 12.

- (1) Inspections – Permittees who operate Level 4 small MS4s shall develop and implement an inspection program to ensure that all post construction stormwater control measures are operating correctly and are being maintained as required consistent with its applicable maintenance plan. For small MS4s with limited enforcement authority, this requirement applies to the structural controls owned and operated by the small MS4 or its contractors that perform these activities within the small MS4's regulated area.
- (2) Inspection Reports – The permittee shall document its inspection findings in an inspection report and make them available for review by the TCEQ.

Table 12: Additional Required Post Construction Stormwater Management in New Development and Redevelopment BMPs for Level 4 Small MS4s

Activity/BMP	Measurable Goals
Develop and implement an inspection program as described in Part IV.D.5.(c)(1).	Develop and implement an inspection program to ensure that 100% of post construction stormwater control measures in the small MS4 area are operating correctly

Activity/BMP	Measurable Goals
	and are being maintained as required consistent with its applicable maintenance plan each year. For small MS4s with limited enforcement authority, this requirement applies only to 100% of the structural controls owned and operated by the small MS4 or its contractors that perform these activities within the small MS4's regulated area each year. New Level 4 small MS4s shall develop the inspection program within one year of obtaining their authorization under this general permit.
Maintain Inspection Reports as described in Part IV.D.5.(c)(2).	Document inspection findings in an inspection report for 100% of inspections performed each year. Make 100% of inspection reports available to TCEQ staff for review within 24 hours of request.

6. Pollution Prevention and Good Housekeeping for Municipal Operations

(a) Program Development

All permittees shall develop and implement an operation and maintenance program (O&M), including an employee training component that has the ultimate goal of preventing or reducing pollutant runoff from municipal activities and municipally owned areas including but not limited to: park and open space maintenance; street, road, or highway maintenance; fleet and building maintenance; stormwater system maintenance; new construction and land disturbances; municipal parking lots; vehicle and equipment maintenance and storage yards; waste transfer stations; and salt/sand storage locations.

(b) Requirements for All Permittees

All permittees shall meet the requirements described below including Table 13.

(1) Permittee-owned Facilities and Control Inventory

All permittees shall develop and maintain an inventory of facilities and stormwater controls that it owns and operates within the regulated area of the small MS4. The inventory must include all applicable permit numbers, registration numbers, and authorizations for each facility or controls. The inventory must be available for review by TCEQ and must include, but is not limited, to the following, as applicable:

- a. Composting facilities;
- b. Equipment storage and maintenance facilities;
- c. Fuel storage facilities;
- d. Hazardous waste disposal facilities;
- e. Hazardous waste handling and transfer facilities;
- f. Incinerators;

- g. Landfills;
- h. Materials storage yards;
- i. Pesticide storage facilities;
- j. Buildings, including schools, libraries, police stations, fire stations, and office buildings;
- k. Parking lots;
- l. Golf courses;
- m. Swimming pools;
- n. Public works yards;
- o. Recycling facilities;
- p. Salt storage facilities;
- q. Solid waste handling and transfer facilities;
- r. Street repair and maintenance sites;
- s. Vehicle storage and maintenance yards; and
- t. Structural stormwater controls.

(2) Training and Education

All permittees shall inform or train appropriate employees involved in implementing pollution prevention and good housekeeping practices. All permittees shall maintain a training attendance list for review by TCEQ when requested.

(3) Disposal of Waste Material – Waste materials removed from the small MS4 must be disposed of in accordance with 30 TAC Chapters 330 or 335, as applicable.

(4) Contractor Requirements and Oversight

- a. Any contractors hired by the permittee to perform maintenance activities on permittee-owned facilities must be contractually required to comply with all of the stormwater control measures, good housekeeping practices, and facility-specific stormwater management operating procedures described in Parts IV.D.6.(b)(2)-(6).
- b. All permittees shall provide oversight of contractor activities to ensure that contractors are using appropriate control measures and SOPs. Oversight procedures must be maintained on-site and made available for inspection by TCEQ.

(5) Municipal Operation and Maintenance Activities

- a. Assessment of permittee-owned operations

All permittees shall evaluate operation and maintenance (O&M) activities for their potential to discharge pollutants in stormwater, including but not limited to:

- (i) Road and parking lot maintenance, including such areas as pothole repair, pavement marking, sealing, and re-paving;

- (ii) Bridge maintenance, including such areas as re-chipping, grinding, and saw cutting;
 - (iii) Cold weather operations, including plowing, sanding, and application of deicing and anti-icing compounds and maintenance of snow disposal areas; and
 - (iv) Right-of-way maintenance, including mowing, herbicide and pesticide application, and planting vegetation.
 - b. All permittees shall identify pollutants of concern that could be discharged from the above O&M activities (for example, metals; chlorides; hydrocarbons such as benzene, toluene, ethyl benzene, and xylenes; sediment; and trash).
 - c. All permittees shall develop and implement a set of pollution prevention measures that will reduce the discharge of pollutants in stormwater from the above activities. These pollution prevention measures must include at least two the following:
 - (i) Replacing materials and chemicals with more environmentally friendly materials or methods;
 - (ii) Tracking application of deicing and anti-icing compounds;
 - (iii) Using suspended tarps, booms, or vacuums to capture paint, solvents, rust, paint chips and other pollutants generated by regular bridge maintenance; and
 - (iv) Placing barriers around or conducting runoff away from deicing chemical storage areas to prevent discharge into surface waters.
 - d. Inspection of pollution prevention measures - All pollution prevention measures implemented at permittee-owned facilities must be visually inspected to ensure they are working properly. The permittee shall develop written procedures that describes frequency of inspections occurring at least one time annually and how they will be conducted. A log of inspections must be maintained and made available for review by the TCEQ upon request.
- (6) Structural Control Maintenance
- If BMPs include structural controls, maintenance of the controls must be performed by the permittee and consistent with maintaining the effectiveness of the BMP. The permittee shall develop written procedures that define the frequency of inspections occurring at least one time annually and how they will be conducted.

Table 13: Required Pollution Prevention and Good Housekeeping for Municipal Operations BMPs

Activity/BMP	Measurable Goals
Permittee-owned Facilities and Control Inventory as described by Part IV.D.6.(b)(1).	Develop and maintain an annual inventory for 100% of the small MS4 owned and operated facilities and controls in the small MS4 area. Review and update the inventory at least one time annually to address changes or additions to the facilities and controls where applicable.
Training and Education as described in Part IV.D.6.(b)(2). Training may be conducted in person or using self-paced training materials such as videos or reading materials.	Conduct a minimum of one training annually for 100% of employees involved in implementing pollution prevention and good housekeeping practices. For small MS4s which use only contractors to implement pollution prevention and good housekeeping practices, ensure training of 100% of applicable contract staff is conducted at least one time annually using contract language or another similar method.
Disposal of Waste Material as described in Part IV.D.6.(b)(3).	Ensure that 100% of waste from the MS4 is disposed of in accordance with 30 TAC Chapters 330 or 335, as applicable each year.
Contractor Requirements and Oversight as described in Part IV.D.6.(b)(4).	Each year, ensure that 100% of contractors hired by the MS4 to perform maintenance activities on permittee-owned facilities is contractually required to comply with all of the stormwater control measures, good housekeeping practices, and facility-specific stormwater management operating procedures described in Parts IV D.6.(b)(2)-(6). Provide oversight of 100% of contractor activities to ensure that contractors are using appropriate control measures and SOPs each year. Oversight procedures must be maintained on-site 100% of the time and made available for review by TCEQ within 24 hours of request.

Activity/BMP	Measurable Goals
Assessment of permittee-owned operations as described in Part IV.D.6.(b)(5)a.	Evaluate 100% of O&M activities for their potential to discharge pollutants in stormwater annually including but not limited to: • Road and parking lot maintenance, including such areas as pothole repair, pavement marking, sealing, and re-paving; • Bridge maintenance, including such areas as re-chipping, grinding, and saw cutting; • Cold weather operations, including plowing, sanding, and application of deicing and anti-icing compounds and maintenance of snow disposal areas; and • Right-of-way maintenance, including mowing, herbicide and pesticide application, and planting vegetation.
Identify pollutants of concern as described in Part IV.D.6.(b)(5)b.	Identify pollutants of concern that could be discharged from all of the O&M activities described in Part IV.D.6.(b)(5)b and maintain a list of 100% of the pollutants identified. Including for example, metals; chlorides; hydrocarbons such as benzene, toluene, ethyl benzene, and xylenes; sediment; and trash. Review and update the pollutants of concern list at least one time annually to address changes or additions to the O&M activities where applicable.

Activity/BMP	Measurable Goals
Pollution Prevention Measures as described in Part IV.D.6.(b)(5)c.	Develop and implement a set of pollution prevention measures that will reduce the discharge of pollutants in stormwater from the permittee-owned operations. Implement at least two of the following pollution prevention measures: • Replace at least 50% of the MS4's materials and chemicals with more environmentally friendly materials or methods by the end of the permit term; • Track 100% of the application of deicing and anti-icing compounds in the MS4 area and record the amount of compound used for each application annually; • Use suspended tarps, booms, or vacuums to capture paint, solvents, rust, paint chips and other pollutants during 80% of regular bridge maintenance each year; and • Place barriers around or conduct runoff away from 100% of deicing chemical storage areas to prevent discharge into surface waters each year.
Inspection of Pollution Prevention Measures as described in Part IV.D.6.(b)(5)d.	At least one time annually, visually inspect 100% of pollution prevention measures implemented at permittee-owned facilities to ensure they are working properly. Develop and maintain written procedures that describe the frequency of inspections and how they will be conducted. Review and update the inspection procedures at least one time annually to address changes or additions to the pollution prevention measures. Maintain a log of 100% of the inspections conducted annually and make the log available for review by the TCEQ within 24 hours of a request.
Structural Control Maintenance as described by Part IV.D.6.(b)(6).	At least one time annually, perform maintenance of 100% of the structural controls which require maintenance. Maintenance must be consistent with maintaining the effectiveness of the BMP. The permittee shall develop and maintain written procedures that define the frequency of inspections and how they will be conducted. Review and update the maintenance procedures at least one time annually to address changes or additions to the pollution prevention measures.

(c) Additional Requirements for Levels 3 and 4 small MS4s:

In addition to the requirements described in Part IV.D.6.(b) above, permittees who operate Levels 3 or 4 small MS4s shall meet the following requirements including Table 14.

(1) Storm Sewer System Operation and Maintenance

- a. Permittees who operate Levels 3 or 4 small MS4s shall develop and implement an O&M program to reduce to the MEP the collection of pollutants in catch basins and other surface drainage structures.
- b. Permittees who operate Levels 3 or 4 small MS4s shall develop a list of potential problem areas. The permittees shall identify and prioritize problem areas for increased inspection (for example, areas with recurrent illegal dumping).

(2) Operation and Maintenance Program to Reduce Discharges of Pollutants from Roads

Permittees who operate Levels 3 or 4 small MS4s shall implement an O&M program that includes at least one of the following: a street sweeping and cleaning program, or an equivalent BMP such as an inlet protection program, which must include an implementation schedule and a waste disposal procedure. The basis for the decision must be included in the SWMP. If a street sweeping and cleaning program is implemented, the permittee shall evaluate the following permittee-owned and operated areas for the program: streets, road segments, and public parking lots including, but not limited to, high traffic zones, commercial and industrial districts, sport and event venues, and plazas, as well as areas that consistently accumulate high volumes of trash, debris, and other stormwater pollutants.

- a. Implementation schedules – If a sweeping program is implemented, the permittee shall sweep the areas in the program (for example, the streets, roads, and public parking lots) in accordance with a frequency and schedule determined in the permittee's O&M program to address at a minimum 75% of the areas in the program annually.
- b. For areas where street sweeping is technically infeasible (for example, streets without curbs), the permittee shall focus implementation of other trash and litter control procedures, or provide inlet protection measures to minimize pollutant discharges to storm drains and creeks.
- c. Sweeper Waste Material Disposal – If utilizing street sweepers, the permittee shall develop a procedure to dewater and dispose of street sweeper waste material and shall ensure that water and material will not reenter the small MS4.

(3) Mapping of Facilities

Permittees who operate Levels 3 or 4 small MS4s shall, on a map of the area regulated under this general permit, identify where the permittee-owned and operated facilities and stormwater controls are located.

(4) Facility Assessment

Permittees who operate Levels 3 or 4 small MS4s shall perform the following facility assessment in the regulated portion of the small MS4 operated by the permittee:

- a. Assessment of Facilities' Pollutant Discharge Potential – The permittee shall review the facilities identified in Part IV.D.6.(b)(1) once per permit term for their potential to discharge pollutants into stormwater.
- b. Identification of *high priority* facilities – Based on the assessment above, the permittee shall identify as *high priority* those facilities that have a high potential to generate stormwater pollutants and shall develop and maintain a list of these facilities. Among the factors that must be considered in giving a facility a high priority ranking are the amount of urban pollutants stored at the site, the identification of improperly stored materials, activities that must not be performed outside (for example, changing automotive fluids, vehicle washing), proximity to water bodies, proximity to sensitive aquifer recharge features, poor housekeeping practices, and discharge of POCs to impaired water(s). High priority facilities must include, at a minimum, the permittee's maintenance yards, hazardous waste facilities, fuel storage locations, and any other facilities at which chemicals or other materials have a high potential to be discharged in stormwater.
- c. Documentation of Assessment Results – The permittee shall document the results of the assessments and maintain copies of all site evaluation checklists used to conduct the assessments. The documentation must include the results of the permittee's initial assessment, and any identified deficiencies and corrective actions taken.

(5) Development of Facility-Specific Procedures

Permittees who operate Levels 3 or 4 small MS4s shall develop facility-specific stormwater management SOPs. The permittee may utilize existing plans or documents that may contain the following required information:

- a. For each high priority facility identified in Part IV.D.6.(c)(4)b, the permittee shall develop a SOP that identifies BMPs to be installed, implemented, and maintained to minimize the discharge of pollutants in stormwater from each facility.
- b. A hard or electronic copy of the facility-specific stormwater management SOP (or equivalent existing plan or document) must be maintained and be available for review by the TCEQ. The SOP must be kept onsite when possible and must be kept up-to-date.

(6) Stormwater Controls for High Priority Facilities

Permittees who operate Levels 3 or 4 small MS4s shall implement the following stormwater controls at all high priority facilities identified in Part IV.D.6.(c)(4)b. A description of BMPs developed to comply with this requirement must be included in each facility specific SOP:

- a. General good housekeeping – Material with a potential to contribute to stormwater pollution must be sheltered from exposure to stormwater.
- b. De-icing and anti-icing material storage – The permittee shall ensure, to the MEP, that stormwater runoff from storage piles of salt and other de-icing

and anti-icing materials is not discharged; or shall ensure that any discharges from the piles are authorized under a separate discharge permit.

- c. Fueling operations and vehicle maintenance – The permittee shall develop SOPs (or equivalent existing plans or documents) that address spill prevention and spill control at permittee-owned and operated vehicle fueling, vehicle maintenance, and bulk fuel delivery facilities.
- d. Equipment and vehicle washing – The permittee shall develop SOPs that address equipment and vehicle washing activities at permittee-owned and operated facilities. The discharge of equipment and vehicle wash water to the small MS4 or directly to receiving waters from permittee-owned facilities is not authorized under this general permit. To ensure that wastewater is not discharged under this general permit, the permittee's SOP may include installing a vehicle wash reclaim system, capturing and hauling the wastewater for proper disposal, connecting to sanitary sewer (where applicable and approved by local authorities), ceasing the washing activity, or applying for and obtaining a separate TPDES permit.

(7) Inspections

Permittees who operate Levels 3 or 4 small MS4s shall develop and implement an inspection program, which at a minimum must include periodic inspections of high priority permittee-owned facilities. The results of the inspections and observations must be documented and available for review by the TCEQ.

Table 14: Additional Required Pollution Prevention and Good Housekeeping for Municipal Operations BMPs for Levels 3 and 4 Small MS4s:

Activity/BMP	Measurable Goals
Storm Sewer System Operation and Maintenance Program as described by Part IV.D.6.(c)(1)a.	Develop and implement an O&M program to reduce to the MEP the collection of pollutants in catch basins and other surface drainage structures each year. Implement at least two of the following: • Inspect at least 25% of the small MS4 owned and operated detention basins each year. • Inspect at least 25% of the small MS4 owned and operated stormwater inlets each year. • Inspect and clean at least 25% of the small MS4 owned and operated drainage system each year. • Collect and dispose of or recycle used oil and other household hazardous waste (HHW) from the public in at least three events each year.
Storm Sewer System Operation and Maintenance Problem Areas as described by Part IV.D.6.(c)(1)b.	Develop a list of 100% of the identified potential problem areas. Identify and prioritize problem areas for increased inspection (for example, areas with recurrent illegal dumping). Review and update the list of potential problem areas at least one time annually to address changes or additions to the list.

Activity/BMP	Measurable Goals
Operation and Maintenance Program to Reduce Discharges of Pollutants from Roads as described by Part IV.D.6.(c)(2).	Implement at least one of the following: • A street sweeping and cleaning program to address 75% of the small MS4 area each year and sweeping 100% of the MS4 area at least two times by the end of the permit term, or • An inlet protection program addressing 100% of the small MS4 area by the end of the permit term, which must include an implementation schedule and a waste disposal procedure.
Mapping of Facilities as described by Part IV.D.6.(c)(3).	On a map of the area regulated under this general permit, identify where 100% of the permittee-owned and operated facilities and stormwater controls are located. Review and update the map at least one time annually to address changes or additions to the facilities and controls.
Assessment of Facilities' Pollutant Discharge Potential as described by Part IV.D.6.(c)(4)a.	Review 100% of the facilities identified in Part IV.D.6.(b) at least one time per permit term for their potential to discharge pollutants into stormwater.
Identification of high priority facilities as described by Part IV.D.6.(c)(4)b.	Based on the assessment in Part IV.D.6.(c)(4)a., the permittee shall identify as <i>high priority</i> those facilities that have a high potential to generate stormwater pollutants. A list of 100% of the identified facilities must be developed and maintained each year. Review and update the list of high priority facilities at least one time annually to address changes or additions to the facilities.
Documentation of Assessment Results as described by Part IV.D.6.(c)(4)c. The documentation must include: • the results of the permittee's initial assessment, and • any identified deficiencies and corrective actions taken.	Document the results of all the assessments and maintain copies of 100% of the site evaluation checklists used to conduct the assessments each year.

Activity/BMP	Measurable Goals
Development of Facility-Specific SOPs as described by Part IV.D.6.(c)(5).	Develop facility-specific stormwater management SOPs for 100% of the MS4 owned and operated facilities. A description of 100% of the BMPs developed to comply with Part IV.D.6.(c)(6) must be included in each facility-specific SOP. Review and update the facility-specific SOPs at least one time annually to address changes or additions to the facilities. If requested, SOPs must be made available to TCEQ within 24 hours of the request for review.
Stormwater Controls for High Priority Facilities, General Good Housekeeping as described by Part IV.D.6.(c)(6)a.	Shelter from exposure to stormwater 100% of material with a potential to contribute to stormwater pollution each year.
Stormwater Controls for High Priority Facilities, De-icing and anti-icing material storage as described by Part IV.D.6.(c)(6)b.	Ensure that 100% of stormwater runoff from storage piles of salt and other de-icing and anti-icing materials is not discharged each year. Or ensure that 100% of discharges from the piles are authorized under a separate discharge permit each year.
Stormwater Controls for High Priority Facilities, Fueling and vehicle maintenance as described by Part IV.D.6.(c)(6)c.	Develop and implement SOPs that address spill prevention and spill control at 100% of permittee-owned and operated vehicle fueling, vehicle maintenance, and bulk fuel delivery facilities each year. Review and update the facility specific SOPs at least one time annually to address changes or additions to the facilities.

Activity/BMP	Measurable Goals
Stormwater Controls for High Priority Facilities, Equipment and vehicle washing as described by Part IV.D.6.(c)(6)d.	Develop and implement SOPs that address equipment and vehicle washing activities at 100% of the permittee-owned and operated facilities where washing occurs. To ensure that wastewater is not discharged under this general permit, the permittee's SOP must include one or more of the following: • installing a vehicle wash reclaim system, • capturing and hauling the wastewater for proper disposal, • connecting to sanitary sewer (where applicable and approved by local authorities), • ceasing the washing activity, or • applying for and obtaining a separate TPDES permit. Review and update the facility specific SOPs at least one time annually to address changes or additions to the facilities.
Inspections as described by Part IV.D.6.(c)(7).	Develop and implement an inspection program, which at a minimum must include inspections of 100% of high priority permittee-owned facilities one time per year. The results of 100% of the inspections and observations must be documented and available for review by the TCEQ each year.

(d) Additional Requirements for Level 4 small MS4s:

In addition to all the requirements described in Parts IV.D.6.(b)-(c) above, permittees who operate Level 4 small MS4s shall meet the following requirements including Table 15.

(1) Pesticide, Herbicide, and Fertilizer Application and Management

- a. Landscape maintenance – The permittee shall evaluate the materials used and activities performed on public spaces owned and operated by the permittee such as parks, schools, golf courses, easements, public rights of way, and other open spaces for pollution prevention opportunities. Maintenance activities for the turf landscaped portions of these areas may include mowing, fertilization, pesticide application, and irrigation. Typical pollutants include sediment, nutrients, hydrocarbons, pesticides, herbicides, and organic debris.
- b. The permittee shall implement the following practices to minimize landscaping-related pollutant generation with regard to public spaces owned and operated by the permittee:

- (i) Educational activities, permits, certifications, and other measures for the permittee's applicators and distributors;
 - (ii) Pest management measures that encourage non-chemical solutions where feasible. Examples may include:
 - (a) Use of native plants or xeriscaping;
 - (b) Keeping clippings and leaves out the small MS4 and the street by implementing mulching, composting, or landfilling;
 - (c) Limiting application of pesticides and fertilizers if precipitation is forecasted within 24 hours, or as specified in label instructions; and
 - (d) Reducing mowing of grass to allow for greater pollutant removal, but not jeopardizing motorist safety.
 - c. The permittee shall develop schedules for chemical application in public spaces owned and operated by the permittee that minimize the discharge of pollutants from the application due to irrigation and expected precipitation; and
 - d. The permittee shall ensure collection and proper disposal of the permittee's unused pesticides, herbicides, and fertilizers.
- (2) Evaluation of Flood Control Projects

The permittee shall assess the impacts of the receiving water(s) for all flood control projects. New flood control structures must be designed, constructed, and maintained to provide erosion prevention and pollutant removal from stormwater. The retrofitting of existing structural flood control devices to provide additional pollutant removal from stormwater shall be implemented to the MEP.

Table 15: Additional Required Pollution Prevention and Good Housekeeping for Municipal Operations BMPs for Level 4 Small MS4s:

Activity/BMP	Measurable Goals
Pesticide, Herbicide, and Fertilizer applicator and distributor measures as described by Part IV.D.6.(d)(1)b.(i).	Require 100% of pesticide, herbicide, and fertilizer applicators and distributors working in the public spaces owned and operated by the permittee, including contract workers, to demonstrate at least one of the following each year: • Training in application or distribution • Permit to apply or distribute • Certification for application or distribution

Activity/BMP	Measurable Goals
Landscape maintenance as described by Part IV.D.6.(d)(1)a.	Evaluate at least one time each year the materials used, and activities performed on 100% of the public spaces owned and operated by the permittee for pollution prevention opportunities such as: • parks, • schools, • golf courses, • easements, • public rights of way, and • other open spaces.
Non-chemical solutions as described by Part IV.D.6.(d)(1)b.(ii).	Utilize at least one of the following non-chemical solutions each year in 100% of the public spaces owned and operated by the permittee: • Use of native plants or xeriscaping in 10% of each public space's landscaping area; • Keep clippings and leaves out the small MS4 and the street by implementing mulching, composting, or landfilling; • Limit application of pesticides and fertilizers if precipitation is forecasted within 24 hours, or as specified in label instructions; or • Reduce mowing of grass frequency to allow for greater pollutant removal, but not jeopardizing motorist safety. If it is not feasible for the small MS4 operator to implement at least one of these measures in one or more public spaces owned and operated by the permittee, written documentation of the reason must be maintained and made available to the TCEQ upon request.
Schedules for chemical application as described by Part IV.D.6.(d)(1)c.	Develop and implement chemical application schedules for use in 100% of applicable public spaces owned and operated by the permittee each year. Schedules must minimize the discharge of pollutants from the chemical application due to irrigation and expected precipitation.
Collection and disposal of pesticides, herbicides, and fertilizers as described by Part IV.D.6.(d)(1)d.	Ensure collection and proper disposal of 100% of the permittee's unusable pesticides, herbicides, and fertilizers each year.

Activity/BMP	Measurable Goals
Evaluation of Flood Control Projects as described by Part IV.D.6.(d)(2).	Assess the impacts of the receiving water(s) for 100% of the flood control projects each year. 100% of new flood control structures must be designed, constructed, and maintained to provide erosion prevention and pollutant removal from stormwater. The retrofitting of 20% of the existing structural flood control devices each year to provide additional pollutant removal from stormwater shall be implemented unless infeasible. • If it is not feasible for the small MS4 operator to retrofit 20% of the existing control devices each year, written documentation of the reason must be maintained and made available to the TCEQ for review upon request.

7. Industrial Stormwater Sources

Permittees operating a Level 4 small MS4 shall meet the requirements below including Table 16.

- (a) Permittees who operate Level 4 small MS4s shall identify and control pollutants in stormwater discharges to the small MS4 from the permittee's landfills; other treatment, storage, or disposal facilities for municipal waste (for example, transfer stations and incinerators); hazardous waste treatment, storage, disposal and recovery facilities and facilities that are subject to Emergency Planning and Community Right-to-Know Act (EPCRA) Title III, Section 313; and any other industrial or commercial discharge the permittee determines are contributing a substantial pollutant loading to the small MS4.
- (b) The program must include priorities and procedures for inspections and for implementing control measures for such industrial discharges.

Table 16: Required Industrial Stormwater Sources BMPs for Level 4 Small MS4s

Activity/BMP	Measurable Goals
Industrial facilities as described by Part IV.D.7.(a).	Identify and control pollutants in stormwater discharges to the small MS4 from 100% of the permittee's landfills; other treatment, storage, or disposal facilities for municipal waste (for example, transfer stations and incinerators); hazardous waste treatment, storage, disposal and recovery facilities and facilities that are subject to Emergency Planning and Community Right-to-Know Act (EPCRA) Title III, Section 313; and any other industrial or commercial discharge the permittee determines are contributing a substantial pollutant loading to the small MS4.

Activity/BMP	Measurable Goals
Inspections as described by Part IV.D.7.(b).	Inspect 100% of small MS4 owned and operated facilities described by Part IV.D.7.(a) at least one time annually. Inspect 100% of industrial facilities permitted under the TPDES MSGP, TXR050000 and located within the small MS4 area at least one time annually.
Priorities and Procedures as described by Part IV.D.7.(b).	Develop and implement SOPs for 100% of inspections of facilities as described by Part IV.D.7.(b) and industrial facilities permitted under the TPDES MSGP, TXR050000 and within the small MS4 area. Review and update the facility inspection SOPs at least one time annually to address changes or additions.

8. Authorization for Construction Activities where the Small MS4 is the Site Operator

The development of this MCM for construction activities, where the small MS4 is the construction site operator, is optional and provides an alternative to the MS4 operator seeking coverage under TPDES CGP, TXR150000 for each construction activity. Permittees that choose to develop and implement this MCM will be authorized to discharge stormwater and certain non-stormwater from construction activities only where the MS4 operator meets the definition of a construction site operator. This MCM only authorizes the small MS4 operator and does not provide authorization for other construction site operators at a municipal project.

When developing this measure, permittees are required to meet all requirements of, and be consistent with the following: (1) applicable effluent limitation guidelines for the Construction and Development industry (40 CFR Part 450), (2) TPDES CGP TXR150000, (3) Part IV.D.4 and Part VII of this general permit.

The authorization to discharge under this MCM is limited to the small MS4's regulated area, such as the portion of the small MS4 located within an urban area with a population of at least 50,000 people or the area designated by TCEQ as requiring coverage. However, an MS4 operator may also utilize this MCM over additional portions of their small MS4 that are also in compliance with all of the MCMs listed in this general permit.

This MCM must be developed as a part of the SWMP. If this MCM is developed after submitting the initial NOI, an NOC must be submitted notifying the executive director of this change, and identifying the geographical area or boundary where the activities will be conducted under the provisions of this general permit.

Utilization of this MCM does not preclude a small MS4 from obtaining coverage under the TPDES CGP, TXR150000, or under a TPDES individual permit.

Controls required under this MCM must be implemented prior to discharge from a municipal construction site into surface water in the state.

The MCM must include:

- (a) A description of how construction activities will generally be conducted by the permittee taking into consideration local conditions of weather, soils, and other site-specific considerations;

- (b) A description of the area that this MCM will address and where the permittee's construction activities are covered (for example within the boundary of the urban area with a population of at least 50,000 people, the corporate boundary, a special district boundary, an extra territorial jurisdiction, or other similar jurisdictional boundary);
- (c) Either a description of how the permittee will supervise or maintain oversight over contractor activities to ensure that the SWP3 requirements are properly implemented at the construction site; or how the permittee will make certain that contractors have a separate authorization for stormwater discharges;
- (d) A general description of how a SWP3 will be developed for each construction site, according to Part VII of this general permit; and
- (e) Records of municipal construction activities authorized under this optional MCM, in accordance with Part VII of this general permit.

Part V. Recordkeeping and Reporting

Section A. Recordkeeping

1. The permittee shall retain all records, a copy of this TPDES general permit (maintained physically or electronically), and records of all data used to complete the application (NOI) for this general permit, for a period of at least three years, or for the remainder of the term of this general permit, whichever is longer. This period may be extended by request of the executive director at any time.
2. The permittee shall submit the records to the executive director only when specifically asked to do so. The SWMP required by this general permit must be retained at a location accessible to the TCEQ for review upon request.
3. The permittee shall make the NOI and the SWMP available to the public at reasonable times during regular business hours, if requested to do so in writing. Copies of the SWMP must be made available within ten working days of receipt of a written request. Other records must be provided in accordance with the Texas Public Information Act. However, all requests for records from federal facilities must be made in accordance with the Freedom of Information Act.
4. The period during which records are required to be kept shall be automatically extended to the date of the final disposition of any administrative or judicial enforcement action that may be instituted against the permittee.

Section B. Reporting

1. General Reporting Requirements

(a) Noncompliance Notification

According to 30 TAC § 305.125(9), any noncompliance which may endanger human health or safety, or the environment, must be reported by the permittee to the TCEQ.

Report of such information must be provided orally or by fax to the TCEQ Regional Office within 24 hours of becoming aware of the noncompliance. A written report must be provided by the permittee to the appropriate TCEQ Regional Office and to the TCEQ Enforcement Division (MC-224) within five working days of becoming aware of the noncompliance. The written report must contain:

- (1) A description of the noncompliance and its cause;
 - (2) The potential danger to human health or safety, or the environment;
 - (3) The period of noncompliance, including exact dates and times;
 - (4) If the noncompliance has not been corrected, the anticipated time it is expected to continue; and
 - (5) Steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance, and to mitigate its adverse effects.
- (b) Other Information
- When the permittee becomes aware that it either submitted incorrect information or failed to submit complete and accurate information requested in an NOI, NOT, NOC, Option 1 Waiver, Option 2 Waiver, or any other report, the permittee shall promptly submit the facts or information to the executive director.

2. Annual Report

The small MS4 operator shall submit a concise annual report to the executive director by March 31st of each year for the previous calendar year.

For permittees authorized under the 2019 TPDES Small MS4 General Permit, the first annual report for this general permit, that is due on March 31, 2025, shall address the period beginning on the day after the last day of the permittee's reporting period (fiscal year, calendar year, or permit year) under the general permit issued January 4, 2019, and shall end on December 31, 2024.

The small MS4 operator shall make a copy of the annual report readily available for review by TCEQ personnel upon request.

The annual report must include:

- (a) The status of the compliance with permit conditions, an assessment of the appropriateness of the identified activities/BMPs, progress towards achieving the statutory goal of reducing the discharge of pollutants to the MEP, the measurable goals for each of the MCMs, and an evaluation of the success of the implementation of the measurable goals;
- (b) A summary of the results of information collected and analyzed, during the reporting period, including monitoring data used to assess the success of the program at reducing the discharge of pollutants to the MEP;
- (c) If applicable for receiving water bodies, a summary of any activities taken to address the discharge to impaired water bodies, including a summary of the small MS4s BMPs used to address the pollutant of concern, and if sampling was conducted include the sampling results;
- (d) A summary of the stormwater activities the small MS4 operator plans to undertake during the next reporting year;
- (e) Proposed changes to the SWMP, including changes to any activities/BMPs or any identified measurable goals that apply to the program elements;

- (f) A description and schedule for implementation of additional activities/BMP's that may be necessary, based on monitoring results, to ensure compliance with applicable TMDLs and implementation plans. For water bodies that are listed as impaired after discharge authorization pursuant to Part III., include a list of such water bodies and the pollutant(s) causing the impairment, and a summary of any actions taken to comply with the requirements of Part III.;
- (g) Notice that the small MS4 operator is relying on another government entity to satisfy some of its permit obligations (if applicable);
- (h) The number of construction activities where the small MS4 is the operator and authorized under the optional 8th MCM, including the total number of acres disturbed; and
- (i) The number of construction activities that occurred within the jurisdictional area of the small MS4 (as noticed to the permittee by the construction operator), and that were not authorized under the optional 8th MCM.

Small MS4s authorized under the 2019 TPDES Small MS4 General Permit must prepare an annual report whether or not the NOI has been approved by the TCEQ. If the permittee has either not implemented the SWMP or not begun to implement the SWMP because it has not received approval of the NOI, then the annual report may include that information.

The annual report must be signed (in accordance with 30 TAC § 305.128 relating to Signatories to Reports) and submitted using the online electronic reporting system, NeT - MS4, available through the TCEQ website unless the permittee requests and obtains an Electronic Reporting Waiver. If the permittee obtains an Electronic Reporting Waiver, the annual report must be submitted with the appropriate paper annual report forms provided by the executive director and submitted to the following locations:

- Original – TCEQ Austin Headquarters Office c/o the Stormwater Team (MC-148), and
- Copy – The TCEQ Regional Office that serves the area of the regulated small MS4.

If permittees share a common SWMP (*i.e.*, coalitions), they shall contribute to a single system-wide annual report for all participating members and the designated coalition participant shall submit the annual report. At a minimum, each permittee shall sign and certify the annual report in the NeT-MS4 electronic system in accordance with 30 TAC § 305.128 (relating to Signatories to Reports). If the coalition participant designated to submit the annual report changes during the permit term, all participating members must submit an NOC to update the designated member.

Part VI. Standard Permit Conditions

- A. The permittee has a duty to comply with all permit conditions. Failure to comply with any permit condition is a violation of the general permit and statutes under which it was issued, and is grounds for enforcement action, for terminating coverage under this general permit, or for requiring a discharger to apply for and obtain a TPDES individual permit.
- B. It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

- C. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- D. Authorization under this general permit may be suspended or revoked for cause. Filing a notice of planned changes or anticipated non-compliance by the permittee does not stay any permit condition. The permittee shall furnish to the executive director, upon request and within a reasonable timeframe, any information necessary for the executive director to determine whether cause exists for modifying, revoking, suspending, reissuing, or terminating authorization under this general permit. Additionally, the permittee shall provide to the executive director, upon request, copies of all records that the permittee shall maintain as a condition of this general permit.
- E. The permittee shall, at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used to achieve compliance with the conditions of this permit and with the condition of the permittee's SWMP. Proper O&M also includes adequate laboratory controls and appropriate quality assurance procedures. Proper O&M requires the operation of backup or auxiliary facilities or similar systems, installed only when the operation is necessary to achieve compliance with the conditions of this permit.
- F. Inspection and entry shall be allowed under the TWC Chapters 26-28, Health and Safety Code §§ 361.032-361.033 and 361.037, and 40 CFR § 122.41(i). The statement in TWC § 26.014 that commission entry of a facility shall occur according to an establishment's rules and regulations concerning safety, internal security, and fire protection is not grounds for denial or restriction of entry to any part of the facility or site, but merely describes the commission's duty to observe appropriate rules and regulations during an inspection.
- G. The discharger is subject to administrative, civil, and criminal penalties, as applicable, under the TWC, Chapters 26 - 28, and the Texas Health and Safety Code, Chapter 361 for violations including but not limited to the following:
 - 1. Negligently or knowingly violating CWA §§ 301, 302, 303, 306, 307, 308, 318, or 405, or any condition or limitation implementing any sections in a permit issued under CWA § 402; and
 - 2. Knowingly making any false statement, representation, or certification in any record or other document submitted or required to be maintained under a permit, including monitoring reports or reports of compliance or noncompliance.
- H. All reports and other information requested by or submitted to the executive director must be signed by the person and in the manner required by 30 TAC § 305.128 (relating to Signatories to Reports).
- I. Authorization under this general permit does not convey property or water rights of any sort and does not grant any exclusive privilege.
- J. Nothing in Part II of the general permit is intended to negate any person's ability to assert the force majeure (act of God, war, strike, riot, or other catastrophe) defenses found in 30 TAC § 70.7.

- K. This permit does not transfer liability for the act of discharging without, or in violation of, a NPDES or a TPDES permit from the operator of the discharge to the permittee(s).

Part VII. Authorization for Municipal Construction Activities – Applicable only if the Optional 8th MCM is Selected

The small MS4 operator may obtain authorization under TPDES CGP, TXR150000 to discharge stormwater runoff from each construction activity performed by the small MS4 operator that results in a land disturbance of one acre or more of land or less than one acre of land, if the construction activity is part of a larger common plan of development or sale that would disturb one acre or more. Alternatively, the small MS4 operator may develop the SWMP to include the optional 8th MCM listed in Part IV.D.8 of this general permit if the eligibility requirements in Part VII.A. below are met.

Even if a small MS4 operator has developed the optional 8th MCM, the small MS4 operator may apply under TPDES CGP TXR150000 for authorization for certain municipal construction activities including those activities that occur during periods of low potential for erosion (for which no SWP3 must be developed).

Section A. Eligible Construction Sites

Discharges from construction activities within the regulated area where the small MS4 operator meets the definition of construction site operator are eligible for authorization under this general permit. Discharges from construction activities outside of the regulated area, where the small MS4 operator meets the definition of construction site operator, are only eligible for authorization under this general permit in those areas where the small MS4 operator meets all the requirements of Parts IV.D.1-8. of this general permit.

Section B. Discharges Eligible for Authorization

1. Stormwater Associated with Construction Activity

Discharges of stormwater runoff from small and large construction activities may be authorized under this general permit.

2. Discharges of Stormwater Associated with Construction Support Activities

Discharges of stormwater runoff from construction support activities, including concrete batch plants, asphalt batch plants, equipment staging areas, material storage yards, material borrow areas, and excavated material disposal areas may be authorized under this general permit provided:

- (a) The activity is located within a one-mile distance from the boundary of the permitted construction site and directly supports the construction activity;
- (b) A SWP3 is developed according to the provisions of this general permit and includes appropriate controls and measures to control sediment and erosion and discharge of pollutants in stormwater runoff from the supporting construction activity site;
- (c) The construction support activity either does not operate beyond the completion date of the construction activity or obtains separate TPDES permit authorization for discharges as required; and
- (d) The discharge of stormwater from concrete production facilities meets the requirements in Section F below.

3. Non-Stormwater Discharges

This general permit authorizes the following non-stormwater discharges from construction sites authorized under this general permit:

- (a) Discharges from emergency fire-fighting activities (emergency fire-fighting activities do not include washing of trucks, runoff water from training activities, test water from fire suppression systems, and similar activities);
- (b) Uncontaminated fire hydrant flushings (excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life), which include flushings from systems that utilize potable water, surface water, or groundwater that does not contain additional pollutants (uncontaminated fire hydrant flushings do not include systems utilizing reclaimed wastewater as a source water);
- (c) 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;
- (d) Uncontaminated water used to control dust;
- (e) Potable water sources including waterline flushings (excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life);
- (f) Uncontaminated air conditioning condensate; and
- (g) Uncontaminated groundwater or spring water, including foundation or footing drains where flows are not contaminated with industrial materials such as solvents.

4. Other Permitted Discharges

Any discharge authorized under a separate TPDES or TCEQ permit may be combined with discharges from construction sites operated by the small MS4, provided the discharge complies with the associated permit.

Section C. Limitations on Permit Coverage

Discharges that occur after construction activities have been completed, and after the construction site and any supporting activity site have undergone final stabilization, are not eligible for coverage under Part VII of the general permit.

Section D. Stormwater Pollution Prevention Plan (SWP3) Requirements

Operators of municipal construction activities that qualify for coverage under this general permit and that discharge stormwater associated with construction activities into surface water in the state must:

- (a) Develop a SWP3 according to the provisions of this general permit that covers the entire site and begin implementation of that plan prior to commencing construction activities;
- (b) Post a signed copy of the applicable TCEQ approved site notice form in a location at the construction site where it is readily available for viewing prior to commencing

construction activities and maintain the notice in that location until completion of the construction activity and final stabilization of the site;

- (c) Ensure the project specifications allow or provide that adequate BMPs may be developed and modified as necessary to meet the requirements of this general permit and the SWP3;
- (d) Ensure all contractors are aware of the SWP3 requirements, are aware that municipal personnel are responsible for the day-to-day operations of the SWP3, and who to contact concerning SWP3 requirements; and
- (e) Ensure that the SWP3 identifies the municipal personnel responsible for implementation of control measures described in the plan.

Section E. Contents of SWP3

The SWP3 must include, at a minimum, the information described in this section.

1. Site Description

A site description, or project description, which must include:

- (a) A description of the nature of the construction activity, potential pollutants and sources;
- (b) A description of the intended schedule or sequence of major activities that will disturb soils for major portions of the site;
- (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) Data describing the soil type or the quality of any 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) Locations of all major structural controls either planned or in place;
 - (4) Locations where temporary or permanent stabilization practices are expected to be used;
 - (5) Locations of construction support activities, including off-site activities that are authorized under the permittee's NOI, including material, waste, borrow, fill, or equipment storage areas;
 - (6) Surface waters (including wetlands) either at, adjacent, or in close proximity to the site;
 - (7) Locations where stormwater discharges from the site directly to a surface water body or an MS4; and
 - (8) Vehicle wash areas.
- (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 this general permit;

- (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; and
- (i) A copy of Part VII of this TPDES general permit.

2. Structural and non-structural controls

The SWP3 must describe the structural and the non-structural controls (BMPs) that will be used to minimize pollution in runoff. The description must identify the general timing or sequence for implementation and the party responsible for implementation. At a minimum, the description must include the following components:

Erosion and Sediment Controls

- (a) Erosion and sediment controls must be designed to retain sediment on-site to the MEP with consideration for local topography and rainfall.
- (b) Control measures must be properly selected, installed, and maintained according to the manufacturer's or designer's specifications. If periodic inspections or other information indicates a control has been used incorrectly, or that the control is performing inadequately, the operator must replace or modify the control.
- (c) Sediment must be removed from sediment traps and sedimentation ponds no later than the time that design capacity has been reduced by 50%.
- (d) 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.
- (e) Controls must be developed to limit offsite transport of litter, construction debris, and construction materials by stormwater runoff.

3. Stabilization Practices

The SWP3 must include a description of interim and permanent stabilization practices for the site, including a schedule of when the practices will be implemented. Site plans must ensure that existing vegetation is preserved where 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, protection of existing trees and vegetation, and other similar measures.
- (b) The following records must be maintained and either attached to or referenced in the SWP3 and made readily available upon request to the parties in Part VII.J of this general permit:
 - (1) The dates when major grading activities occur;
 - (2) The dates when construction activities temporarily or permanently cease on a portion of the site; and
 - (3) The dates when stabilization measures are initiated.
- (c) Stabilization measures must be initiated immediately in portions of the site where construction activities have temporarily or permanently ceased, and will not resume for a period exceeding 14 calendar days, except as provided in (1) and (2) below.
 - (1) Where the initiation of stabilization measures by the 14th day after construction activity temporarily or permanently ceased is precluded by snow cover or frozen

ground conditions, stabilization measures must be initiated as soon as practicable.

- (2) Where the initiation of stabilization measures by the 14th day after construction activity has temporarily or permanently ceased is precluded by seasonably arid conditions, stabilization measures must be initiated as soon as practicable. These conditions exist in arid areas, semiarid areas, and areas experiencing drought conditions.

4. Structural Control Practices

The SWP3 must include a description of any structural control practices 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) Sites with a drainage area of ten or more acres:

- (1) A sediment basin is required, where feasible, for a common drainage location that serves an area with ten or more acres disturbed at one time. A sedimentation basin may be temporary or permanent, but must provide sufficient storage to contain a calculated volume of runoff from a 2-year, 24-hour storm from each disturbed acre drained. When calculating the volume of runoff from a 2-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. Capacity calculations must be included in the SWP3.
- (2) Where rainfall data is not available or a calculation cannot be performed, the sedimentation basin must provide at least 3,600 cubic feet of storage per acre drained until the site reaches final stabilization.
- (3) If a sedimentation basin is not feasible, then the permittee shall provide equivalent control measures until the site reaches final stabilization. In determining whether installing a sediment basin is feasible, the permittee may consider factors such as site soils, slope, available area, public safety, precipitation pattern, site geometry, site vegetation, infiltration capacity, geotechnical factors, depth to groundwater, and other similar considerations. The permittee shall document the reason that the sediment basins are not feasible, and shall utilize equivalent control measures, which may include a series of smaller sediment basins.
- (4) Perimeter Controls – At a minimum, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries of the construction area, and for those side slope boundaries deemed appropriate as dictated by individual site conditions.

(b) Controls for sites with drainage areas less than ten acres:

- (1) 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, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries of the construction area, and for those side slope boundaries deemed appropriate as dictated by individual site conditions.
- (2) Alternatively, a sediment basin that provides storage for a calculated volume of runoff from a 2-year, 24-hour storm from each disturbed acre drained may be

utilized. Where rainfall data is not available or a calculation cannot be performed, a temporary or permanent sediment basin providing 3,600 cubic feet of storage per acre drained may be provided. If a calculation is performed, then the calculation shall be included in the SWP3.

5. Permanent Stormwater Controls

A description of any measures that will be installed during the construction process to control pollutants in stormwater discharges that will occur after construction operations have been completed must be included in the SWP3. Permittees are only responsible for the installation and maintenance of stormwater management measures prior to final stabilization of the site.

6. Other Controls

- (a) Off-site vehicle tracking of sediments and the generation of dust must be minimized.
- (b) The SWP3 must include a description of construction and waste materials expected to be stored onsite 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.

7. Effluent Limitations

The federal Effluent Limitations Guidelines at 40 CFR § 450.21 apply to all regulated construction activities under the optional 8th MCM, where the small MS4 is the operator.

8. Approved State and Local Plans

- (a) The permittee shall ensure the SWP3 is consistent with requirements specified in applicable sediment and erosion site plans or site permits, or stormwater management site plans or site permits approved by federal, state, or local officials.
- (b) All SWP3s must be updated as necessary to remain consistent with any changes applicable to protecting surface water resources in sediment erosion site plans or site permits, or stormwater management site plans or site permits approved by state or local official for whom the permittee receives written notice.

9. Maintenance

All erosion and sediment control measures and other protective measures identified in the SWP3 must be maintained in effective operating condition. If through inspections the permittee determines that BMPs are not operating effectively, maintenance must be performed before the next anticipated storm event or as necessary to maintain the continued effectiveness of stormwater controls. If maintenance prior to the next anticipated storm event is impracticable, maintenance must be scheduled and accomplished as soon as practicable.

10. Inspections of Controls

- (a) Inspection Requirements. Personnel provided by the permittee must inspect disturbed areas of the construction site that have not been finally stabilized, areas used for

storage of materials that are exposed to precipitation, discharge locations, and structural controls for evidence of, or the potential for, pollutants entering the drainage system. Personnel conducting these inspections must be knowledgeable of this general permit, familiar with the construction site, and knowledgeable of the SWP3 for the site. Sediment and erosion control measures identified in the SWP3 must be inspected to ensure that they are operating correctly. Locations where vehicles enter or exit the site must be inspected for evidence of off-site sediment tracking.

(b) Inspection Frequency.

- (1) Inspections must be conducted at least once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater.
 - a. If a storm event produces 0.5 inches or more of rain within a 24-hour period (including when there are multiple, smaller storms that alone produce less than 0.5 inches but together produce 0.5 inches or more in 24 hours), you are required to conduct one inspection within 24 hours of when 0.5 inches of rain or more has fallen. When the 24-hour inspection time frame occurs entirely outside of normal working hours, you must conduct an inspection by no later than the end of the next business day.
 - b. If a storm event produces 0.5 inches or more of rain within a 24-hour period on the first day of a storm and continues to produce 0.5 inches or more of rain on subsequent days, you must conduct an inspection within 24 hours of the first day of the storm and within 24 hours after the last day of the storm that produces 0.5 inches or more of rain (i.e., only two inspections would be required for such a storm event). When the 24-hour inspection time frame occurs entirely outside of normal working hours, you must conduct an inspection by no later than the end of the next business day.
- (2) Where sites have been finally or temporarily stabilized or where runoff is unlikely due to winter conditions (e.g., site is covered with snow, ice, or frozen ground exists), inspections must be conducted at least once every month.
- (3) In arid or semi-arid, or drought-stricken areas, inspections must be conducted at least once every month and within 24 hours after the end of a storm event of 0.5 inches or greater.
- (4) As an alternative to the above-described inspection schedule of once every 14 calendar days and within 24 hours of a storm event of 0.5 inches or greater, the SWP3 may be developed to require that these inspections will occur at least once every seven calendar days. If this alternative schedule is developed, then the inspection must occur on a specifically defined day, regardless of whether or not there has been a rainfall event since the previous inspection.
- (5) The inspections may occur on either schedule provided that the SWP3 reflects the current schedule and that any changes to the schedule are conducted in accordance with the following provisions: the schedule may be changed a maximum of one time each month, the schedule change must be implemented at the beginning of a calendar month, and the reason for the schedule change must be documented in the SWP3 (e.g., end of “dry” season and beginning of “wet” season).
- (6) In the event of flooding or other adverse conditions that prohibit access to the inspection sites, inspections must be conducted as soon as access is practicable.

- (d) Utility line installation, pipeline construction, and other examples of long, narrow, linear construction activities may provide inspection personnel with limited access to the areas described in Part VII.E.10.(a) above.
 - (1) Inspection of these areas could require that vehicles compromise temporarily or even permanently stabilized areas, cause additional disturbance of soils, and increase the potential for erosion. In these circumstances, controls must be inspected at least once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inches, but representative inspections may be performed.
 - (2) For representative inspections, personnel must inspect controls along the construction site for 0.25 miles above and below each access point where a roadway, undisturbed right-of-way, or other similar feature intersects the construction site and allows access to the areas described in Part VII.E.10.(a) above.
 - (3) The conditions of the controls along each inspected 0.25 miles portion may be considered as representative of the condition of controls along that reach extending from the end of the 0.25 miles portion to either the end of the next 0.25 miles inspected portion, or to the end of the project, whichever occurs first.
- (e) Requirements for inspections may be temporarily suspended for adverse conditions. Adverse conditions are conditions that are either dangerous to personnel (e.g., high wind, excessive lightning) or conditions that prohibit access to the site (e.g., flooding, freezing conditions). Adverse conditions that result in the temporary suspension of a permit requirement to inspect must be documented and included as part of the SWP3. Documentation must include:
 - (1) the date and time of the adverse condition,
 - (2) names of personnel that witnessed the adverse condition, and
 - (3) a narrative for the nature of the adverse condition.
- (f) 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 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.
- (g) A report summarizing the scope of the inspection, the date(s) 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: The locations of discharges of sediment or other pollutants from the site; locations of BMPs that need to be maintained; locations of BMPs that failed to operate as designed or proved inadequate for a particular location; and locations where additional BMPs are needed.

Actions taken as a result of inspections must be described within, and retained as a part of, the SWP3. Reports must identify any incidents of non-compliance. Where a report does not identify any incidents of non-compliance, the report must contain a certification that the facility or site is in compliance with the SWP3 and this permit. The report must be signed by the person and in the manner required by 30 TAC § 305.128 (relating to Signatories to Reports).

- (h) The names and qualifications of personnel making the inspections for the permittee may be documented once in the SWP3 rather than being included in each report.

11. Observation and Evaluation of Dewatering Controls

- (a) Personnel provided by the permittee must observe and evaluate dewatering controls at a minimum of once per day on the days where dewatering discharges from the construction site occur. Personnel conducting these evaluations must be knowledgeable of this general permit, the construction activities at the site, and the SWP3 for the site. Personnel conducting these evaluations are not required to have signatory authority for reports under 30 TAC § 305.128 (relating to Signatories to Reports).
- (b) Requirements for Observations and Evaluations
 - (1) A report summarizing the scope of any observation and evaluation must be completed within 24-hours following the evaluation. The report must also include, at a minimum, the following:
 - a. date of the observations and evaluation;
 - b. name(s) and title(s) of personnel making the observations and evaluation;
 - c. approximate times that the dewatering discharge began and ended on the day of evaluation, or if the dewatering discharge that continues after normal business hours, indicate that the discharge is continuous (this information can be reported by personnel initiating the dewatering discharge);
 - d. estimates of the rate (in gallons per day) of discharge on the day of evaluation;
 - e. whether or not any indications of pollutant discharge were observed at the point of discharge (e.g., foam, oil sheen, noticeable odor, floating solids, suspended sediments, or other obvious indicators of stormwater pollution); and
 - f. major observations, including: the locations of where erosion and discharges of sediment or other pollutants from the site have occurred; locations of BMPs that need to be maintained; locations of BMPs that failed to operate as designed or proved inadequate for a particular location; and locations where additional BMPs are needed.
 - (2) Actions taken as a result of evaluations, including the date(s) of actions taken, must be described within, and retained as a part of, the SWP3. Reports must identify any incidents of non-compliance. Where a report does not identify any incidents of non-compliance, the report must contain a certification that the facility or site is in compliance with the SWP3 and this permit. The report must be retained as part of the SWP3 and signed by the person and in the manner required by 30 TAC § 305.128 (relating to Signatories to Reports).
 - (3) The names and qualifications of personnel making the evaluations for the permittee may be documented once in the SWP3 rather than being included in each report.

12. Pollution Prevention Measures

The SWP3 must identify and ensure the implementation of appropriate pollution prevention measures for all eligible non-stormwater components of the discharge.

Section F. Stormwater Runoff from Concrete Batch Plant

Discharges of stormwater runoff from concrete batch plants at construction sites authorized under this general permit may be authorized under the provisions of this general permit provided that the requirements in this section are met. If discharges of stormwater runoff from concrete batch plants are not covered under this general permit, then discharges must be authorized under an alternative general permit or an individual permit. This general permit does not authorize the discharge or land disposal of any wastewater from concrete batch plants at construction sites authorized under this general permit. Authorization for these wastes must be obtained under an individual permit or an alternative general permit.

1. Benchmark Sampling Requirements

- (a) Small MS4 operated concrete batch plants authorized under this section must sample the stormwater runoff from the concrete batch plants according to the requirements of this section of the general permit, and must conduct evaluations of the effectiveness of the SWP3 based on the following benchmark monitoring values:

Table 17. Benchmark Monitoring

Benchmark Parameters (*1)	Benchmark Value	Sampling Frequency (*2)(*3)	Sample Type (*4)
Oil and Grease	15 mg/L	1/quarter	Grab
Total Suspended Solids	50 mg/L	1/quarter	Grab
pH	6.0-9.0 S.U. ¹	1/quarter	Grab
Total Iron	1.3 mg/L	1/quarter	Grab

¹Standard Units (S.U)

- (*1) Analytical data intended for compliance with benchmark monitoring requirements must be analyzed by a National Environmental Laboratory Accreditation Program (NELAP) accredited laboratory based on state rules located in 30 TAC Chapter 25. Analysis must be performed using sufficiently sensitive methods for analysis that comply with the rules located in 40 CFR §§ 136.1(c) and 122.44(i)(1)(iv).
- (*2) When discharge occurs. Sampling is required within the first 30 minutes of discharge. If it is not practicable to take the sample, or to complete the sampling, within the first 30 minutes, sampling must be completed within the first hour of discharge. If sampling is not completed within the first 30 minutes of discharge, the reason must be documented and attached to all required reports and records of the sampling activity.
- (*3) Sampling must be conducted at least once during each of the following periods. The first sample must be collected during the first full quarter that a

stormwater discharge occurs from a concrete batch plant authorized under this general permit.

- January through March
- April through June
- July through September
- October through December

For projects lasting less than one full quarter, a minimum of one sample shall be collected, provided that a stormwater discharge occurred at least once following submission of the small MS4 NOI.

- (*4) A grab sample shall be collected from the stormwater discharge resulting from a storm event that is at least 0.1 inches of measured precipitation that occurs at least 72 hours from the previously measurable storm event. The sample shall be collected downstream of the concrete batch plant, and where the discharge exits any BMPs utilized to handle the runoff from the batch plant, prior to commingling with any other water authorized under this general permit.

- (b) The permittee shall compare the results of sample analyses to the benchmark values above, and must include this comparison in the overall assessment of the SWP3's effectiveness. Analytical results that exceed a benchmark value are not a violation of this permit, as these values are not numeric effluent limitations. Results of analyses are indicators that modifications of the SWP3 should be assessed and may be necessary to protect water quality. The operator must investigate the cause for each exceedance and must document the results of this investigation in the SWP3 by the end of the quarter following the sampling event.

The small MS4 operator's investigation must identify the following:

- (1) Any additional potential sources of pollution, such as spills that might have occurred;
- (2) Necessary revisions to good housekeeping measures that are part of the SWP3;
- (3) Additional BMPs, including a schedule to install or implement the BMPs; and
- (4) Other parts of the SWP3 that may require revisions in order to meet the goal of the benchmark values.

Background concentrations of specific pollutants may also be considered during the investigation. If the operator is able to relate the cause of the exceedance to background concentrations, then subsequent exceedances of benchmark values for that pollutant may be resolved by referencing earlier findings in the SWP3. Background concentrations may be identified by laboratory analyses of samples of stormwater runoff on to the permitted facility, by laboratory analyses of samples of stormwater runoff from adjacent non-industrial areas, or by identifying the pollutant is a naturally occurring material in soils at the site.

2. BMPs and SWP3 Requirements for Concrete Batch Plants

The following are required for concrete batch plants in addition to other SWP3 requirements listed in this section:

- (a) Description of Potential Pollutant Sources – The SWP3 must provide a description of potential sources (activities and materials) that may reasonably be expected to affect the quality of stormwater discharges associated with concrete batch plants authorized under this permit. The SWP3 must describe practices that that will be used to reduce the pollutants in these discharges to assure compliance with this general permit, including the protection of water quality, and must ensure the implementation of these practices. The following must be developed, at a minimum, in support of developing this description:
- (1) Drainage – The site map must include the following information:
 - a. The location of all outfalls for stormwater discharges associated with concrete batch plants that are authorized under this permit;
 - b. A depiction of the drainage area and the direction of flow to the outfall(s);
 - c. Structural controls used within the drainage area(s);
 - d. The locations of the following areas associated with concrete batch plants that are exposed to precipitation: vehicle and equipment maintenance activities (including fueling, repair, and storage areas for vehicles and equipment scheduled for maintenance); areas used for the treatment, storage, or disposal of wastes listed in the TPDES CGP TXR150000; liquid storage tanks; material processing and storage areas; and loading and unloading areas; and
 - e. The locations of the following: any bag house or other dust control device(s); recycle or sedimentation pond, clarifier or other device used for the treatment of facility wastewater (including the areas that drain to the treatment device); areas with significant materials; and areas where major spills or leaks have occurred.
 - (2) Inventory of Exposed Materials – A list of materials handled at the concrete batch plant that may be exposed to stormwater and that have a potential to affect the quality of stormwater discharges associated with concrete batch plants that are authorized under this general permit.
 - (3) Spills and Leaks – A list of significant spills and leaks of toxic or hazardous pollutants that occurred in areas exposed to stormwater and that drain to stormwater outfalls associated with concrete batch plants authorized under this general permit must be developed, maintained, and updated.
 - (4) Sampling Data – A summary of existing stormwater discharge sampling data must be maintained, if available.
- (b) Measures and Controls - The SWP3 must include a description of management controls to regulate pollutants identified in the SWP3's "Description of Potential Pollutant Sources" from Part VII.F.2.(a) of this permit, and a schedule for implementation of the measures and controls. This must include, at a minimum:
- (1) Good Housekeeping – Good housekeeping measures must be developed and implemented in the area(s) associated with concrete batch plants.
 - a. Operators must prevent or minimize the discharge of spilled cement, aggregate (including sand or gravel), settled dust, or other significant materials from paved portions of the site that are exposed to stormwater.

Measures used to minimize the presence of these materials may include regular sweeping or other equivalent practices. These practices must be conducted at a frequency that is determined based on consideration of the amount of industrial activity occurring in the area and frequency of precipitation, and shall occur at least once per week when cement or aggregate is being handled or otherwise processed in the area.

- b. Operators must prevent the exposure of fine granular solids, such as cement, to stormwater. Where practicable, these materials must be stored in enclosed silos, hoppers or buildings, in covered areas, or under covering.
 - (2) Spill Prevention and Response Procedures – Areas where potential spills that can contribute pollutants to stormwater runoff, and the drainage areas from these locations, must be identified in the SWP3. Where appropriate, the SWP3 must specify material handling procedures, storage requirements, and use of equipment. Procedures for cleaning up spills must be identified in the SWP3 and made available to the appropriate personnel.
 - (3) Inspections – Qualified facility personnel (for example, a person or persons with knowledge of this general permit, the concrete batch plant, and the SWP3 related to the concrete batch plant(s) for the site) must be identified to inspect designated equipment and areas of the facility specified in the SWP3. The inspection frequency must be specified in the SWP3 based upon a consideration of the level of concrete production at the facility, but must be a minimum of once per month while the facility is in operation. The inspection must take place while the facility is in operation and must, at a minimum, include all areas that are exposed to stormwater at the site, including material handling areas, above ground storage tanks, hoppers or silos, dust collection or containment systems, truck wash down and equipment cleaning areas. Follow-up procedures must be used to ensure that appropriate actions are taken in response to the inspections. Records of inspections must be maintained and be made readily available for review upon request by the agencies and officials in Part VII.J of this general permit.
 - (4) Employee Training – An employee training program must be developed to educate personnel responsible for implementing any component of the SWP3, or personnel otherwise responsible for stormwater pollution prevention, with the provisions of the SWP3. The frequency of training must be documented in the SWP3, and at a minimum, must consist of one training prior to the initiation of operation of the concrete batch plant.
 - (5) Record Keeping and Internal Reporting Procedures – A description of spills and similar incidents, plus additional information that is obtained regarding the quality and quantity of stormwater discharges, must be included in the SWP3. Inspection and maintenance activities must be documented and records of those inspection and maintenance activities must be incorporated in the SWP3.
 - (6) Management of Runoff – The SWP3 shall contain a narrative consideration for reducing the volume of runoff from concrete batch plants by diverting runoff or otherwise managing runoff, including use of infiltration, detention ponds, retention ponds, or reusing of runoff.
- (c) Comprehensive Compliance Evaluation – At least once per year, one or more qualified personnel (for example, a person or persons with knowledge of this general permit, the concrete batch plant, and the SWP3 related to the concrete batch plant(s) for the site)

shall conduct a compliance evaluation of the plant. The evaluation must include the following:

- (1) Visual examination of all areas draining stormwater associated with regulated concrete batch plants for evidence of, or the potential for, pollutants entering the drainage system. These include but are not limited to: cleaning areas, material handling areas, above ground storage tanks, hoppers or silos, dust collection or containment systems, and truck wash down and equipment cleaning areas. Measures implemented to reduce pollutants in runoff (including structural controls and implementation of management practices) must be evaluated to determine if they are effective and if they are implemented in accordance with the terms of this permit and with the small MS4's SWP3. The operator shall conduct a visual inspection of equipment needed to implement the SWP3, such as spill response equipment.
- (2) Based on the results of the evaluation, the following must be revised as appropriate within two weeks of the evaluation: the description of potential pollutant sources identified in the SWP3 (as required in Part VII.F.2(a), "Description of Potential Pollutant Sources"); and pollution prevention measures and controls identified in the SWP3 (as required in Part VII.F.2.(b) "Measures and Controls"). The revisions may include a schedule for implementing the necessary changes.
- (3) The permittee shall prepare and include in the SWP3 a report summarizing the scope of the evaluation, the personnel making the evaluation, the date(s) of the evaluation, major observations relating to the implementation of the SWP3, and actions taken in response to the findings of the evaluation. The report must identify any incidents of noncompliance. Where the report does not identify incidences of noncompliance, the report must contain a statement that the evaluation did not identify any incidence(s), and the report must be signed according to 30 TAC § 305.128, relating to Signatories to Reports.
- (4) The Comprehensive Compliance Evaluation may substitute for one of the required inspections required in Part VII.F.2.(b)(3) of this general permit.

3. Concrete Truck Wash Out Requirements

This general permit authorizes the wash out of concrete trucks at construction sites authorized under this general permit, provided the following requirements are met. Authorization is limited to the land disposal of wash out water from concrete trucks. Any other direct discharge of concrete production wastewater must be authorized under a separate TCEQ general permit or individual permit.

- (a) Direct discharge of concrete truck washout water to surface water in the state, including discharge to storm sewers, is prohibited by this general permit.
- (b) Concrete truck washout water shall be discharged to areas at the construction site where structural controls have been established to prevent direct discharge to surface waters or to areas that have a minimal slope that allow infiltration and filtering of wash out water to prevent direct discharge to surface waters. Structural controls may consist of temporary berms, temporary shallow pits, temporary storage tanks with slow rate release, or other reasonable measures to prevent runoff from the construction site.
- (c) Wash out of concrete trucks during rainfall events shall be minimized. The direct discharge of concrete truck washout water is prohibited at all times, and the operator

shall insure that its BMPs are sufficient to prevent the discharge of concrete truck washout as the result of rain.

- (d) The discharge of wash out water shall not cause or contribute to groundwater contamination.
- (e) The SWP3 shall include concrete wash out areas on the associated map.

Section G. Effective Date of Coverage

Construction activities may not commence under this section until the small MS4 NOI is approved in writing by the TCEQ. Following approval of the NOI, operators of construction activities eligible for coverage under this general permit are authorized to discharge stormwater associated with construction activity immediately upon posting the signed applicable TCEQ approved construction site notice form required under this MCM.

Section H. Deadlines for SWP3 Preparation and Compliance

The SWP3 must:

1. Be completed and initially implemented prior to commencing construction activities that result in soil disturbance;
2. Be updated as necessary to reflect the changing conditions of new contractors, new areas of responsibility, and changes in BMPs; and
3. Provide for compliance with the terms and conditions of this general permit.

Section I. Plan Review and Making Plans Available

The SWP3 must be retained onsite at the construction site or made readily available at the time of an onsite inspection to: the executive director; a federal, state, or local agency approving sediment and erosion plans, grading plans, or stormwater management plans; and to local government officials.

Section J. Keeping Plans Current

The permittee shall amend the SWP3 whenever either of the following occurs:

1. There is a change in design, construction, operation, or maintenance that has a significant effect on the discharge of pollutants and that has not been previously addressed in the SWP3; or
2. Results of inspections or investigations by site operators, authorized TCEQ personnel, or a federal, state or local agency approving sediment and erosion plans indicate the SWP3 is proving ineffective in eliminating or significantly minimizing pollutants in discharges authorized under this general permit.

Section K. Delegation of Signatory Authority

If signatory authority is delegated by an authorized representative, then a Delegation of Signatory form must be submitted as required by 30 TAC § 305.128 (relating to Signatories to Reports) using the State of Texas Environmental Electronic Reporting System (STEERS), TCEQ's online permitting system, unless the permittee requested and obtained an Electronic Reporting Waiver. A new Delegation of Signatory form must be submitted if the delegation changes to another individual or position during the permit term.

Section L. Additional Retention of Records

The permittee shall retain the following records for a minimum period of three years from the date that final stabilization has been achieved on all portions of the site. Records include:

1. A copy of the SWP3; and
2. All reports and actions required by this section, including copies of the approved TCEQ construction site notice forms.



City Council Agenda Item #5.

Title: Consideration and possible action amending Ordinance No.1734 in regards to Reserve Officers.

Date: October 16, 2023

From: Jennifer Howell, Police Chief

Staff Recommendation: For City Council to approve the recommended update of the city ordinance regarding reserve officers for the city.

Item Summary: Staff request to make necessary updates to include changing the name, plus reflect current state standards as shown and current practiced policies in the profession across the state. This would include the following changes: updating the name to reflect the current state agency, Texas Commission on Law Enforcement; removing the set amount of hours each month and adding that department policy will make that determination; removing that reserve officers are not allowed to work as full time; removing that reserves will be required to pay any work related injuries; removing reserves pay for their own uniforms and equipment. The old ordinance as it reads is included, plus an ordinance showing proposed changes and a new ordinance if approved.

Background Information: The city ordinance of Chapter 22 Law Enforcement, Division 2 Police Reserve Force was created in January 1993. How an officer was selected, appointed and attended training has changed since then. The state agency has changed their name and their requirements over the last 30 years. In reviewing the ordinance, it needs to be updated to reflect the correct agency name, the current state laws and standard practices across the profession.

Special Considerations: Currently, the City is only carrying the licenses of two reserves: Teresa LeBlanc, Dan Pennington.

Financial Impact: None

Board or 3rd Party Recommendation: None

Supporting Documentation:

1. Ordinance Reserve Officer

2. Old Chapter 22
3. Chapter 22 Law Enforcement
4. Chapter 22 Article I Division 2 10.2023

ORDINANCE NO. 2023-2822

AN ORDINANCE AMENDING THE CITY OF FREEPORT'S CODE OF ORDINANCES BY REPLACING DIVISION 2. – POLICE RESERVE FORCE OF ARTICLE II. – POLICE DEPARTMENT OF CHAPTER 22 – LAW ENFORCEMENT, WITH A NEW DIVISION 2 THAT REFLECTS CURRENT PRACTICES AND UPDATED STATE LAW AS IT RELATES TO THE MANAGEMENT, APPOINTMENT AND REMOVAL, DUTIES AND POWERS, COMPENSATION, AND UNIFORM REQUIREMENTS FOR THE RESERVE POLICE FORCE OF THE CITY OF FREEPORT; CONTAINING A PREAMBLE AND FINDINGS OF FACT; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AND PROPERLY PUBLISHED AS REQUIRED BY LAW; CONTAINING A SEVERABILITY CLAUSE; AND CONTAINING A REPEALER CLAUSE.

* * * * *

WHEREAS, the City of Freeport (the “City”) recognizes that establishment and management of the Freeport Reserve Police Force is an important eliminate to help reduce crime within the City, help train future full-time police officers, and improve the overall presence of the Freeport Police Department in the City;

WHEREAS, the City Council of City wants to ensure that the regulations pertaining to such Reserve Police Force are updated to current practice and State law;

WHEREAS, the City Council has determined, based upon the findings stated above, that the regulations established by this Ordinance are necessary for the good government, peace and order the City; and

WHEREAS, City Council finds that this Ordinance was adopted at a meeting which was open to the public and preceded by proper notice, as required by Chapter 551 of the Texas Local Government Code (the Open Meetings Act).

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

Section 1. The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made part hereof for all purposes.

Section 2. Division 2 of Article II of Chapter 22 is hereby replaced with a new Division 2 to read as follows:

“DIVISION 2. - POLICE RESERVE FORCE

Sec. 22-44. - Establishment; number of members limited.

There is hereby established for the city a police reserve force; provided, however, the membership of such force shall never exceed 20 members at any one time.

Sec. 22-45. - Qualifications and standards of training; oath of office.

To be eligible for appointment as a member of the police reserve force of the city, a person shall meet the minimum physical, mental, and moral standards established by the Texas Commission on Law Enforcement and be certified by the commission to act as a peace officer in the state.

Sec. 22-46. - Appointment and removal of members.

Members of the police reserve force of the city shall be appointed at the discretion of the police chief, but no person appointed to such force may carry a weapon or otherwise act as a peace officer unless or until the appointment of such person has been approved by the Texas Commission on Law Enforcement and until such person has taken the oath of office prescribed in section 5.08 of the city Charter; provided, however, any member of the police reserve force of the city may be removed from office at any time by the police chief and shall be removed from

office if such member ceases to have the minimum qualifications specified in section 22-45.

Sec. 22-47. - Duties and powers of members.

- (a) Members of the police reserve force shall serve as peace officers only during the actual discharge of their official duties. Members shall be available for service and serve hours as set forth in department policy.
- (b) Even after the approval by the Texas Commission on Law Enforcement of the appointment of a person as a member of the force, such person may only carry a weapon when authorized to do so by department policy and when discharging official duties as a duly constituted peace officer.
- (c) Members of the force shall serve as peace officers of the city only at the discretion of the police chief and may be called into service only by the police chief when the police chief considers it necessary to have additional officers to preserve the peace and enforce the law.
- (d) Members of the force shall act as peace officers only in a supplementary capacity to the police chief and the other full-time officers of the police department of the city.

Sec. 22-48. - Compensation; injury costs.

Members of the police reserve force of the city shall serve without compensation. However, the city has made provisions for hospital and medical assistance to a member of such force who sustains injury in the course of performing official duties.

Sec. 22-49. - Badges, emblems, and uniforms.

Each member of the police reserve force shall be provided uniforms of a

type to be approved by the police chief. The city shall furnish at its own expense a badge of a type to be approved by the police chief and an emblem to be worn on the uniform; provided, however, in the event a member resigns or is removed from office, the badge and uniform of such member shall be returned to the police chief.”

Section 3. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgement or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

Section 4. All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

READ, PASSED AND ADOPTED this ____ day of _____, 2023.

Brooks Bass, Mayor

ATTEST:

Betty Wells, City Secretary

APPROVED AS TO FORM ONLY:

David W. Olson, Interim City Attorney

- **DIVISION 2. - POLICE RESERVE FORCE**
- **Sec. 22-44. - Establishment; number of members limited.**

There is hereby established for the city a police reserve force; provided, however, the membership of such force shall never exceed 20 members at any one time.

(Code 1996, § 31.15; Ord. No. 1734, 1-4-1993)

- **Sec. 22-45. - Qualifications and standards of training; oath of office.**

To be eligible for appointment as a member of the police reserve force of the city, a person shall meet the minimum physical, mental, and moral standards established by the Texas Commission on Law Enforcement Standards and Education and be certified by the commission to act as a peace officer in the state.

(Code 1996, § 31.16; Ord. No. 1734, 1-4-1993)

- **Sec. 22-46. - Appointment and removal of members.**

Members of the police reserve force of the city shall be appointed at the discretion of the police chief, but no person appointed to such force may carry a weapon or otherwise act as a peace officer unless or until the appointment of such person has been approved by the affirmative vote of the majority of the members of the city council present and voting at a regular or special meeting thereof and until such person has taken the oath of office prescribed in [section 5.08](#) of the city Charter; provided, however, any member of the police reserve force of the city may be removed from office at any time by the police chief and shall be removed from office if such member ceases to have the minimum qualifications specified in [section 22-45](#).

(Code 1996, § 31.17; Ord. No. 1734, 1-4-1993)

- **Sec. 22-47. - Duties and powers of members.**

(a)

Members of the police reserve force shall serve as peace officers only during the actual discharge of their official duties. Members shall be available for service a minimum of 16 hours per month.

(b)

Even after the approval by the city council of the appointment of a person as a member of the force, such person may only carry a weapon when authorized to do so by the police chief and when discharging official duties as a duly constituted peace officer.

(c)

Members of the force shall serve as peace officers of the city only at the discretion of the police chief and may be called into service only by the police chief when the police chief considers it necessary to have additional officers to preserve the peace and enforce the law.

(d)

Members of the force shall act as peace officers only in a supplementary capacity to the police chief and the other full-time officers of the police department of the city. In no case shall a member of the police reserve force assume the full-time duties of the police chief or other full-time officer of the police department without first complying with all the requirements of the law of the state and the Charter and ordinances of the city.

(Code 1996, § 31.18; Ord. No. 1734, 1-4-1993)

- **Sec. 22-48. - Compensation; injury costs.**

Members of the police reserve force of the city shall serve without compensation. Further, at this time the city makes no provision for hospital and medical assistance to a member of such force who sustains injury in the course of performing official duties and any member acting as such is expected to assume the cost of any hospital or medical assistance rendered to such member in the event such member sustains an injury in the course of performing official duties.

(Code 1996, § 31.19; Ord. No. 1734, 1-4-1993)

- **Sec. 22-49. - Badges, emblems, and uniforms.**

Each member of the police reserve force shall be expected to obtain at the expense of such member two uniforms of a type to be approved by the police chief. The city shall furnish at its own expense a badge of a type to be approved by the police chief and an emblem to be worn on the uniform of each member indicating the status of such member as a member of such force; provided, however, in the event a member resigns or is removed from office, the badge of such member shall be returned to the police chief.

(Code 1996, § 31.20; Ord. No. 1734, 1-4-1993)

Chapter 22 - LAW ENFORCEMENT

ARTICLE I. - IN GENERAL

Secs. 22-1—22-18. - Reserved.

ARTICLE II. - POLICE DEPARTMENT

DIVISION 1. - GENERALLY

Sec. 22-19. - Peace officer defined.

- For the purpose of this chapter, the term "peace officer" means those persons enumerated as such in Vernon's Ann. C.C.P. art. 2.12.

(Code 1996, § 31.01; Ord. No. 1734, 1-4-1993)

Sec. 22-20. - Arrest without warrant.

- (a) A peace officer or any other person may, without a warrant, arrest an offender when the offense is committed in his presence or within his view, if the offense is one classed as a felony or as an offense against public peace.
- (b) A peace officer may arrest an offender without a warrant for any offense committed in his presence or within his view.

(Code 1968, 28-2; Code 1996, § 31.02)

Secs. 22-21—22-43. - Reserved.

DIVISION 2. - POLICE RESERVE FORCE

Sec. 22-44. - Establishment; number of members limited.

- There is hereby established for the city a police reserve force; provided, however, the membership of such force shall never exceed 20 members at any one time.

(Code 1996, § 31.15; Ord. No. 1734, 1-4-1993)

Sec. 22-45. - Qualifications and standards of training; oath of office.

- To be eligible for appointment as a member of the police reserve force of the city, a person shall meet the minimum physical, mental, and moral standards established by the ~~Texas Commission on Law Enforcement Standards and Education~~ **Texas Commission on Law Enforcement** and be ~~certified~~ **licensed** by the commission to act as a peace officer in the state.

(Code 1996, § 31.16; Ord. No. 1734, 1-4-1993)

Sec. 22-46. - Appointment and removal of members.

- Members of the police reserve force of the city shall be appointed at the discretion of the police chief, but no person appointed to such force may carry a weapon or otherwise act as a peace officer unless or until the appointment of such person has been approved by the ~~affirmative vote of the majority of the members of the city council present and voting at a regular or special meeting thereof~~ **Texas Commission on Law Enforcement**

and until such person has taken the oath of office prescribed in [section 5.08](#) of the city Charter; provided, however, any member of the police reserve force of the city may be removed from office at any time by the police chief and shall be removed from office if such member ceases to have the minimum qualifications specified in [section 22-45](#).

(Code 1996, § 31.17; Ord. No. 1734, 1-4-1993)

Sec. 22-47. - Duties and powers of members.

- (a) Members of the police reserve force shall serve as peace officers only during the actual discharge of their official duties. ~~Members shall be available for service a minimum of 16 hours per month.~~ **Members shall be available for service and serve hours as set forth in department policy.**
- (b) Even after the approval by the ~~city council~~ **Texas Commission on Law Enforcement** of the appointment of a person as a member of the force, such person may only carry a weapon when authorized to do so by the ~~police chief~~ **department policy** and when discharging official duties as a duly constituted peace officer.
- (c) Members of the force shall serve as peace officers of the city only at the discretion of the police chief and may be called into service only by the police chief when the police chief considers it necessary to have additional officers to preserve the peace and enforce the law.
- (d) Members of the force shall act as peace officers only in a supplementary capacity to the police chief and the other full-time officers of the police department of the city. ~~In no case shall a member of the police reserve force assume the full-time duties of the police chief or other full-time officer of the police department without first complying with all the requirements of the law of the state and the Charter and ordinances of the city.~~

(Code 1996, § 31.18; Ord. No. 1734, 1-4-1993)

Sec. 22-48. - Compensation; injury costs.

- Members of the police reserve force of the city shall serve without compensation. ~~Further, at this time the city makes no provision.~~ ~~Further, at this time the city makes no provisions~~ **However, the city has made provisions** for hospital and medical assistance to a member of such force who sustains injury in the course of performing official duties. ~~and any member acting as such is expected to assume the cost of any hospital or medical assistance rendered to such member in the event such member sustains an injury in the course of performing official duties.~~

(Code 1996, § 31.19; Ord. No. 1734, 1-4-1993)

Sec. 22-49. - Badges, emblems, and uniforms.

- Each member of the police reserve force shall be ~~expected to obtain at the expense of such member two~~ **provided** uniforms of a type to be approved by the police chief. The city shall furnish at its own expense a badge of a type to be approved by the police chief and an emblem to be worn on the uniform ~~of each member indicating the status of such member as a member of such force~~; provided, however, in the event a member resigns or is removed from office, the badge **and uniforms** of such member shall be returned to the police chief.

(Code 1996, § 31.20; Ord. No. 1734, 1-4-1993)

ORDINANCE NO. 2023-_____

AN ORDINANCE AMENDING THE CITY OF FREEPORT'S CODE OF ORDINANCES BY REPLACING DIVISION 2. – POLICE RESERVE FORCE OF ARTICLE II. – POLICE DEPARTMENT OF CHAPTER 22 – LAW ENFORCEMENT, WITH A NEW DIVISION 2 THAT REFLECTS CURRENT PRACTICES AND UPDATED STATE LAW AS IT RELATES TO THE MANAGEMENT, APPOINTMENT AND REMOVAL, DUTIES AND POWERS, COMPENSATION, AND UNIFORM REQUIREMENTS FOR THE RESERVE POLICE FORCE OF THE CITY OF FREEPORT; CONTAINING A PREAMBLE AND FINDINGS OF FACT; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AND PROPERLY PUBLISHED AS REQUIRED BY LAW; CONTAINING A SEVERABILITY CLAUSE; AND CONTAINING A REPEALER CLAUSE.

* * * * *

WHEREAS, the City of Freeport (the “City”) recognizes that establishment and management of the Freeport Reserve Police Force is an important eliminate to help reduce crime within the City and improve the overall presence of the Freeport Police Department in the City;

WHEREAS, the City Council of City wants to ensure that the regulations pertaining to such Reserve Police Force are updated to current practice and State law;

WHEREAS, the City Council has determined, based upon the findings stated above, that the regulations established by this Ordinance are necessary for the good government, peace and order the City; and

WHEREAS, City Council finds that this Ordinance was adopted at a meeting which was open to the public and preceded by proper notice, as required by Chapter 551 of the Texas Local Government Code (the Open Meetings Act).

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

Section 1. The findings and recitations set out in the preamble to this Ordinance are

found to be true and correct and they are hereby adopted by the City Council and made part hereof for all purposes.

Section 2. Division 2 of Article II of Chapter 22 is hereby replaced with a new Division 2 to read as follows:

DIVISION 2. - POLICE RESERVE FORCE

Sec. 22-44. - Establishment; number of members limited.

There is hereby established for the city a police reserve force; provided, however, the membership of such force shall never exceed 20 members at any one time.

Sec. 22-45. - Qualifications and standards of training; oath of office.

To be eligible for appointment as a member of the police reserve force of the city, a person shall meet the minimum physical, mental, and moral standards established by the Texas Commission on Law Enforcement and be licensed by the commission to act as a peace officer in the state.

Sec. 22-46. - Appointment and removal of members.

Members of the police reserve force of the city shall be appointed at the discretion of the police chief, but no person appointed to such force may carry a weapon or otherwise act as a peace officer unless or until the appointment of such person has been approved by the Texas Commission on Law Enforcement and until such person has taken the oath of office prescribed in section 5.08 of the city Charter; provided, however, any member of the police reserve force of the city may be removed from office at any time by the police chief and shall be removed from office if such member ceases to have the minimum qualifications specified in

section 22-45.

Sec. 22-47. - Duties and powers of members.

- (a) Members of the police reserve force shall serve as peace officers only during the actual discharge of their official duties. Members shall be available for service and serve hours as set forth in department policy.
- (b) Even after the approval by the Texas Commission on Law Enforcement of the appointment of a person as a member of the force, such person may only carry a weapon when authorized to do so by department policy and when discharging official duties as a duly constituted peace officer.
- (c) Members of the force shall serve as peace officers of the city only at the discretion of the police chief and may be called into service only by the police chief when the police chief considers it necessary to have additional officers to preserve the peace and enforce the law.
- (d) Members of the force shall act as peace officers only in a supplementary capacity to the police chief and the other full-time officers of the police department of the city.

Sec. 22-48. - Compensation; injury costs.

Members of the police reserve force of the city shall serve without compensation. However, the city has made provisions for hospital and medical assistance to a member of such force who sustains injury in the course of performing official duties.

Sec. 22-49. - Badges, emblems, and uniforms.

Each member of the police reserve force shall be provided uniforms of a type to be approved by the police chief. The city shall furnish a badge of a type to be approved

by the police chief and an emblem to be worn on the uniform; provided, however, in the event a member resigns or is removed from office, the badge and uniform of such member shall be returned to the police chief.

Section 3. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgement or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

Section 4. All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

READ, PASSED AND ADOPTED this ____ day of _____, 2023.

Brooks Bass, Mayor

ATTEST:

Betty Wells, City Secretary

APPROVED AS TO FORM ONLY:

David W. Olson, Interim City Attorney



City Council Agenda Item #6.

Title: Consideration and possible action approving the Fiscal Year 2023/2024 Brazoria County Interlocal Road Project.

Date: October 16, 2023

From: Lance Petty, Assistant City Manager

Staff Recommendation: Staff recommends approving the roadway infrastructure improvement proposal for the 2023/2024 Interlocal agreement with Brazoria County for the amount of \$344,663.24

Item Summary: Each year the City of Freeport is allowed to improve road infrastructure through our interlocal agreement with Brazoria County for up to 2 miles of roadway. The City utilizes the interlocal agreement to reduce costs for roadway infrastructure improvements through the Interlocal Agreement. The City only pays for material costs and not labor, which helps in the savings for the City.

Background Information: Staff evaluates road conditions throughout the year of needed roadway infrastructure to present to the City Council for approval in October each year. Staff presents a list of repairs based off of the condition of roadway infrastructure throughout the City and not per ward. Please note that after the 2023/2024 fiscal year, the interlocal agreement with Brazoria County will be reduced to four (4) streets, up to 2 miles, to limit the number of re-mobilizations necessary for the improvements.

Special Considerations: Once approved, the list of streets will be sent over to Brazoria County engineering for final approval. Once the final approval has been received, the County will schedule the infrastructure for completion. These improvements should be completed by October 2024.

Financial Impact: Streets and Drainage Fund

Board or 3rd Party Recommendation: none

Supporting Documentation:

1. 2024 County Road Final

2. 2024 ARP SHEET Submit
3. Interlocal Agreement Project Summary Request

Streets Identified for 2024

Ward	Existing Pavement	Street	From -To	Miles	SQ FT	County Asphalt	C&G
B	Asphalt	8th	Velasco to Mesquite	0.1655	29,648	\$40,670.47	No
B	Asphalt	Holly	8th to Alley	0.0268	3,976	\$5,454.19	Yes
A	Asphalt	8th	Beech to Magnolia	0.2511	45,084	\$61,845.23	No
C	Asphalt	Groce	Ave D to Gulf	0.0617	6,520	\$8,943.99	No
C	Asphalt	Varner	Ave R to Dead End	0.1028	10,860	\$14,897.51	No
C	Asphalt	Ave O	Skinner to Skinner	0.1916	20,240	\$27,764.78	No
C	Asphalt	Alley	Skinner to Avenue N	0.0685	4,706	\$6,455.59	No
C	Asphalt	Wharton	288 to Ave L	0.0939	9,920	\$13,608.04	No
C	Asphalt	Ave K	Varner to Wharton	0.0662	7,000	\$9,602.44	No
A	Asphalt	7th	Ash to 8th	0.0626	6,620	\$9,081.17	No
D	Asphalt	Gulf	Archer to 7th	0.067	5,664	\$7,769.75	No
D	Asphalt	7th	Gulf to Ave C	0.1297	10,960	\$15,034.68	No
D	Asphalt	Hudgins	Gulfto DeadEnd	0.0236	3,125	\$7,340.83	No
C	Asphalt	Ave D	B Port to Skinner	0.053	5,600	\$7,681.96	No
D	Asphalt	Kingfish	Sailfish to Dead End	0.1289	13,620	\$18,683.61	No
D	Asphalt	Ave C	7th to Archer	0.0643	6,800	\$9,328.09	No
D	Asphalt	Jackson	Gulf to Dead End	0.0454	6,000	\$14,094.40	No
D	Asphalt	Ave F	Caldwell to Dead End	0.1924	18,288	\$25,087.07	No
D	Asphalt	Old River	Ave A 148 ft North	0.028	4,440	\$6,090.69	No
D	Asphalt	Karankawa	Ave B 33ft South	0.0062	1,155	\$1,584.40	No
D	Asphalt	Jackson	Ave B 25ft South	0.0047	700	\$1,644.35	No
		Asphalt				\$312,663.24	
		1.83 miles					
			Rental Milling Machine			\$32,000.00	
						\$344,663.24	

8th	MATERIAL	LENGTH	WIDTH	TNK	RATE		TONS	PPT	
Velasco to Mesquite									Mill/Asphalt
	Asphalt	872	34	3	110	330	543.55	74	\$ 40,222.45
	Crushed C				110	0	0.00	25.58	\$ -
	Portland				4	0	0.00	198	\$ -
	ABS-65	872	34	0.05	1	0.05	164.71	2.72	\$ 448.01
								total	\$ 40,670.47

Holly	MATERIAL	LENGTH	WIDTH	TNK	RATE		TONS	PPT	
8th to Alley									Mill/Asphalt
	Asphalt	142	28	3	110	330	72.89	74	\$ 5,394.11
	Crushed C			4	110	440	0.00	25.58	\$ -
	Portland			8	4	32	0.00	198	\$ -
	ABS-65	142	28	0.05	1	0.05	22.09	2.72	\$ 60.08
Entire								total	\$ 5,454.19

8th	MATERIAL	LENGTH	WIDTH	TNK	RATE		TONS	PPT	
Beech to Magnolia									Mill/Asphalt
	Asphalt	1326	34	3	110	330	826.54	74	\$ 61,163.96
	Crushed C			4	110	440	0.00	25.58	\$ -
	Portland			8	4	32	0.00	198	\$ -
	ABS-65	1326	34	0.05	1	0.05	250.47	2.72	\$ 681.27
								total	\$ 61,845.23

Groce	MATERIAL	LENGTH	WIDTH	TNK	RATE		TONS	PPT	
Ave D to Gulf									Mill/Asphalt
	Asphalt	326	20	3	110	330	119.53	74	\$ 8,845.47
	Crushed C			4	110	440	0.00	25.58	\$ -
	Portland			8	4	32	0.00	198	\$ -
	ABS-65	326	20	0.05	1	0.05	36.22	2.72	\$ 98.52
								total	\$ 8,943.99

Varner	MATERIAL	LENGTH	WIDTH	TNK	RATE		TONS	PPT	
Ave R to Dead End									Mill/Asphalt
	Asphalt	543	20	3	110	330	199.10	74	\$ 14,733.40
	Crushed C			4	110	440	0.00	25.58	\$ -
	Portland			8	4	32	0.00	198	\$ -
	ABS-65	543	20	0.05	1	0.05	60.33	2.72	\$ 164.11
								total	\$ 14,897.51

Ave O	MATERIAL	LENGTH	WIDTH	TNK	RATE		TONS	PPT	
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Skinner to Skinner									Mill/Asphalt
	Asphalt	1012	20	3	110	330	371.07	74	\$ 27,458.93
	Crushed C			4	110	440	0.00	25.58	\$ -
	portland			8	4	32	0.00	198	\$ -
	ABS-65	1012	20	0.05	1	0.05	112.44	2.72	\$ 305.85
								total	\$ 27,764.78

Alley	MATERIAL	LENGTH	WIDTH	TNK	RATE		TONS	PPT	
Skinner to Ave N									
	Asphalt	362	13	3	110	330	86.28	74	\$ 6,384.47
	Crushed C			4	110	440	0.00	25.58	\$ -
	Portland			8	4	32	0.00	198	\$ -
	ABS-65	362	13	0.05	1	0.05	26.14	2.72	\$ 71.11
								total	\$ 6,455.59

Wharton	MATERIAL	LENGTH	WIDTH	TNK	RATE		TONS	PPT	
288 to Ave L									Mill/Asphalt
	Asphalt	496	20	3	110	330	181.87	74	\$ 13,458.13
	Crushed C			4	110	440	0.00	25.58	\$ -
	Portland			8	4	32	0.00	198	\$ -
	ABS-65	496	20	0.05	1	0.05	55.11	2.72	\$ 149.90
								total	\$ 13,608.04

7th	MATERIAL	LENGTH	WIDTH	TNK	RATE		TONS	PPT	
Ash to 8th									Mill/Asphalt
	Asphalt	331	20	3	110	330	121.37	74	\$ 8,981.13
	Crushed C			4	110	440	0.00	25.58	\$ -
	Portland			8	4	32	0.00	198	\$ -
	ABS-65	331	20	0.05	1	0.05	36.78	2.72	\$ 100.04
								total	\$ 9,081.17

Gulf	MATERIAL	LENGTH	WIDTH	TNK	RATE		TONS	PPT	
Archer to 7th									Mill/Asphalt
	Asphalt	354	16	3	110	330	103.84	74	\$ 7,684.16
	Crushed C			4	110	440	0.00	25.58	\$ -
	Portland			8	4	32	0.00	198	\$ -
	ABS-65	354	16	0.05	1	0.05	31.47	2.72	\$ 85.59
								total	\$ 7,769.75

7th	MATERIAL	LENGTH	WIDTH	TNK	RATE		TONS	PPT	
Gulf to Ave C									Mill/Asphalt

	Asphalt	685	16	3	110	330	200.93	74	\$ 14,869.07
	Crushed C			4	110	440	0.00	25.58	\$ -
	Portland			8	4	32	0.00	198	\$ -
	ABS-65	685	16	0.05	1	0.05	60.89	2.72	\$ 165.62
								total	\$ 15,034.68

Ave D	MATERIAL	LENGTH	WIDTH	TNK	RATE		TONS	PPT	
Bport to Skinner									Mill/Asphalt
	Asphalt	280	20	3	110	330	102.67	74	\$ 7,597.33
	Crushed C			4	110	440	0.00	25.58	\$ -
	portland			8	4	32	0.00	198	\$ -
	ABS-65	280	20	0.05	1	0.05	31.11	2.72	\$ 84.62
								total	\$ 7,681.96

Kingfish	MATERIAL	LENGTH	WIDTH	TNK	RATE		TONS	PPT	
Sailfish to Dead End									Mill/Asphalt
	Asphalt	681	20	3	110	330	249.70	74	\$ 18,477.80
	Crushed C			4	110	440	0.00	25.58	\$ -
	Portland			8	4	32	0.00	198	\$ -
	ABS-65	681	20	0.05	1	0.05	75.67	2.72	\$ 205.81
								total	\$ 18,683.61

Ave K	MATERIAL	LENGTH	WIDTH	TNK	RATE		TONS	PPT	
Varner to Wharton									Mill/Asphalt
	Asphalt	350	20	3	110	330	128.33	74	\$ 9,496.67
	Crushed C			4	110	440	0.00	25.58	\$ -
	Portland			8	4	32	0.00	198	\$ -
	ABS-65	350	20	0.05	1	0.05	38.89	2.72	\$ 105.78
								total	\$ 9,602.44

Ave C	MATERIAL	LENGTH	WIDTH	TNK	RATE		TONS	PPT	
7th to Archer									Mill/Asphalt
	Asphalt	340	20	3	110	330	124.67	74	\$ 9,225.33
	Crushed C			4	110	440	0.00	25.58	\$ -
	Portland			8	4	32	0.00	198	\$ -
	ABS-65	340	20	0.05	1	0.05	37.78	2.72	\$ 102.76
								total	\$ 9,328.09

Hudgins	MATERIAL	LENGTH	WIDTH	TNK	RATE		TONS	PPT	
Gulf to Dead End									Mill/Stabilize/Asphalt

	Asphalt	125	25	3	110	330	57.29	74	\$	4,239.58
	Crushed C	125	25	4	110	440	76.39	25.58	\$	1,954.03
	Portland	125	25	8	4	32	5.56	198	\$	1,100.00
	ABS-65	125	25	0.05	1	0.05	17.36	2.72	\$	47.22
									total	\$ 7,340.83

Jackson	MATERIAL	LENGTH	WIDTH	TNK	RATE		TONS	PPT	
Gulf to Dead End									Mill/Stabilize/Asphalt
	Asphalt	240	25	3	110	330	110.00	74	\$ 8,140.00
	Crushed C	240	25	4	110	440	146.67	25.58	\$ 3,751.73
	Portland	240	25	8	4	32	10.67	198	\$ 2,112.00
	ABS-65	240	25	0.05	1	0.05	33.33	2.72	\$ 90.67
								total	\$ 14,094.40

Ave F	MATERIAL	LENGTH	WIDTH	TNK	RATE		TONS	PPT	
Caldwell to Dead End									Mill/Asphalt
	Asphalt	1016	18	3	110	330	335.28	74	\$ 24,810.72
	Crushed C			4	110	440	0.00	25.58	\$ -
	portland			8	4	32	0.00	198	\$ -
	ABS-65	1016	18	0.05	1	0.05	101.60	2.72	\$ 276.35
								total	\$ 25,087.07

Old River	MATERIAL	LENGTH	WIDTH	TNK	RATE		TONS	PPT	
Ave A 148 ft North									Mill/Asphalt
	Asphalt	148	30	3	110	330	81.40	74	\$ 6,023.60
	Crushed C			4	110	440	0.00	25.58	\$ -
	Portland			8	4	32	0.00	198	\$ -
	ABS-65	148	30	0.05	1	0.05	24.67	2.72	\$ 67.09
								total	\$ 6,090.69

Karankawa	MATERIAL	LENGTH	WIDTH	TNK	RATE		TONS	PPT	
Ave B south 33ft									Mill/Asphalt
	Asphalt	33	35	3	110	330	21.18	74	\$ 1,566.95
	Crushed C			4	110	440	0.00	25.58	\$ -
	Portland			8	4	32	0.00	198	\$ -
	ABS-65	33	35	0.05	1	0.05	6.42	2.72	\$ 17.45
								total	\$ 1,584.40

Jackson Ave B South 25 ft	MATERIAL	LENGTH	WIDTH	TNK	RATE		TONS	PPT	
									Mill/Stabilize/Asphalt
	Asphalt	25	28	3	110	330	12.83	74	\$ 949.67
	Crushed C	25	28	4	110	440	17.11	25.58	\$ 437.70

	Portland	25	28	8	4	32	1.24	198	\$	246.40
	ABS-65	25	28	0.05	1	0.05	3.89	2.72	\$	10.58
								total	\$	1,644.35

TOTAL FEET	9687
TOTAL MILES	1.83

TOTAL ARP	\$	312,663.24
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City of Freeport
Interlocal Agreement Project Request Summary FY-24

STREET/LOCATION	LIMITS (TO - FROM)	LENGTH (FT)	WIDTH (FT)	WORK DESCRIPTION (Major Street Projects and/or Ditch Digging ONLY)	FOR OFFICE USE ONLY
8th Street	Velasco to Mesquite	872	34	Mill / Asphalt	
Holly	8th Street to Alley	142	28	Mill / Asphalt	
8th	Beech to Magnolia	132	34	Mill / Asphalt	
Groce	Ave D to Gulf	326	20	Mill / Asphalt	

Note: Must have Mayoral approval

Return to: County Engineer's Office
Engineer-interlocals@brazoriacountytx.gov

Approved By: Mayor

Date

City of Freeport
Interlocal Agreement Project Request Summary FY-24

STREET/LOCATION	LIMITS (TO - FROM)	LENGTH (FT)	WIDTH (FT)	WORK DESCRIPTION (Major Street Projects and/or Ditch Digging ONLY)	FOR OFFICE USE ONLY
VARNER	Ave R to Dead end	543	20	mill /asphalt	
Ave D	SKINNER to SKINNER	1012	20	mill /asphalt	
Alley	SKINNER to Ave N	362	13	mill /asphalt	
Wharton	288 to Ave L	496	20	mill /asphalt	

Note: Must have Mayoral approval

Return to: County Engineer's Office
Engineer-interlocals@brazoriacountytx.gov

Approved By: Mayor

Date

City of Freeport
Interlocal Agreement Project Request Summary FY-24

STREET/LOCATION	LIMITS (TO - FROM)	LENGTH (FT)	WIDTH (FT)	WORK DESCRIPTION (Major Street Projects and/or Ditch Digging ONLY)	FOR OFFICE USE ONLY
7th Street	Ash to 8th Street	331	20	Mill/Asphalt	
Gulf	Archer to 7th	354	16	Mill/Asphalt	
7th Street	Gulf to Ave C	685	16	Mill/Asphalt	
Ave D	288 to Skinner	280	20	Mill/Asphalt	

Note: Must have Mayoral approval

Return to: County Engineer's Office
Engineer-interlocals@brazoriacountytx.gov

Approved By: Mayor

Date

City of Freeport
Interlocal Agreement Project Request Summary FY-24

STREET/LOCATION	LIMITS (TO - FROM)	LENGTH (FT)	WIDTH (FT)	WORK DESCRIPTION (Major Street Projects and/or Ditch Digging ONLY)	FOR OFFICE USE ONLY
Kingfish	Sailfish to Deadend	681	20	Mill/Asphalt	
Ave K	Vanner to Wharton	350	20	Mill/Asphalt	
Ave C	7th Street to Archer	340	20	Mill/Asphalt	
Hudgins	Gulf to Deadend	125	25	Mill/Asphalt	

Note: Must have Mayoral approval

Return to: County Engineer's Office
Engineer-interlocals@brazoriacountytx.gov

 Approved By: Mayor

 Date

City of Freeport
Interlocal Agreement Project Request Summary FY-24

STREET/LOCATION	LIMITS (TO - FROM)	LENGTH (FT)	WIDTH (FT)	WORK DESCRIPTION (Major Street Projects and/or Ditch Digging ONLY)	FOR OFFICE USE ONLY
JACKSON	Gulf to Deadend	240	25	Mill/stabilize/asphalt	
Ave F	Caldwell to Deadend	1016	18	Mill/asphalt	
Old River	Ave A to 148ft North	148	30	Mill/asphalt	
KARAN KAWA	Ave B South 33ft	33	35	Mill/asphalt	

Note: Must have Mayoral approval

Return to: County Engineer's Office
Engineer-interlocals@brazoriacounty.tx.gov

Approved By: Mayor

Date

City of Freeport
Interlocal Agreement Project Request Summary FY-24

STREET/LOCATION	LIMITS (TO - FROM)	LENGTH (FT)	WIDTH (FT)	WORK DESCRIPTION (Major Street Projects and/or Ditch Digging ONLY)	FOR OFFICE USE ONLY
JACKSON	Ave B South 25 Ft	25	28	Mill/Stabilize/Asphalt	

Note: Must have Mayoral approval

Return to: County Engineer's Office
Engineer-interlocals@brazoriacountytx.gov

Approved By: Mayor

Date



City Council Agenda Item #7.

Title: Consideration and possible action to approve the proposal from CRG Texas for the removal of the existing underground fuel tanks at the Service Center.

Date: October 16, 2023

From: Lance Petty, Assistant City Manager

Staff Recommendation: Staff recommends approving the proposal from CRG Texas for the removal of the existing fuel tanks and authorizing the City Manager to sign the agreement.

Item Summary: With approval, the following infrastructure will be removed:

- Provide all materials, equipment, and labor to complete the tank, piping, and dispenser removal tasks.
- Mobilization, demobilization, travel, sustenance, analytical testing, reporting, and expenses.
- Provide TCEQ with permits.
- Submit Texas 811 utility locate notification
- Disconnect electrical service to existing Underground Storage Tank (UST) system.
- Break and remove concrete.
- Drain and rinse the UST's, piping, and dispensers.
- Provide a vacuum truck and operator to collect, transport, and dispose of rinsed water and residual fluid.
- Fire Marshall inspection prior to pulling UST's.
- Permanently remove and dispose of UST's, piping, and dispensers.
- Cap and close piping in place.
- Collect up to 20 soil and fluid samples in accordance with RG-411.
- Relinquish soil and groundwater samples for laboratory chemical analysis.
- Return broken concrete and excavated soil to the tank hole.
- Backfill excavations with select fill to match existing subgrade elevation.
- Prepare TCEQ RG-411 Release Determination Report for transmittal to TCEQ.
- Replace the concrete removed with 6-inch thick, 3,000 psi concrete.

Background Information: The City's Underground Storage Tank for vehicle fueling at the Service Center, located at 510 South Avenue A, has been out of service for a number of months due to water intrusion into the two 10,000-gallon underground tanks. On June 20, 2023, City Council approved a new 4,000 gallon split tank (above ground) to replace the existing underground tanks. The City is required to remove and close the existing tanks per TCEQ requirements. The City received quotes for the removal and closure of the existing tanks. The proposed cost for the project is below:
CRG Texas \$45,575.00
JF Petroleum Group \$107,437.58

Special Considerations: If approved, the contractor will begin immobilization to complete the removal and closure process.

Financial Impact: This is not a budgeted item. The Finance Director will prepare a budget amendment for expenditures.
The amount proposed for this project is \$45,575.00

Board or 3rd Party Recommendation: None

Supporting Documentation:

1. CRG Proposal
2. JF Petroleum Proposal

September 20, 2023



Laurie Motley
City of Freeport Public Works
200 W. 2nd Street, Freeport, TX 77541

Proposal Remove Two (2) 10,000-Gallon Underground Petroleum Storage Tanks,
Piping & Dispensers, Sampling, Lab Analysis, and TCEQ Closure Report
Freeport Service Center
510 S Avenue A, Freeport, Tx 77541
TCEQ Facility ID # 50446

Ms.Motley:

CRG Texas Environmental Services, Inc. (CRG Texas) is pleased to submit this proposal to you (the Client) and owner of City of Freeport (the Subject Site) located at 2900 Bee Caves Rd, Austin, TX 77846 (the subject site) to provide environmental services as follows.

PROJECT UNDERSTANDING

We understand the fueling system consists of two (2) 10,000- gallon single wall fiberglass underground petroleum storage tanks (USTs), piping, and dispensers. The proposal herein consists of the permanent removal of the tanks and closure in place of product piping, or closure in-place the tanks and product piping.

In addition, and in accordance with the TCEQ Regulatory Guidance document RG-411, we will also collect the necessary soil and fluid samples to draft the TCEQ UST Closure Report. The TCEQ sampling, analysis, and reporting are based on the number and size of the UST, the estimated length of piping, and number of dispensers used at the facility.

PROS & CONS OF REMOVAL VS PROS & CONS OF CLOSURE IN PLACE

The difference on a removal vs. abandonment, removal is that the tank is completely removed from the ground. In the case of abandonment, the tank remains in place with holes cut in it so it is no longer a tank and then filled completely with an inert material (i.e. flowable fill).

We would only recommend closure in place of a fueling system in cases where the tanks and/or piping are situated beneath a building or other infrastructure that would remain in place.

The biggest misconception regarding heating tank removal or abandonment is that a tank abandonment is cheaper than a tank removal, but it is actually the exact opposite. A removal is cheaper because it is faster and easier. It requires only fill dirt to fill the tank excavation hole. A closure in place is more expensive because it involves more hand work, takes longer, requires the mobilization of a licensed water well drilling company and a licensed geoscientist to drill soil

CRG Texas Environmental Services, Inc.
2504 Avenue I, Rosenberg, Texas 77471

Phone: 713-474-1570
Fax: 713-481-1861

borings to collect samples as required by the TCEQ, and requires a more expensive material to fill the tank in whether it be sand, gravel, or flowable fill concrete.

Pros

- The UST removal is faster and easier, and closing the piping would minimize disruptions to the operations at the site;

Cons

- Should the USTs be left in place, then the property value would likely be reduced in the future when time to sell the property;

SCOPE OF WORK

The scope of work is to permanently remove the USTs and close the piping in-place, or to permanently close the USTs and piping in-place as required by the TCEQ. The UST system removal work will be performed by CRG Texas, a TCEQ Licensed UST Contractor, TCEQ Registered Corrective Action Specialist (RCAS), and TCEQ Corrective Action Project Manager (CAPM) as the environmental consultant, to also collect and analyze confirmation samples, and draft a TCEQ Release Determination Report (RDR) as required by TCEQ Recommended Guidance RG-411 "Investigating and Reporting Releases from Petroleum Storage Tanks".

UST REMOVAL AND CLOSURE IN PLACE OF PIPING

Base Tasks for the project consist of the following:

- Provide materials, equipment, and labor to complete the tank, piping, and dispenser removal tasks
- Mobilization, demobilization, travel, sustenance, analytical testing, reporting, and expenses
- Provide TCEQ and City of Austin permits
- Submit Texas 811 utility locate notification
- Disconnect electrical service to the existing UST system
- Break and remove concrete
- Drain and rinse the USTs, piping, and dispensers
- Provide a vacuum truck and operator for up to 12 hours to collect, transport, and dispose of up to 1,500 gallons of rinse water and residual fluid
- Additional fluid disposal in excess of the above listed quantities would be invoiced at \$150 per hour and \$1.00 per gallon
- Fire Marshall Inspection Prior to Pulling the USTs- LEL<10%
- Permanently remove and dispose of USTs, piping, and dispensers
- Cap and close piping in place
- Collect up to 20 soil and fluid samples in accordance with RG-411
- Relinquish soil and groundwater samples for laboratory chemical analysis
- Return broken concrete and excavated soils to the tank hold
- Backfill excavations with select fill to match existing subgrade elevation
- Prepare TCEQ RG-411 Release Determination Report for transmittal to the TCEQ

Additional Tasks

Concrete replacement estimated cost is included in this scope of work and includes 6 inch 3000 PSI concrete with #4 rebar spaced at 18 inches on center each way, saw cutting to straighten the edges, finishing concrete, and site cleanup. Concrete replacement would be invoiced according to the actual square footage of concrete replaced.

- Replace the concrete removed with 6-inch thick, 3,000-psi concrete, with #4 rebar placed at 16" on center spacing, based on actual square footage of replacement at \$14.50 per square foot.

CLOSURE IN PLACE OF USTs AND PIPING

Base Tasks for the project consist of the following:

- Provide materials, equipment, and labor to complete the tank and piping closure in place, and dispenser removal tasks
- Mobilization, demobilization, travel, sustenance, analytical testing, reporting, and expenses
- Provide TCEQ Construction Notifications to Austin and Regional offices
- Procure City Fire Department permit
- Submit Texas 811 utility locate notification
- Disconnect electrical service to the existing UST system
- Break and remove concrete and pea gravel at the risers, submersible pump, and spill bucket areas on each tank
- Remove and drain the dispensers and triple rinse the piping back to the USTs
- Provide a vacuum truck and operator for up to 12 hours to collect, transport, and dispose of up to 1,500 gallons of rinse water and residual fluid
- **Additional fluid disposal in excess of the above listed quantities would be invoiced at \$150 per hour and \$1.00 per gallon**
- Schedule the COH Fire Marshall Inspection
- Fill the USTs and cap the ends of the fuel piping per TCEQ requirements
- Collect up to 18 soil and fluid samples in accordance with TCEQ UST System Closure In Place requirements
- Relinquish soil and groundwater samples for laboratory chemical analysis
- Load, Transport, and Dispose of the waste concrete and UST system components for recycling
- Backfill excavations with select fill to match existing subgrade elevation
- Prepare TCEQ RG-411 Release Determination Report for transmittal to the TCEQ

Additional Tasks

- Replace the concrete removed with 6-inch thick, 3,000-psi concrete, with #4 rebar placed at 16" on center spacing, based on actual square footage of replacement at \$10.50 per square foot.

SCHEDULE

The work will be scheduled upon written notice to proceed. One Call and Digg Tess will be notified at least 48 hours in advance to locate utilities prior to beginning removal activities. We estimate up to 10 continuous working days from the beginning date, barring anything beyond our control. Actual time is dependent upon actual field and weather and site conditions encountered during the UST system removal. Client signatures as the Generator of any waste will be required for waste disposal profiling and manifesting and regulatory agency reports. A TCEQ Release Determination

Report will be prepared and submitted to the Client within 2 weeks following receipt of the analytical and disposal documentation.

COST AND PAYMENT TERMS

Cost UST System Removal (check the boxes as approved)

The estimated cost for this activity is proposed as follows:

☐ UST System Removal	Lump Sum	\$33,500.00
☐ Concrete Replacement	1,150 sf @ \$10.50/sf	\$12,075.00
		\$45,575.00

Cost UST System closure in place (check the boxes as approved)

The estimated cost for this activity is proposed as follows:

☐ USTs & Piping Closure In Place	Lump Sum	\$42,500.00
☐ Closure In Place Concrete Replacement	500 sf @ \$10.50/sf	\$5,250.00
		\$47,750.00

Payment terms are 50% down is due in full upon engagement, and the invoice for the remaining balance would be due prior to submittal of the TCEQ RDR to the client.

ADDITIONAL WORK

Additional items required due to site conditions or beyond this scope of work will be provided, and only performed upon advance written mutual agreement.

ASSUMPTIONS

The above cost is based upon the USTs being residually empty upon our arrival to the site, meaning less than one inch of fluid inside each UST, and also based and a "clean" closure and no additional soil or fluid disposal required. If greater than one inch of fluid is inside the tanks upon arrival, then we will invoice for the additional fluid removed at \$150 per hour and \$1.00/gallon. If additional remediation or other work is required, then a workplan and cost proposal will be provided for approval before any additional work is performed.

The above Scope of Work and Costs are based on the following assumptions and exclusions;

- The Client will de-energize the fueling system and related items (fuel dispensers, submersible pumps, automatic tank gauges, cathodic protection, canopies, lighting, etc) by a licensed electrician prior to our arrive to the site.
- The Client will remove all residual fuel and water from the inside of each fuel tank to less than 1-inch prior to our arrival to the site. (NOTE: We have budgeted for residual fuel, was, and rinse water recovery and disposal and would invoice for quantities greater than those included at the unit rates listed herein).
- Disposal of liquids remaining in the tank and in the tank pit is unit priced based on actual waste disposal quantities and vacuum truck time.
- CRG will not be responsible for any damage to foundations, existing concrete paving, or subsurface utilities.
- No soil or groundwater remediation is required (proposal will be provided in the event the site is impacted).
- No canopy removal, dewatering, and no compaction testing are included.

- Pricing has been prepared based on the assumption that no underground utilities or concealed conditions will be encountered in the excavation.
- Pricing is valid for 60 days and subject to the execution of a mutually acceptable agreement and payment terms.
- Work hours are Monday-Friday; 10-hours per day.

Client Authorization- Proposal Acceptance

Please return a signed copy via email or fax (listed below) as Notice to Proceed.

Printed Name: _____

Title: _____

Signature: _____

Date: _____

By signing this contract, I am authorized to instruct CRG Texas to perform the work and agree to pay CRG Texas according to the terms listed in this proposal in accordance with the Terms and Conditions for Environmental Services made part of this contract.

CRG Texas

TERMS AND CONDITIONS

Section 1: SERVICES

CRG Texas Environmental Services, Inc. (CRG Texas) with a principal business office at 2504 Avenue I, Rosenberg, Texas 77471 agrees to perform the professional services (the "Services") as described in the Proposal incorporated herein by reference for the City of Freeport, Texas with a principal business address at 200 W. 2nd Street, Freeport, TX 77541 under the terms and conditions set forth below. CRG Texas reserves the right to amend the contents of the attached Proposal. These Terms and Conditions together with the Proposal constitute the agreement between CRG Texas and the Client for the Services (the "Agreement").

Section 2: COMPENSATION

The Client shall be responsible for all costs specifically enumerated in the Proposal. For any costs set forth in the proposal as a range or for services not specified in the attached Unit Cost Worksheet, CRG Texas shall provide Client with an exact cost as soon as it can be estimated. Client shall also be responsible for any reimbursable costs not specifically set forth in the proposal. Reimbursable costs include: out-of-pocket expenses, the cost of which shall be charged at actual cost plus an administrative charge of twenty percent (20%) and shall be itemized and included in the invoice. Typical out-of-pocket expenses shall include, but not be limited to, travel expenses (lodging, meals, etc.), job-related mileage at the prevailing IRS mileage rate, long distance telephone calls, printing and reproduction costs, and survey supplies and materials. CRG Texas Unit Rate Sheet lists unit rates for additional services that are not identified in the proposal or task order would be invoiced on an as needed basis.

Section 3: CLIENT'S OBLIGATIONS

To assist CRG Texas in performance of the Services, Client shall provide CRG Texas with appropriate material, data and information in its possession pertaining to the specific project or activity. The Client will advise CRG Texas of the nature and extent of the hazardous waste at the site. If CRG Texas discovers after it undertakes the Services that the site is of a different nature of hazard as defined by the client, or if unanticipated hazards are presented, the Client and CRG Texas agree that the scope of services, schedule and estimated budget fee shall be adjusted as needed to complete the work without injury or damage.

Section 4: INVOICE PROCEDURE AND PAYMENT

CRG Texas will submit invoices to the Client monthly and a final bill upon completion of the Services. Payment is due upon receipt of each invoice to be submitted upon completion of the work. Payments shall be made by bank wires (contact Accounts Receivable for instructions) or by scanned checks emailed to info@crgtexas.com, attention Accounts Receivable. Client agrees to pay a finance charges, late fees, and attorney collection fees per the maximum rates allowed by law on past due balances more than 30 days aging. Client will be liable for all court costs, disbursements, and attorney's fees, late fees, certified mail, postage, and all other related collections fees incurred in the collection of any outstanding invoices. CRG Texas may submit progress invoices to Client monthly and a final invoice upon completion of services. Each invoice, on presentation, is due and payable by Client or his authorized representative. Payments is past due 30 days from invoice date. Client agrees to pay interest of two and one-half percent (2.5%) per month, on past due accounts. Any attorney's fees, late fees, or other costs incurred in collecting any delinquent amount shall be paid by Client.

Section 5: OWNERSHIP OF DOCUMENTS

All survey notes, drawings, bills of materials, specifications, blueprints, reports, calculations and all other material prepared in connection with the specific project shall be property of the Client and shall be transferred to the Client upon completion of the project and upon receipt of complete payment for the scope of work outlined in the proposal. CRG Texas may retain a single copy of such information and documents.

Section 6: CONFIDENTIALITY

CRG Texas agrees to keep confidential and not to disclose to any person or entity, other than CRG Texas's employees and subcontractors, without the prior consent of the Client, all data and information not previously known to and generated by CRG Texas, or furnished to CRG Texas and marked CONFIDENTIAL by the Client in the course of CRG Texas's performance hereunder; provided, however, that this provision shall not apply to data which are in the public domain, or were previously known to CRG Texas, or were acquired by CRG Texas independently from third parties not under obligation to Client to keep said data and information confidential. Client shall not restrict CRG Texas from complying with an order to provide information or data when such order is issued by a court, administrative agency or other authority with proper jurisdiction. The technical and pricing information contained in any proposal submitted by CRG Texas as to this project, or in the Agreement or any addendum thereto, is to be considered confidential and proprietary, and shall not be released or otherwise made available to any third party without express written consent of CRG Texas.

Section 7: BURIED UTILITIES

CRG Texas will conduct the research that in our professional opinion is necessary to locate utility lines and other man-made objects that may exist beneath the sites surface. The Client recognizes that CRG Texas's research may not identify all subsurface utility lines and man-made objects. CRG Texas will take reasonable precautions to avoid damage or injury to any subsurface utilities or structures. The Client agrees to hold CRG Texas harmless and the Client agrees to pay for damages to underground utilities or structures which are not called to CRG Texas's attention or correctly shown on plans furnished by the Client or third parties.

Section 8: DISCOVERY OF UNANTICIPATED HAZARDOUS MATERIALS

Hazardous materials or certain types of hazardous materials may exist at a site where there is no reason to believe they could or should be present. CRG Texas and the Client agree that the discovery of unanticipated hazardous materials constitutes a changed condition mandating a renegotiation of the scope of work and compensation for the Services or termination of the Agreement. CRG Texas agrees to notify the Client as soon as practically possible should unanticipated hazardous materials or suspected hazardous materials be encountered. The Client encourages CRG Texas to take measures that in CRG Texas's professional opinion are justified or legally required to preserve and protect the health and safety of CRG Texas's personnel and the public, and/or the environment, and the Client agrees to compensate CRG Texas for the additional cost of such work. In addition, the Client waives any claim against CRG Texas, and agrees to indemnify, defend and hold CRG Texas harmless from any claim or liability for injury or loss arising from CRG Texas's encountering of unanticipated hazardous materials or suspected hazardous materials. The Client also agrees to compensate CRG Texas for time spent and expenses incurred by CRG Texas in defense of any such claim, with such compensation to be based upon CRG Texas's prevailing fee schedule and expense reimbursement policy.

Section 9: STANDARD OF CARE

The Services provided by CRG Texas under the Agreement will be conducted in a manner consistent with that level of care and skill ordinarily exercised by members of the profession currently practicing in the same locality under similar conditions. No other representation, express or implied, and no warranty or guarantee, in fact or by law, whether of merchantability or fitness for a particular purpose or otherwise, is included or intended in the Agreement, or in any report, opinion, document or otherwise. The Client recognizes that subsurface conditions may vary from those encountered at the location where, and at the time when, borings, sampling, or testing are performed by CRG Texas and that the data provided by CRG Texas are based solely on the information available to CRG Texas. The Client agrees to indemnify and hold CRG Texas harmless from and against all claims, damages, losses and expenses

arising from the interpretation by others of data provided by CRG Texas.

Section 10: INDEPENDENT CONTRACTOR

CRG Texas shall be an independent contractor in performing the Services and shall not act as an agent or employee of the Client. As such, and subject to the terms and conditions hereof, CRG Texas shall be responsible for its employees, subcontractors, and agents and for their compensation, benefits, contributions, and taxes, if any.

Section 11: JOBSITE HEALTH AND SAFETY

Insofar as jobsite safety is concerned, CRG Texas is responsible solely for its own employees' and subcontractor's activities on the jobsite, but this shall not be construed to relieve the Client or his contractors from their responsibility for methods of work performance, superintendence, sequencing of construction, or safety in, on or about the jobsite. Further, the Client's employees and subcontractors must also abide by the requirements of the Environmental Health & Safety Plan written for this project.

Section 12: INSURANCE

CRG Texas is protected by: 1) Worker's Compensation Insurance as required by applicable law, 2) General Liability and Automobile Liability Insurance (in the amount of \$1,000,000 combined single limit) for bodily injury and property damage, and 3) Professional Liability (Errors & Omissions) with policy limits equal to at least \$1,000,000. CRG Texas shall provide insurance certificates illustrating the coverage herein defined to the Board prior to commencing work at the site. Within the limits of said insurance, CRG Texas agrees to save the Client harmless from and against loss, damage, injury or liability arising from negligent acts or omissions of CRG Texas, its subcontractors, and their respective employees and agents acting in the course and scope of this project. CRG Texas shall not be responsible for any loss, damage, or liability arising from any acts by the Client, its agents, staff, and other consultants and subcontractors employed by the Client.

Section 13: INDEMNITY

A. CRG Texas

CRG Texas agrees to indemnify and hold harmless Client from and against any and all losses, damages, liabilities, and expenses (including, but not limited to, legal fees and costs of investigation) to the extent resulting or arising out of negligence or willful misconduct of CRG Texas or performance of the Services hereunder, provided that such loss, damage, liability or expense is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property, and not caused in whole or in part by any acts or omissions of the Client, a third party, or anyone directly or indirectly employed by the Client.

B. Client

The Client, agrees to indemnify and hold harmless CRG Texas from and against any and all losses, damages, liabilities, and expenses (including, but not limited to, legal fees and costs of investigation) to the extent resulting or arising out of negligence or willful misconduct of the Client, or anyone directly or indirectly employed by the Client, or the performance of the Client's obligations under the Agreement, any non-conforming wastes waste(s) or discrepancies in the pertinent manifest(s) as defined by applicable regulations, or an condition existing at the work site(s) prior to the date of the Agreement or caused by anyone directly or indirectly employed by the Client.

Section 14: LIMIT OF LIABILITY

Notwithstanding any other provision contained in the Agreement

- A. In no event shall CRG Texas, its employees, agents, or sub-contractors be responsible for any incidental, indirect, impact, or consequential damages (including loss of profits), liabilities or expenses incurred by the Client or any third party as a result of CRG Texas's performance or nonperformance of the Services contracted for herein, and the Client waives all such incidental, indirect, impact, or consequential damages.

- B. The obligations of CRG Texas under the Agreement are not intended to and shall not be personally binding on, nor shall any resort be had to the private properties of, any of parent or affiliate of CRG Texas, or any of their respective officers, directors, shareholders, partners, principals, members, managers, beneficiaries, employees or agents.
- C. CRG Texas's total liability to Client for any and all injuries, claims, losses, expenses or damages whatsoever arising out of, or in any way related to the Agreement from any cause or causes, including but not limited to CRG Texas's errors, negligence, omissions, strict liability, breach of contract or breach of warranty, shall not exceed the total contract amount for the Services provided by CRG Texas or the limit of liability available at the time of the claim, whichever is lesser.
- D. To the maximum extent permitted by law, the limitations on damages, the releases from liability, the limitations of liability, and the exclusive remedies provisions expressly provided in the Agreement shall apply even in the event of the fault, negligence (in whole or in part), strict liability or breach of contract of CRG Texas. The remedies provided in the Agreement are exclusive, except that the Client shall in addition have the right to obtain specific performance and all other injunctive relief that may be available. CRG Texas disclaims, and the Client waives, any implied warranties of merchantability or fitness for a particular purpose with respect to any equipment or other personal property procured by CRG Texas and provided to the Client as part of any Services.

Section 15: PROJECT DELAYS

If CRG Texas is delayed at any time in performing the Services for any specific project or activity by an act, failure to act, or neglect of the Client or the Client's employees or any third parties; by changes in the scope of work; by unforeseen circumstances including delays authorized by the Client and agreed to by CRG Texas; by acts of force majeure including, without limitation, fires, floods, riots, and strikes; by delays caused by foreign or domestic governmental acts or regulations; or by any cause beyond the reasonable control of CRG Texas, then the time for completion of the Services shall be extended based upon the impact of the delay. CRG Texas shall receive an adequate compensation adjustment if the delays caused by any of the above result in changes, require additional services, or result in additional costs to CRG Texas.

Section 16: ASSIGNMENT

CRG Texas shall not assign the Agreement in whole or part except that CRG Texas may use the services of persons and entities not in its employ, when it is appropriate to do so. Such persons and entities include, but are not limited to, surveyors, specialized consultants, drilling contractors, and testing laboratories. CRG Texas's use of others for additional services shall not be unreasonably restricted by the Client provided CRG Texas notifies the Client in advance.

Section 17: THIRD PARTY EXCLUSION

The Agreement shall not create any rights or benefits to parties other than the Client and CRG Texas, except such other rights as may be specifically called herein.

Section 18: SEVERABILITY

If any clause or section of the Agreement shall be deemed void or invalid, such a decision shall only apply to that particular section(s) and shall not render the rest of the Agreement invalid. The balance of the Agreement shall remain in force.

Section 19: TERMINATION

CRG Texas may terminate the Agreement upon five (5) days notice if the Client defaults in the payment for the Services or for any other material default by the Client under the Agreement. The Client or CRG Texas may

terminate the Agreement upon fourteen (14) days notice for any reason which may arise or for no reason. In the event of such termination of the Agreement for any reason which may arise or for no reason, the termination will become effective fourteen (14) calendar days after receipt of the termination notice. Irrespective of which party shall effect termination of the cause therefore, the Client shall within thirty (30) calendar days of termination remunerate CRG Texas for the Services rendered and costs incurred (including all reimbursable costs hereunder), in accordance with CRG Texas's prevailing rate schedule.

Section 20: GOVERNING LAW

Unless otherwise provided in an addendum, the law of the State of Texas will govern the validity of the Agreement, its interpretation and performance, and remedies for contract breach or contract breach or any other claims related to the Agreement.

CLIENT APPROVAL AND PAYMENT TERMS

Payment of 50% of the estimated cost is due upon engagement, and the balance due upon completion of the work. If you agree with the terms and conditions included in this proposal, then please sign, date, and return to us as notice to proceed.

City of Freeport (the Client)

CRG Texas Environmental Services, Inc.

Print Name: _____

Print Name: _____

Title: _____

Title: _____

Signature: _____

Signature: _____

Date: _____

Date: _____

By signing above, I am authorized by Car Spa, Inc. (the Client) to instruct CRG Texas to perform the work and agree to pay CRG Texas according to the terms listed in this proposal in accordance with the Terms and Conditions for Environmental Consulting Services made part of this contract.

Thank you for the opportunity to be of service to you. If you have any questions, please call me at (713) 517-7591.

Sincerely,



Kevin C. Casler

Vice President

TCEQ A&B Licensed On-Site Supervisor (LOSS)

TCEQ Licensed Corrective Action Project Manager (CAPM)

TCEQ Registered Corrective Action Specialist (RCAS)



Innovation that works.

Date: 9/12/2023

2700 Aldine Bender
Houston, Texas 77032
(832) 418 - 8407

Attn: Laurie Motley

Purchaser: City of Freeport
Street Dept. / Service Center
510 S. Avenue A
Freeport, TX 77541

Sales Rep: Zac Conaway (HOU07)
Quote: 5-ZC-PLZ7616-1

Work to be performed at: City of Freeport
Street Dept. / Service Center
510 S. Avenue A
Freeport, TX 77541

PSI JF Petroleum Group (hereinafter "PSI JF Petroleum Group" or "Seller") agrees to furnish the following materials for the above referenced project as defined by your specifications and drawings, subject to the terms and conditions included in this agreement:

Proposal Summary: Removal and disposal of (1) 10,000-gallon FRP diesel UST, (1) 10,000-gallon FRP gasoline UST, Fuel Lines and Dispenser Island

Scope of work:

- to file TCEQ construction notices
- to perform lock out and tag out procedures on existing electrical breakers
- to isolate all electrical circuits and disconnect power
- to remove existing ATG, probes, and sensors to be stored on site for later use
- to remove existing Petro Vend fleet management system to be stored on site for later use
- to demo concrete over the existing fuel tank and fuel lines
- to use nitrogen and blow fuel out of existing lines and back into underground tanks
- to remove fuel/contaminated liquid and debris from both tanks up to 1000 gallons in total
- to triple rinse tanks, tilt tanks on slope and treat with micro blaze hydrocarbon mitigating detergent
- to excavate down to the top of each tank and remove the fuel pumps and tank top hardware
- to excavate fuel lines to the dispenser island removing piping, dispensers and electrical
- to demo existing steel fuel island removing all debris from site for proper disposal
- to stockpile all soil/gravel onto plastic and cover
- to test tanks with LEL detector confirming tanks are inert for transport (Fire Marshal onsite if needed)
- to crane tanks onto semi-trailer and strap into place
- to mark all tanks for disposal and proper destruction
- to issue destruction certificate for old fuel tanks
- to assist environmental company in getting soil samples retrieved
- Services provided:
 - Supply in field geologist
 - Supply soil sampling
 - Supply lab testing
 - Supply sample results and site closure report
- to send soil samples to lab to be tested per regulations
- to return all soils that were removed back into the existing tank hole and line chases
- to backfill the remaining excavation void with base material on top of existing removed soil/gravel
- to roll fill material in lifts for compaction to grade
- to prep for new concrete with #4 rebar install 12" on center each way dowelled into existing concrete
- to pour concrete over excavated areas using concrete to be 3,500 PSI
- to clean site before completing work and leave the site
- to issue the owner prepared TCEQ amended fuel tank facility registration with soil testing report

Pricing:

Labor & Materials:	\$107,437.58
Sub Total:	\$107,437.58
Tax (Exempt)	\$0.00
Total	\$107,437.58

SUBJECT TO THE TERMS OF THIS AGREEMENT, PURCHASER AGREES TO PAY SELLER THE SUM OF One Hundred Seven Thousand Four Hundred Thirty-Seven and 58/100 Dollars (\$107,437.58) (the "Agreement Price") which does not include applicable sales tax.

This is notification that this agreement is a separated contract in compliance with Texas Comptroller of Public Accounts rules. The total cost for the project is provided, but is not a lump sum contract. Owner will be provided separate invoices for labor, materials, equipment, and applicable sales tax.

Payment Schedule:

Payment due upon signing	\$30,000.00
Payment due upon mobilization	\$40,000.00
Payment due upon completion	\$37,437.58

Installation contingencies:

- This proposal includes liquid removal and disposal of 1000 gallons. If exceeded a change order will be issued for \$1.50 per gallon
- This proposal is based on one mobilization
- This proposal is based on JFPG having un-impeded access to site
- This proposal is based on working normal hours M-F

Exclusions, not included in this quote:

- All permits are to be waived or paid for by the City of Freeport. No permits are included in this quote.
- Escalation
- Surveying
- Dewatering of tank hole
- Rock Removal or rerouting of underground utilities
- Liquidated damages
- Sleeves/coring/sealing/patching/stripping
- Contaminated material disposal
- Erosion and sediment control
- Remediation
- Handling of any product or material classified as hazardous
- Special or third-party inspections
- Geotechnical/environmental services
- All fuels/products supplied by others
- Scale Wages
- Additional work not stated above
- Changes required due to inspecting/permitting/code authorities

THIS AGREEMENT IS SUBJECT TO THE FOLLOWING GENERAL TERMS AND CONDITIONS:

1. ACCEPTANCE: This offer when accepted by Purchaser will constitute a bona fide contract subject to these terms and conditions and approval by Seller's authorized representative. Delivery of the materials/equipment herewith, installation of specified equipment, Purchaser's acceptance hereof (either in writing, in electronic format or orally in person or over the telephone), reliance on any of Seller's work (when applicable), and/or the issuance of an invoice, constitutes a binding acceptance by Purchaser of these General Terms and Conditions. This agreement is the entire undertaking of the parties for the subject matter hereof, and there are no promises, agreements, or understandings, oral or written, not specified herein.

2. PARTIES AND SCOPE OF WORK (WHEN APPLICABLE): Seller shall include said company or its particular division, subsidiary or affiliate performing the Work (when applicable) as defined above, Purchaser's acceptance thereof and these General Terms and Conditions. Additional materials or equipment ordered by Purchaser shall also be subject to these General Terms and Conditions. If Purchaser is ordering the materials or equipment on behalf of another, Purchaser represents and warrants that it is the duly authorized agent of said party for the purpose of ordering said materials or equipment. Unless otherwise stated in writing, Purchaser assumes sole responsibility for determining whether the quantity and the nature of the materials or equipment ordered by Purchaser are adequate and sufficient for Purchaser's intended purpose. Purchaser shall communicate these General Terms and Conditions to each and every third party to whom Purchaser transmits any part of the materials or equipment. Seller shall have no duty or obligation to any third party greater than that set forth herein, Purchaser's acceptance thereof and these General Terms and Conditions.

3. PRICES; TERMS OF SALE; CREDIT:

a. All prices are quoted in good faith; however, from time to time, manufacturers may change prices without notice prior to shipment, Seller may quote an incorrect price, or applicable taxes may increase, in which case any price or tax increase may be added to Purchaser's price. Prices quoted are based on current prices and are subject to change by the manufacturer. Prices quoted shall be firm for seven (7) days from the date of this offer, unless indicated otherwise. Unless otherwise stated in this agreement, prices are F.O.B. place of manufacture. Unless otherwise stated, the freight rate in existence at the date of acceptance of this agreement shall apply but any change in freight rate in effect on shipment date shall result in a corresponding change in price.

b. Unless otherwise specified above, terms are net 7 days on delivery of equipment and due upon completion for services or installation. For equipment ordered for this project, the Purchaser will be invoiced the date the equipment is delivered (shipped from manufacturer) to Seller's warehouse for purposes of convenience or coordination and shall be considered "delivery" for billing purposes. Payment for all such equipment is due upon delivery without retainage. A deposit may be required at Seller's sole discretion. Invoices are due and payable in McAllen, Hidalgo County, Texas to JF Petro Group, Inc., P.O. Box 2346, McAllen, Texas 78502. Purchaser further agrees to pay interest on all amounts invoiced and not paid as required under this agreement at the rate of eighteen (18) percent per annum (or the maximum interest rate permitted under the applicable law), until paid.

c. Purchaser shall be responsible for and shall pay all sales, use, excise, governmental surcharge, and other taxes (including penalties and interest) levied in connection with this sale. If payment is not made promptly when due, Purchaser shall pay all costs and expenses of collection, including but not limited to, courts costs and reasonable attorney's fees. Seller may revoke any credit extended to Purchaser because of its failure to pay when due or for any other reason.

d. In addition to the contractual relationship herein created between the Purchaser and Seller, this agreement is further intended by the parties to be a SECURITY AGREEMENT, and as such does hereby create a purchase money security interest in all those certain items of property, equipment and fixtures herein described, which is the COLLATERAL of this Security Agreement. The collateral is given to secure the payment of the agreement price described above, together with all additions thereto and modifications thereof, and all costs and expenses, including but not limited to, courts costs and reasonable attorney's fees incurred by Seller in the collection of the agreement price, or the enforcement of this Contact and Security Agreement. Purchaser further grants Seller a security interest in and to all proceeds, increases, substitutions, replacements, additions and accession to the Collateral. Purchaser agrees that it will pay the Agreement Price secured hereby in accordance with the terms and provisions hereof, and failure to so pay will be considered DEFAULT hereunder, giving rise to the remedies hereinafter set forth. Additionally, it shall be considered DEFAULT hereunder if at any time Seller believes that the prospect of payment of the obligations secured hereby, or the performance of this Agreement and Security Agreement is impaired.

On the occurrence of any such event of default, and at any time thereafter, Seller may declare all obligations secured hereby to become immediately due and payable and may proceed to enforce payment of the same and exercise any and all the rights and remedies, either at law or equity, to which it may be entitled. Seller may require Purchaser to assemble the Collateral and make it available to Seller at any place designated by Seller which is reasonably convenient to both parties. Unless the collateral is perishable or threatens to decline speedily in value, or is of a type customarily sold on a recognized market, Seller will give Purchaser reasonable notice of the time and place of any public sale of the collateral or of the time after which any private sale or any other intended disposition thereof is to be made. The requirements of reasonable notice shall be met if such notice is mailed, postage prepaid, by certified mail, return receipt requested to Purchaser's address as shown above. Expenses of retaking, holding, preparing for sale, or the like, shall include reasonable attorney's fees and related legal expenses incurred by Seller.

All terms used herein which are defined in the Uniform Commercial Code of Texas (Texas Business and Commercial Code) shall have the same meaning herein as in said Code.

e. Seller shall not be bound by any provision or agreement requiring or providing Seller to waive any rights to any lien, including a mechanic's lien, or any provision conditioning Seller's right to receive payment for its work (when applicable) upon payment to Purchaser by any third party.

4. DELIVERY; SHIPMENT TERMS; FREIGHT DAMAGE CLAIMS:

a. Shipping dates are approximate; delivery assurances are based on manufacturers' material suppliers to maintain schedules. Delivery promises are contingent upon fires, strikes, accidents, lockout, work stoppages, war, riot, availability of materials, acts of God, governmental action or regulation, or for other causes beyond Seller's control. The Seller shall have no liability for any delay, failure to deliver, loss of business, liquidated damages or other loss or damages which might result therefrom. The Seller will endeavor to maintain schedules, but cannot guarantee to do so. Delivery, unless otherwise stated, does not include unloading. Seller shall not be liable for damage in transit of any materials furnished. The Purchaser shall make a secure area (the "Secured Area") available to Seller if requested by Seller. Any necessary relocation of equipment or installation materials from the Secured Area will be at Purchaser's expense.

b. The shipping terms, including the F. O. B. point (such as "shippers dock" or a designated destination), may be indicated on the face of this agreement. The shipping terms should also include whether freight is "collect" or to be "prepaid and added". If these terms are not

indicated, they may be chosen by Seller at Seller's sole discretion. Whenever merchandise is delivered to the designated F.O.B. point, by common carrier (by manufacturer or Seller), or is received by Purchaser, whichever is earlier, Seller's responsibility ceases and full risk of loss (including transportation delays and losses) and title passes to Purchaser, and Purchaser shall be liable to Seller for the full price of the merchandise. Delivery to Seller's facility for purposes of convenience, coordination or price protection shall be considered "delivery" for invoice purposes.

c. If any damage is evident upon delivery, Purchaser must make a notation on the freight bill of lading and have the carrier's agent sign upon delivery for claim record. Purchaser must immediately notify Seller and file a claim with the carrier, as Seller assumes no responsibility for goods damaged in shipment. Shortages and hidden damages or defects to goods must be reported to Seller and carrier within 30 days of receipt of shipment. The quoted prices do not include the cost of unloading, which is Purchaser's responsibility.

5. INSURANCE, LIMITED WARRANTY, INDEMNITY AND HOLD HARMLESS:

a. Seller does not extend any warranties to Purchasers of materials and equipment. The products sold by Seller may be warranted by the manufacturer of the product but only to the extent of any warranty offered by the manufacturer. Purchaser shall register equipment warranties with the manufacturer. **MANUFACTURERS OR SELLER HAVE NO LIABILITY WHATSOEVER FOR INDIRECT, SPECIAL, INCIDENTAL OR CONSEQUENTIAL DAMAGES**, including but not limited to lost profits, down time, loss of material or product, clean up costs associated with loss of product, or damage to other equipment, unless said damage is proven to have been caused by Seller's sole negligence. No warranty is extended where equipment is improperly installed by Purchaser, its employees, agent, representative or contractor. Seller represents that it will convey good title to the items purchased, however, except as modified in the next paragraph, **SELLER MAKES NO OTHER WARRANTY OF ANY KIND WHATSOEVER, EXPRESS OR IMPLIED, AND ALL IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE ARE HEREBY DISCLAIMED BY SELLER.**

b. Purchaser agrees to hold Seller harmless from and defend and indemnify it against any of Seller's or Purchaser's losses in connection with any property damage, personal injury or death, whether same is related to any claim, penalty, or fine by government agency for pollution, environmental damage, cleanup, or otherwise, or whether any claim is made by any third party against Seller or Purchaser or said damage, personal injury or death is claimed or sustained by Purchaser or Purchaser's employee or made against Purchaser or Seller in connection therewith, including but not limited to damages, costs, expenses, and attorneys fees, except to the extent that said damage, personal injury or death is proven to have been caused by the negligence or fault, the breach or violation of a statute, ordinance, governmental regulation, standard, or rule, or the breach of the contract of the Seller, its agent or employee or any third party under the control or supervision of the Seller, other than the Seller or its agent, employee or subcontractor of any tier. Where a penalty, fine or claim for pollution damage or cleanup is made against Seller in connection with installation of materials or equipment, Purchaser agrees to hold Seller harmless from and defend and indemnify it against same, except to the extent that said fine or claims is proven to have been caused by the negligence or fault, the breach or violation of a statute, ordinance, governmental regulation, standard, or rule, or the breach of the contract of the Seller.

c. Seller shall have **NO LIABILITY** under this warranty if equipment malfunctions or other problems result, directly or indirectly, from accident (not caused by Seller), subsequent work on equipment by Purchaser or third party, improper operation of equipment, inadequate maintenance, and/or failure to protect properly the equipment from environmental hazards. Seller does not assume any liability and Purchaser agrees to hold Seller harmless from and defend and indemnify Seller for losses or claims for tanks(s) that emerge from their set position and/or are lost after installation due to improper ballasting, ground water, high water tables, or hydrostatic pressure, unless proper anchorage is provided for under terms of this agreement, and **Purchaser shall at all times provide adequate ballast.**

d. **NO EMPLOYEE OR REPRESENTATIVE OF SELLER IS AUTHORIZED TO CHANGE THIS WARRANTY IN ANY WAY.**

e. Purchaser will defend and indemnify Seller against any claims for damages for profits arising from infringements of patents, designs, trade secrets, copyrights, trade names, and/or trademarks with respect to goods manufactured, either in whole or part, to Purchaser's specifications, except to the extent that said claims are proven to have been caused by the negligence or fault, the breach or violation of a statute, ordinance, governmental regulation, standard, or rule, or the breach of the contract of the Seller. Purchaser will defend and indemnify Seller against any claims for damages for profits arising from infringements of patents, designs, trade secrets, copyrights, trade names, and/or trademarks with respect to goods manufactured, by Seller and modified by Purchaser, except to the extent that said claims are proven to have been caused by the negligence or fault, the breach or violation of a statute, ordinance, governmental regulation, standard, or rule, or the breach of the contract of the Seller. Seller assumes no liability for sales engineering or application information extended by its personnel. Purchaser agrees to hold Seller and its representatives harmless from and indemnify them against any and all claims, losses, damages, judgments, and costs, whether direct or indirect, or by reason of any reliance upon said representatives concerning sales, engineering or application information provided by Seller and/or its representatives, except to the extent that said claims, losses, damages, judgments, and costs are proven to have been caused by the negligence or fault, the breach or violation of a statute, ordinance, governmental regulation, standard, or rule, or the breach of the contract of the Seller.

f. **NO ACTION OR CLAIM, WHETHER IN TORT, CONTRACT, OR OTHERWISE, MAY BE BROUGHT AGAINST SELLER, ARISING FROM OR RELATED TO THE MATERIALS OR EQUIPMENT HEREBY PURCHASED MORE THAN TWO YEARS AFTER THE DATE OF PURCHASE.**

6. CANCELLATIONS AND RETURN OF GOODS: Purchaser may cancel an order only upon advance written approval of Seller and provided Purchaser pays freight charges and Seller's reasonable cancellation and restocking charges, which are based in part on manufacturer's charges. No merchandise may be returned without Seller's advance written consent, with shipping instructions furnished, and no merchandise will be accepted for credit without Seller's authorization. At the option of the Seller, the return of material prior to Purchaser receiving Seller's approval will result in the material remaining the property of Purchaser, and it will be stored at Purchaser's sole risk and expense. If such material is not picked up by Purchaser within ten (10) days from the date of the unauthorized return, Seller, may, at its sole option, declare Purchaser's interest and right to the material forfeited and retain all money Purchaser has paid as liquidated damages. This means, Purchaser shall have no further rights in the material and no money will be refunded or credit given. If Seller accepts the material in return for credit, a handling charge based in part on acceptance of the material for return by the manufacturer will be charged, and no credit shall be issued to Purchaser until credit from the manufacturer is received.

7. GOVERNMENTAL COMPLIANCE: Environmental compliance is Purchaser's responsibility. Purchaser's failure to comply strictly with applicable federal, state or local requirements, rules and/or regulations (including but not limited to those applicable to notice) shall completely void Seller's limited warranty under this Agreement. It is Purchaser's responsibility to report any inventory shortage or suspected release to federal, state and all other authorities having jurisdiction and to Seller within 24 hours of occurrence. Purchaser agrees to hold Seller harmless from and indemnify and defend Seller against any claims or liability relating to Purchaser's failure to comply strictly with all federal, state or local

environmental requirements, rules and/or regulations, including those applicable to notice. If Purchaser fails to comply strictly with any federal, state or local environmental requirements, rules and/or regulations, including those applicable to notice, Purchaser hereby releases Seller its officers, directors, employees, agents, affiliates, subsidiaries, related entities, successors and assigns (collectively "Releasees") from any and all liabilities, claims, obligations, suits, proceedings, causes of action, whether known or unknown, suspected or unsuspected, both at law and in equity, which Purchaser ever had, now has or may hereafter have against any of the Releasees arising out of or relating to its failure to comply strictly with all federal, state or local environmental requirements, rules and/or regulations, including those applicable to notice.

8. MANUFACTURER INFORMATION: Seller may provide manufacturer's product information and installation instructions for informational purposes, but makes no representations regarding such information. Seller may also provide manufacturer's product operating manual when available.

9. RECORD KEEPING. Purchaser is responsible to keep daily accurate inventory records on products stored in tanks, lines, and dispensing equipment. In the event of a shortage or leakage within seven (7) calendar days from date of installation, Purchaser shall immediately notify Seller. In no event shall Seller be responsible for shortages, clean-up or related costs incurred for said shortages or leakages prior to notification. Notification must be made by telephone contact, immediately followed by written confirmation within twenty-four (24) hours.

10. ENFORCEABILITY / SEVERABILITY, NON-WAIVER AND NON-ASSIGNABILITY: If any of the provisions hereof shall be deemed unenforceable by reason of law or court ruling, the remaining provisions shall be deemed enforceable. Any waiver of a breach of this agreement shall not be construed as a waiver of any other breach. Purchaser may not assign this agreement or any rights hereunder, in whole or part, without the prior written consent of Seller.

11. MANDATORY MEDIATION AND CHOICE OF LAW AND FORUM. ANY DISPUTE INVOLVING THE ENFORCEMENT OR INTERPRETATION OF THIS AGREEMENT IS SUBJECT TO MANDATORY, NON-BINDING MEDIATION UNDER THE CONSTRUCTION INDUSTRY MEDIATION RULES OF THE AMERICAN ARBITRATION ASSOCIATION, THE COST OF WHICH IS TO BE BORNE BY THE PARTIES EQUALLY, PRIOR TO EITHER PARTY PURSUING ARBITRATION AS REQUIRED UNDER THIS AGREEMENT. THE PLACE OF THE MEDIATION SHALL BE IN HIDALGO COUNTY, TEXAS. All other provisions hereof and of all resulting orders are to be governed and construed under the laws of the State of Texas, and the courts of said state shall have sole jurisdiction over any dispute concerning this agreement.

12. ENTIRE AGREEMENT: This Agreement constitutes the entire understanding of the parties, and there are no representations, warranties or undertakings made other than as set forth herein; however, this agreement is subject to revision and may not be the final project cost. This agreement is further binding between the parties for all labor performed, materials supplied and/or work completed (when applicable) between the parties whether or not such work is included within the scope of the Work as defined herein this Agreement.

Acceptance: The above prices, specifications and conditions included and detailed above have been read are hereby accepted, including the statement concerning this project is not a "lump sum" project. Purchaser is responsible for all sales, use and other governmental taxes and charges, which are not included in the price unless expressly stated. Seller is authorized to do the work as specified and payment will be made as outlined above. Seller may revoke this offer before acceptance.

IN WITNESS THEREOF, THE PARTIES HAVE CAUSED THIS AGREEMENT TO BE EXECUTED BY THEIR DULY AUTHORIZED REPRESENTATIVES.

THIS OFFER MAY BE WITHDRAWN OR REVISED BY PSI JF Petroleum Group IF NOT ACCEPTED WITHIN 7 DAYS OF THE DATE OF PSI JF Petroleum Group Date BELOW.

PSI JF Petroleum Group

By: _____ Zac Conaway (HOU07)

Title: Commercial Sales Representative Date: 9/12/2023

ACCEPTED FOR: _____ **City of Freeport**

By: _____ Printed Name: _____

Title: _____ Date: _____

PROJECT INFORMATION

Please provide the following information:

Date: _____ Salesman: _____

Site Name: _____

Street Address: _____

City/State//Zip: _____

Phone: _____ Fax: _____

TCEQ Facility ID #: _____

Legal Description: _____

Ownership Names(s): _____

Mailing Address: _____

Phone: _____ Fax: _____

Billing Address: _____

Contact Name(s): _____

Phone: _____ Fax: _____

Cell: _____ e-mail: _____



City Council Agenda Item #8.

Title: Consideration and possible action approving Resolution No. 2023-2821 for EDC Budget Amendment #2 for Fiscal Year 2023.

Date: October 16, 2023

From: Cathy Ezell, Finance Director
Robert Johnson, Economic Development Director

Staff Recommendation: Staff recommends approval of the EDC Budget Amendment.

Item Summary: The EDC voted unanimously to approve the budget amendment. This is the final budget amendment for the EDC to close out Fiscal Year 2023. The budget amendment accounts for year-end overages and unbudgeted items.

Background Information: The proposed budget amendment is for the following items:

Longevity - was not budgeted
Moving Allowance - was not budgeted
Office Supplies - expenditures came in higher
Legal - expenditures came in higher
Seminars/Dues/Travel - expenditures came in higher
Other Sundry - expenditures came in higher
College Reimbursement - was not budgeted

Special Considerations: N/A

Financial Impact: The financial impact is \$0.00. The increases are being taken from another expenditure account where there are savings.

Board or 3rd Party Recommendation: N/A

Supporting Documentation:

1. EDC Budget Amend #2 Resolution
2. EDC Budget Amendment #2

RESOLUTION NO.2023-2821

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS
AMENDING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022
AND ENDING SEPTEMBER 30, 2023; MAKING CERTAIN FINDINGS AND
CONTAINING CERTAIN PROVISIONS RELATING TO THE SUBJECT; PROVIDING
A SEVERANCE CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Freeport Economic Development Corporation (the “EDC”) is a “type B” nonprofit economic development corporation, authorized under Texas Development Corporations Act, Title 12, Section 501.001 et. seq. specifically Chapter 505 of said Act; and,

WHEREAS, the EDC desires to follow all appropriate financial procedures and policies required by law; and,

WHEREAS, the budget for the 2022-2023 fiscal year of the EDC was approved by the EDC on the 13th day of September, 2022; and,

WHEREAS, the budget for the 2022-2023 fiscal year of the EDC was approved by the City Council on the 19th day of September, 2022.

WHEREAS, the EDC has considered the proposed budget amendment and has made such changes therein as in the EDC’s judgment were warranted by law and were in the best interest of the citizens and taxpayers of the City.

WHEREAS, the budget amendment was approved by the EDC on the 10th day of October, 2023

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY
OF FREEPORT, TEXAS:**

Section 1. The facts and opinions in the preamble of this resolution are true and correct.

Section 2. The existing Budget of the EDC, for the fiscal year 2022-2023 is hereby amended and revised as reflected in said Exhibit "A"

Section 3. It is hereby found and determined that the meeting at which this ordinance was passed was open to the public and that advance public notice of the time, place and purpose of said meeting was given as required by law.

This ordinance shall take effect and be in force from and after its passage and adoption.

Read, passed and adopted the _____ day of _____, 2023.

ATTEST:

Betty Wells, City Secretary
City of Freeport, Texas

APPROVED:

Brooks Bass, Mayor
City of Freeport, Texas

APPROVED AS TO FORM ONLY

David Olson, City Attorney
City of Freeport, Texas

**Freeport Economic Development
Budget Amendment #2
Fiscal Year 2022-2023**

Account Number	Description	FY2022-2023 Original Budget	FY2022-2023 2nd Budget Amendment	FY2022-2023 Amended Budget
EDC Fund (30)				
30-407-175	Longevity	-	31	31
30-407-182	Moving Allowance	-	6,500	6,500
30-407-310	Office Supplies	7,500	5,500	13,000
30-407-417	Professional Services - Legal	40,000	10,000	50,000
30-407-602	Seminars/Dues/Travel	15,000	6,000	21,000
30-407-699	Other Sundry	1,200	1,500	2,700
30-410-695	College Reimbursement	-	1,178	1,178
30-407-700	Principal	50,000	(30,709)	19,291
		<u>113,700</u>	<u>-</u>	<u>113,700</u>



City Council Agenda Item #9.

Title: Consideration and possible action approving Ordinance No. 2023-2711 for Budget Amendment #2 for Fiscal Year 2023.

Date: October 16, 2023

From: Cathy Ezell, Finance Director

Staff Recommendation: Staff recommends approval of Budget Adjustment #2 for the City of Freeport.

Item Summary: The proposed budget amendment is the final Budget Amendment closing out Fiscal Year 2023. It accounts for any year-end overages in individual departmental budgets.

Background Information: This budget amendment re-allocates funds in the General Fund from various departments to cover department overages. There are savings in various departments that can be re-allocated to cover overages. Also, revenue from permits was higher than budgeted, so is being increased to cover the expenditure overages. The overages are attributed to:

- Redistricting Costs
- AC repairs and rental of equipment for City Hall
- Increased legal fees
- Increase in computer maintenance. All IT maintenance was moved to the Information Technology budget.
- Increase in fuel and insurance costs for the Service Center
- Additional staff training in Municipal Court
- Increased costs in the Golf Department

In the Streets & Drainage Fund the overruns are for projects that are moving faster than was anticipated. The additional funding is coming from the fund balance.

In the Facilities & Ground CIP fund there were additional costs for the Library Windows. Also, the funds from the FY2022 budget were not rolled forward for repairs at the Service Center. The additional funding is coming from the fund balance.

In the Vehicle & Equipment fund, the purchase of the Code Vehicles was slightly higher than anticipated. The replacement of gym equipment was not rolled from the prior year budget.

In the IT Fund there was an emergency purchase of servers for the Police Department.

Special Considerations: N/A

Financial Impact: The expenditure budget of the General Fund is increasing by \$185,908. This increase is being offset by an increase in building permit revenue by the same amount. The project fund budgets are increasing to cover various projects.

Board or 3rd Party Recommendation: N/A

Supporting Documentation:

1. BA#02 FY 2023 Ordinance
2. Exhibit A BA #2

ORDINANCE NO. 2023-2711

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, AMENDING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022 AND ENDING SEPTEMBER 30, 2023; MAKING CERTAIN FINDINGS AND CONTAINING CERTAIN PROVISIONS RELATING TO THE SUBJECT; PROVIDING A SEVERANCE CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Freeport, Texas, (hereinafter sometimes "the City") is a "Home Rule City" and a "Home Rule Municipality" lying and situated in Brazoria County, Texas, as described in and defined by Section 5, Article XI of the Constitution of Texas and Section 1.005 of the Local Government Code of Texas, respectively; and,

WHEREAS, under Section 102.001(b) of the Local Government Code, because the City has a City Manager form of government, the City Manager is the budget officer of the City municipality and under Section 102.002 of said Code and Chapter 9 of said Charter, the City Manager is required to prepare a proposed annual budget for the municipality and, under Section 102.03(a) of said Code and Chapter 9 of said Charter, is required to file the same with the City Secretary before the 30th day before the date the governing body of the municipality makes its tax levy for the fiscal year; and,

WHEREAS, on August 1, 2022, the City Manager presented to the City Council a proposed budget of the expenditures of the City of Freeport for the fiscal year 2023 and the proposed budget was filed with the City Secretary and posted on the City website as required by Local Government Code Section 102.005; and

WHEREAS, pursuant to notice as required by Section 102.006 of the Local Government Code, on September 6, 2022, a public hearing on such budget was held in the Council Chambers, at which hearing all citizens and taxpayers of the City had the right to be present and to be heard, and those who requested to be heard were heard; and

WHEREAS, the budget for the 2022-2023 fiscal year of the City was approved by the City Council by Ordinance No. 2022-2674, read, passed and adopted on the 12th day of September, 2022.

WHEREAS, such Ordinance states that the budget for operations shall be administered as follows:

- a. The Council may transfer any unencumbered appropriation balance or portion thereof from one department, or fund to another, at any time;
- b. The City Manager shall have authority, without Council approval, to transfer appropriation balances from one expenditure account to another within a department;
- c. At any time in any fiscal year, the Council may, pursuant to Article XI, section 9.14 of the City Charter, make emergency appropriations to meet pressing need for public expenditure, for other than regular or recurring requirements, to protect the public health, safety or welfare. Such appropriation shall not be more than 5% of the total annual budget; however, the 5% may only be allocated under the condition the "undesigned" reserve/contingency funds may only be used with the specific consent of the City Council for unforeseen contingencies by the City Manager; and

WHEREAS, the City Council has considered the proposed budget amendment and has made such changes therein as in the City Council's judgment were warranted by law and were in the best interest of the citizens and taxpayers of the City.

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

Section 1. The facts and opinions in the preamble of this ordinance are true and correct.

Section 2. The existing Budget of the City of Freeport, Texas, for the fiscal year 2022-2023 as amended by Ordinance No. 2022-2684, read, passed and adopted on December 5, 2022 and is hereby amended and revised as reflected in said Exhibit "A".

Section 3. All ordinances and resolutions, and parts of ordinances and resolutions in conflict herewith, are hereby repealed.

Section 4. It is hereby found and determined that the meeting at which this ordinance was passed was open to the public and that advance public notice of the time, place and purpose of said meeting was given as required by law.

This ordinance shall take effect and be in force from and after its passage and adoption.

PASSED AND ADOPTED this 16th day of October 2023

Brooks Bass, Mayor

ATTEST:

Betty Wells, City Secretary

APPROVED AS TO FORM AND CONTENT:

David Olson, City Attorney

City of Freeport
End of Year Budget Adjustment
Fiscal Year 2023
Budget Adjustment #2

Department General Fund	Account Number	Description	FY2022-2023 Original Budget	FY2022-2023 Current Budget	FY2022-2023 2nd Budget Amendment	FY2022-2023 Amended Budget
<u>Revenue</u>	10-321-110	Permit-Building	(125,000)	(125,000)	(185,908)	(310,908)
			(125,000)	(125,000)	(185,908)	(310,908)
		<u>Total Revenue</u>			<u>\$ (185,908)</u>	
<u>Expenditures</u>						
Administration	10-410-413	Professional Services	225,000	243,365	163,635	407,000
	10-410-417	Professional Fees - Legal	100,000	100,000	215,000	315,000
	10-410-545	Building Maintenance	50,000	50,000	250,000	300,000
		Total Administration	375,000	393,365	628,635	1,022,000
Information Technology	10-417-543	Electronic/Computer Maint	124,875	129,415	36,460	165,875
		Total IT	124,875	129,415	36,460	165,875
Service Center	10-420-628	Property/Gen/Liability Ins	-	-	9,000	9,000
	10-420-390	Fuel	1,700	6,775	3,925	10,700
		Total Service Center	1,700	6,775	12,925	19,700
Municipal Court	10-430-413	Professional Services	42,000	42,000	35,520	77,520
	10-430-414	Bank Charges	23,000	23,000	21,000	44,000
	10-430-602	Seminars/Dues/Travel	1,000	11,467	2,133	13,600
		Total Municipal Court	66,000	76,467	58,653	135,120
Police	10-525-210	Group Insurance	613,317	613,317	(80,000)	533,317
	10-525-230	TMRS	425,859	425,859	(10,000)	415,859
	10-525-390	Fuel	130,950	130,950	(20,000)	110,950
	10-525-395	Ammunition/Gun Supplies	26,200	26,200	(9,000)	17,200
	10-525-482	Service Contracts	154,740	154,740	(110,000)	44,740
	10-525-629	Vehicle Insurance	60,000	39,370	(19,370)	20,000
		Total Police	1,411,066	1,390,436	(248,370)	1,142,066
Fire	10-530-190	Overtime-FLSA	72,400	72,400	34,540	106,940
		Total Fire	72,400	72,400	34,540	106,940
EMS	10-535-100	Salaries/Wages	482,740	466,210	(43,470)	422,740
		Total EMS	482,740	466,210	(43,470)	422,740
Code Enforcement	10-557-429	Rental Registration Prog	50,000	20,830	(20,830)	-
		Total Code Enforcement	50,000	20,830	(20,830)	-
Building	10-558-100	Salaries/Wages	174,372	159,337	(34,965)	124,372
		Total Building	174,372	159,337	(34,965)	124,372
Garbage Collection	10-565-499	Garbage Collections	720,000	720,000	27,200	747,200
			720,000	720,000	27,200	747,200
Street	10-575-390	Fuel	55,200	53,515	(17,315)	36,200
		Total Street	55,200	53,515	(17,315)	36,200

Exhibit A

Beach Maintenance	10-576-190	Overtime	15,000	12,750	(6,250)	6,500
		Total Beach Maintenance	15,000	12,750	(6,250)	6,500
Museum	10-578-100	Salaries/Wages	112,299	112,299	(6,000)	106,299
	10-578-190	Overtime	4,120	4,120	(1,000)	3,120
	10-578-210	Group Insurance	33,068	33,068	(2,000)	31,068
	10-578-310	Office/Computer Supplies	5,700	5,700	(2,500)	3,200
	10-578-352	Furniture & Fixtures	10,000	9,405	(1,905)	7,500
	10-578-415	Telephone	5,000	5,000	(1,000)	4,000
	10-578-430	Advertising	17,000	17,000	(8,000)	9,000
	10-578-435	Special Events	60,000	60,000	(14,750)	45,250
	10-578-440	Electricity	12,000	12,000	(1,500)	10,500
	10-578-471	Rentals	3,600	3,600	(2,500)	1,100
	10-578-482	Service Contracts	13,140	13,140	(5,500)	7,640
	10-578-484	Museum Children's Exhibit	3,000	3,000	(2,500)	500
	10-578-545	Bldg/Bldg Equip Maintenance	11,000	11,000	(4,000)	7,000
	10-578-602	Seminars/Dues/Travel	12,000	12,000	(3,000)	9,000
	10-578-628	Property/liability Insurance	12,500	12,500	(9,000)	3,500
		Total Museum	314,427	313,832	(65,155)	248,677
Library	10-650-415	Telephone	4,900	1,930	(1,930)	-
	10-650-899	Property Insurance	8,750	8,750	(6,000)	2,750
		Total Library	4,900	1,930	(1,930)	-
Parks	10-655-100	Salaries/Wages	479,929	479,929	(70,000)	409,929
	10-655-545	Bldg/Bldg Equip Maintenance	33,400	34,300	(17,050)	17,250
		Total Parks	479,929	479,929	(70,000)	409,929
Golf	10-656-401	Merchandise	110,000	110,000	55,000	165,000
	10-656-389	Chemicals	45,000	45,000	4,000	49,000
	10-656-392	Janitorial Supplies	1,000	1,000	2,000	3,000
	10-656-399	Other Supplies	1,500	1,500	2,000	3,500
	10-656-414	Bank Charges	5,000	5,000	17,500	22,500
	10-656-545	Bldg/Bldg Equip Maintenance	1,500	4,970	1,530	6,500
		Total Golf	164,000	167,470	82,030	249,500
Recreation	10-665-110	Salaries/Wages PT	76,930	76,930	(45,000)	31,930
	10-665-230	TMRS	19,025	19,025	(4,000)	15,025
	10-665-240	Workers Compensation	9,000	9,000	(5,000)	4,000
	10-665-320	Other Electronics	6,000	6,000	(4,500)	1,500
	10-665-331	Agricultural/Botanical	2,700	2,700	(2,000)	700
	10-665-333	Program	15,000	15,000	(10,000)	5,000
	10-665-392	Janitorial Supplies	5,000	5,000	(2,500)	2,500
	10-665-399	Other Supplies	6,500	6,500	(2,000)	4,500
	10-665-414	Bank Charges	1,000	1,000	(1,000)	-
	10-665-425	Contract Labor	25,000	25,000	(17,000)	8,000
	10-665-430	Advertising	25,000	25,000	(18,500)	6,500
	10-665-440	Electricity	35,000	35,000	(19,750)	15,250
	10-665-441	Water	55,000	55,000	(55,000)	-
		Total Recreation	281,155	281,155	(186,250)	94,905
Total Expenditures					\$ 185,908	
Total General Fund					\$ -	
Streets & Drainage Fund	14-575-899	Capital Outlay	1,462,000	1,511,000	500,000	2,011,000
			1,462,000	1,511,000	500,000	2,011,000
		Fund Balance	2,237,702	2,237,705	(500,000)	1,737,705
Total Streets & Drainage Fund					\$ -	

Facilities & Ground CIP	21-420-899	Capital Outlay	-	10,386	22,500	32,886
	21-650-899	Capital Outlay	43,000	430,000	6,100	436,100
			43,000	440,386	28,600	468,986
		Fund Balance	968,594	968,594	(28,600)	939,994
		Total Facilities & Ground CIP			<u>\$ -</u>	
Vehicle & Equipment	22-558-899	Capital Outlay	80,000	8,000	9	8,009
	22-665-899	Capital Outlay	-	-	9,640	9,640
			80,000	8,000	9,649	17,649
		Fund Balance	210,814	210,814	(9,649)	201,165
		Total Equipment & Vehicles			<u>\$ -</u>	
IT Fund	23-525-899	Capital Outlay	-	-	92,650	92,650
			-	-	92,650	92,650
		Fund Balance	256,235	256,235	(92,650)	163,585
		Total IT Fund			<u>\$ -</u>	



City Council Agenda Item #10.

Title: Consideration and possible approving Resolution No. 2023-2820 amending the policy regarding public comments during a City Council meeting.

Date: October 16, 2023

From: Tim Kelty, City Manager

Staff Recommendation: Staff recommends City Council approve the proposed resolution.

Item Summary: This Resolution amends the policy adopted by City Council Resolution on June 21, 2010. It is intended to reflect current practice regarding public comment during meetings in compliance with State Open Meetings Law and Federal Case Law. It prohibits Council members from speaking during the Citizens Comments portion of the agenda, and directs that their comments and actions regarding items, properly placed on the agenda, be addressed during the meeting when specific agenda items are introduced.

Background Information: None

Special Considerations: None

Financial Impact: None

Board or 3rd Party Recommendation: This Resolution is recommended by City Legal Council.

Supporting Documentation:

1. Resolution regarding Public Comments during Council meetings.

RESOLUTION NUMBER 2022-2820

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, ESTABLISHING A POLICY FOR PUBLIC COMMENTS DURING CITY COUNCIL MEETINGS; PROVIDING FOR INCORPORATION OF PREAMBLE AND AN EFFECTIVE DATE.

WHEREAS, the City Council desires to establish a policy for public comments given during City Council meetings to improve decorum at such meetings;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, THAT:

Section 1. The facts and statements contained in the preamble are hereby found to be true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. The Public Comments Policy attached hereto as "Exhibit A" is hereby adopted as the Public Comments Policy of the City of Freeport.

Section 3. This Resolution shall become effective immediately upon its passage.

DULY PASSED, APPROVED AND ADOPTED on this the ____ day of November 2022.

Brooks Bass, Mayor
City of Freeport, Texas

ATTEST:

Betty Wells, City Secretary
City of Freeport, Texas

APPROVED AS TO FORM AND CONTENT:

David W. Olson, Interim City Attorney
City of Freeport, Texas

Exhibit A

Public Comments Policy

POLICY AND PROCEDURES FOR THE CITY OF FREEPORT FOR PUBLIC COMMENTS AT CITY COUNCIL MEETINGS

Any resident of Freeport may comment for a total of up to four (4) minutes during the “Public Comments” section or at the beginning of a specific agenda item at each regular City Council Meeting if they comply with these rules. ~~A resident may only comment once during a City Council meeting.~~

All comments must be respectful in tone and reasonable in nature. No threats, yelling, cursing, harassing or derogatory comments will be allowed. No personal attacks or comments about persons or their family will be allowed. Any violation of these rules will be considered disruptive behavior, and any violator or person who speaks out improperly or without authorization will be removed from Council Chambers.

Any resident wishing to comment must sign up with the City Secretary prior to commencement of the Council Meeting by completing their name, address, phone number, email address and purpose of comment on a form to be provided by the City Secretary in City Hall, or they will not be allowed to comment.

No Council Member may answer, respond or engage in discussion with any person making a comment from the public comments section of the agenda, and the person making comment shall not seek to have any Council Member respond.

No Council Member shall be allowed to speak during Public Comments. A Council Member shall be given the opportunity to speak on matters of City business or public interest during a lawfully posted agenda item or during the Work Session. If a council member desires to talk about a subject matter considered City business not listed on the agenda as an agenda item or work session item, such Council Member shall request that item be placed on the agenda as provided by City policy for requesting such an agenda item.

The Freeport Police Chief or police officer in charge at such meeting will strictly enforce these rules and limitations.

We welcome reasonable and respectful comment while ensuring compliance with the Texas Open Meetings laws.



City Council Agenda Item #11.

Title: Consideration and possible action granting a 4.7 acre drainage easement to the Velasco Drainage District, along the levee from behind the Pocket Park on Avenue A to Riverside Park.

Date: October 16, 2023

From: Tim Kelty, City Manager

Staff Recommendation: Staff recommends that Council grant this easement

Item Summary: The Velasco Drainage District has requested that the city grant a second easement to them, as described in the attached survey, along the levee that runs behind the Pocket Park on Avenue A to Riverside Park. As this is a federally recognized levee, the Velasco Drainage District is under a federal mandate from the Army Corps of Engineers to maintain the levee and this is another area or gap that they do not have legal control, as the land is owned by the city of Freeport.

Background Information: This easement extends north of the easement that was granted at the last meeting.

Special Considerations: This request came shortly before the last meeting, and too late to the agenda with the easement granted at the last meeting.

Financial Impact:

Board or 3rd Party Recommendation:

Supporting Documentation:

1. VDD request for second easement Survey
2. VDD request for second easement Aerial with Survey

Velasco Drainage District
4.73 Acres
Out of the S.T. Angier Survey
Abstract No. 8
Velasco Townsite
Brazoria County, Texas

Velasco Drainage District 4.73 Acre out of the S.T. Angier Survey, Abstract No. 8 out of Velasco Townsite as recorded in Volume 32, Page 14 of the Plat Records of Brazoria County, Texas. Said acreage being described in terminology related to the Texas State Plane Coordinate System, South Central Zone NAD 83, said tract being described as follows:

Beginning at a set iron rod with cap stamped "4679" at the position N13,553,390.41' and E3,127,836.90' at the southeast corner of the said 4.73 Acre Tract for the Point of Beginning being the same northeast corner of the Velasco Drainage District 0.427 Acre Tract as recorded in Volume 1046, Page 150 of the Deed Records of Brazoria County, Texas;

Thence South 31 degrees 22 minutes 21 seconds West a distance of 222.85 feet along the northerly line of the said 0.427 Acre Tract to a meander of the Brazos River;

Thence North 07 degrees 40 minutes 31 seconds West a distance of 94.01 feet along the meander of the Brazos River;

Thence North 07 degrees 26 minutes 58 seconds East a distance of 355.58 feet along the meander of the Brazos River;

Thence North 11 degrees 42 minutes 55 seconds East a distance of 130.85 feet along the meander of the Brazos River;

Thence North 07 degrees 43 minutes 19 seconds East a distance of 119.08 feet along the meander of the Brazos River;

Thence North 01 degrees 48 minutes 14 seconds East a distance of 127.06 feet along the meander of the Brazos River;

Thence North 02 degrees 42 minutes 02 seconds West a distance of 106.12 feet along the meander of the Brazos River;

Thence North 09 degrees 20 minutes 06 seconds West a distance of 147.96 feet along the meander of the Brazos River;

Thence North 11 degrees 45 minutes 18 seconds West a distance of 353.41 feet along the meander of the Brazos River;

Thence North 23 degrees 13 minutes 18 seconds West a distance of 425.42 feet along the meander of the Brazos River to the southwest corner of Velasco Drainage District called 0.675 Acre Tract as recorded in Volume 1046, Page 150 of the Deed Records of Brazoria County, Texas for the northwest corner of said 4.73 Acre Tract;

Thence South 58 degrees 37 minutes 50 seconds East a distance of 220.00 feet along the southerly line of said called 0.675 Acre Tract to the southeast corner of called 0.675 Acre Tract the same being the northeast corner of the called 4.73 Acre Tract;

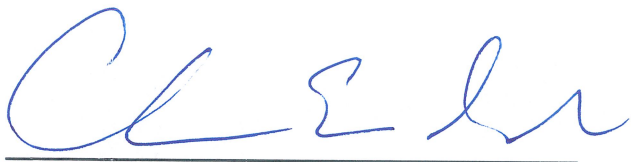
Thence South 25 degrees 01 minutes 19 seconds East a distance of 202.28 feet;

Thence South 11 degrees 33 minutes 38 seconds East a distance of 574.42 feet;

Thence South 02 degrees 26 minutes 36 seconds West a distance of 356.54 feet;

Thence South 12 degrees 51 minutes 44 seconds West a distance of 173.26 feet;

Thence South 07 degrees 23 minutes 51 seconds West a distance of 233.79 feet to the position of N13,553,390.41' and E3,127,836.90' to the southwest corner of said 4.73 Acre Tract at the set iron rod with cap stamped "4679" at the Point of Beginning, said tract being 4.73 acres more or less as shown on the attached map.



Chris E. Gallion

Registered Professional Land Surveyor

Registration Number 4679



100
Velasco Draining District
Called 0.675 Acre
Vol 1048 Pg 150
DBRGT

S 88°37'50" E
230.00

N 23°10'6" W
385.22

S 20°18'8" E
207.08

N 1°45'41" W
355.41

S 11°33'38" E
514.42

4.73 Acres

N 95°14' W
350.00

21.90
W 23°29'40" N

N 01°48'14" E
127.08

N 07°43'07" E
119.08

N 11°42'55" E
130.85

N 07°28'58" E
385.58

S 07°23'51" W
233.79

S 12°51'44" W
172.28

S 02°28'38" W
395.54

POB
SET IR WICAP
STAMPED 4679
N 13.553, 390.41'
E 3.127, 836.90'

104
Velasco Draining District
Called 0.477 Acre
Vol 1048 Pg 150
DBRGT

S 31°22'17" W
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N 13°04'40" W
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Vol 1048 Pg 150
DBRGT

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Vol 1048 Pg 150
DBRGT

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S 88°37'50" E
230.00

10

1. Acreage described in terminology related to the Texas State Plane Coordinate System, South Central Zone Nad83.
2. Set an iron rod with cap stamped "4679" at the Point of Beginning.

Velasco Drainage District
4.73 Acres
Out of the S.T. Angier Survey
Abstract No. 8
Velasco Townsite
Brazoria County, Texas

4.73 Acres

Notes

1. Acreage described in terminology related to the 1983 State Plane Coordinate System, South Central Zone NAD83.
2. Set an iron cap with cap stamped "4679" at the Point of Beginning.



City Council Agenda Item #12.

Title: Consideration and possible action authorizing the City Manager to carry over unused vacation.

Date: October 16, 2023

From: Mayor Brooks Bass

Staff Recommendation: Staff Requests Council consider and authorize the city manager to carry over earned vacation for 6 months after his anniversary.

Item Summary: The City Personnel Policy allows for employees to carry over up to 120 hours of earned vacation time upon the employees' anniversary of hire. October 28th is the City Manager's anniversary of hire. He is requesting to be allowed to carry over, for 6 months, earned vacation over and above the allowed 120 hours.

Background Information: As of October 28th the City manager will lose 150 hours of earned vacation. In the past, the city manager has allowed employees to carry over earned vacation time, over the 120 hours, on a one-time basis, if the employee had not been able to use it during the year earned. However, he is uncomfortable approving that for himself without Council approval.

Special Considerations: In 2020, Council adopted an emergency declaration due to the Covid crisis. During that declared emergency, because of potential employee shortages, Council authorized employees to carry over unused vacation in excess of 120 hours. During that time, the City Manager did not use much of his earned vacation, and it accrued and carried over. Several months ago, Council ended that declared emergency, which ended the authorized carry over.

Financial Impact: None

Board or 3rd Party Recommendation: None

Supporting Documentation:
None



City Council Agenda Item #13.

Title: Consideration and possible action amending the Zoning Ordinance allowing for and regulating the use of portable storage containers.

Date: October 16, 2023

From: Kacey Roman, Building and Code Director

Staff Recommendation: Staff recommends Council consider the recommendation of the Planning and Zoning commission regarding the approval of this Ordinance.

Item Summary: A request made by a business to amend the zoning ordinance to allow for shipping containers to be used as permanent storage in Commercial Zones. City Current City Code prohibits this. Under the proposed amendment, the allowance for containers in the Downtown and Residential zones would remain only as a Temporary Use. The proposed amendment allows the use of shipping containers as a permanent improvement with Limited Use Restrictions in Commercial Zones.

Background Information: The Planning and Zoning Commission debated this issue extensively over several meetings, including in a workshop on this issue. The following suggested changes were negotiated and finalized after a public hearing held on September 26, 2023.

Portable Storage Units in Commercial Zones (not including Downtown Zone) –

- Require a Building Permit and Inspection
- Must be Anchored for Windstorm Standards.
- Containers may not be stacked
- Must be painted to match principal structure.
- May not have any logos, numbering, or writing visible.
- Must be maintained with no rust.
- Screening - If a commercial property is adjacent to a Residential Zone, then it must have an 8-foot opaque fence, or a type C buffer zone.
- Setback – 10 feet from fence
- Height Restriction - 114 inches from ground to top of container. (9 1/2 feet)
- Remove restrictions on truck containers with the chassis attached to it.

Residential and Downtown Zones -

- Table 155.404-1 "... may remain in place for **30 days** after project completion."

The current Zoning Ordinance only allows for Portable Storage Units for Temporary Use with the following requirements:

- less than 20 feet in length,
- placed on hard improved surface
- 10 feet away from property line
- All Items contained within storage unit
- For use only during Construction/Renovation + 1 week
 1. Any other use - 10 days only

This includes truck containers, with or without the chassis attached to it; moving vans; portable on demand (POD) moving containers; pre-assembled storage structures; and shipping containers.

Special Considerations: City council held a public hearing on this amendment on October 2, 2023. At that meeting, a question was raised as to whether the city had authority to regulate the placement and permanent use of shipping containers for storage, or whether that issue was trumped by state law. It has been determined by Olson and Olson that this falls within the city's authority to adopt.

Currently, there are over 100 Shipping Containers being used for permanent storage all over the City of Freeport, in all zones. These containers are up to 40 feet in length, placed on grass, not anchored, etc. Standard shipping containers are 40-feet long, and 8'6" tall.

Financial Impact: None

Board or 3rd Party Recommendation: The Planning and Zoning Commission voted to recommend the ordinance modifications on Thursday, September 26, 2023.

Supporting Documentation:

1. Container Ordinance 3260938 (002)

ORDINANCE NO. 2023-2710

AN ORDINANCE AMENDING THE CITY OF FREEPORT'S ZONING ORDINANCE BY AMENDING SECTION 155.201 – DEFINITIONS BY AMENDING THE DEFINITION OF PORTABLE STORAGE UNIT; BY AMENDING SECTIONS 155.401-1 – LAND USE TABLE, SPECIFICALLY TABLE 155.401-1, PERMITTED USES BY DISTRICT, BY ADDING THE PORTABLE STORAGE UNIT AS A NEW LAND USE IN THE SELF-SERVICE STORAGE USE CATEGORY UNDER THE COMMERCIAL AND OFFICE DESIGNATION AND AS A NEW LAND USE IN THE WAREHOUSING AND FREIGHT MOVEMENT USE CATEGORY UNDER THE INDUSTRIAL DESIGNATION, AND THESE TWO NEW PORTABLE STORAGE UNIT CATEGORIES WILL BE DESIGNATED AS A “LIMITED USE” OR “L” ONLY UNDER C-1, C-2, C-3, W-1 AND UNDER THE ABOVE DESCRIBED APPROPRIATE DESIGNATIONS; BY AMENDING SECTION 155.402 BY ADDING A NEW PARAGRAPH (2) TO SECTION 104.402(C), A NEW PARAGRAPH (2) TO SECTION 104.402(D), AND A NEW PARAGRAPH (2) TO SECTION 104.402(E), PROVIDING NEW LIMITED USE STANDARDS FOR PORTABLE STORAGE UNITS; BY AMENDING SECTION 155.404 – TEMPORARY USE STANDARDS, SPECIFICALLY TABLE 155.404-1, TEMPORARY USES STANDARDS, OF THE CODE OF ORDINANCES OF THE CITY BY CHANGING THE DURATION OF PORTABLE STORAGE UNITS; CONTAINING A PREAMBLE; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AND PROPERLY PUBLISHED FOR HEARING AS REQUIRED BY LAW; CONTAINING A SEVERABILITY CLAUSE; CONTAINING A REPEALER CLAUSE; CONTAINING A PENALTY CLAUSE UP TO \$2000 PER OFFENSE AND THAT EACH AND EVERY OCCURRENCE SHALL CONSTITUTE A SEPARATE OFFENSE; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS DESCRIPTIVE CAPTION HAS BEEN PUBLISHED TWICE IN THE BRAZOSPORT FACTS.

WHEREAS, the City of Freeport (the “City”) recognizes that portable storage units have become a necessary part of storage for certain businesses in the City;

WHEREAS, the City Council seeks to assure that use of such portable storage units is allowed as a permanent limited use in certain zoning districts with certain restrictions to protect the safe use of such units and general aesthetics for the surrounding properties;

WHEREAS, the City may establish by ordinance, general rules and regulations governing the zoning of land within its corporate limits in order to promote the health, safety, and general welfare of the City and to promote the safe, orderly and healthful development of the City; and

WHEREAS, the City Council has determined, based upon the findings stated above, that the regulations established by this Ordinance are necessary for the good government, peace and order of the City; and

WHEREAS, City Council finds that this Ordinance was adopted at a meeting which was open to the public and preceded by proper notice, as required by Chapter 551 of the Texas Local Government Code (the Open Meetings Act).

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

Section 1. The findings and recitations set out in the preamble to this ordinance are found to be true and correct and they are hereby adopted by the City Council and made part hereof for all purposes.

Section 2. Section 155.201 – Definitions of the Code of Ordinances of the City is hereby amended by deleting the definition of Portable Storage Unit and replacing it with the following definition:

PORTABLE STORAGE UNIT means an enclosed storage container that may be used to transport goods but may then also be stationary on a single site for any period of time before or after transport. This definition includes truck containers, without the chassis attached to it; moving vans; portable on demand (POD) moving containers; pre-assembled storage structures; and shipping containers.

Section 3. Section 155.401 – Land Use Table, specifically Table 155.401-1, Permitted Uses by District, of the Code of Ordinances of the City is hereby amended by adding Portable Storage Unit as a new Land Use in the Self-Service Storage Use Category under the Commercial and Office designation and as a new Land Use in the Warehousing and Freight Movement Use Category under the Industrial designation, and these two new Portable Storage Unit categories will be designated as a “Limited Use” or “L” only under C-1, C-2, C-3, W-1 and under the above described appropriate designations. The new Portable Storage Unit Land Uses are subject to the below described new Limited Use Standards provided for in Section 155.402, specifically under Standards for Commercial and Office Limited Uses, Standards for Industrial Limited Uses, and Standards for W-1 Waterfront – Resort/Marina Limited Uses.

Section 4. Section 155.402 is hereby amended by adding a new Paragraph (2) to Section 104.402(C), a new Paragraph (2) to Section 104.402(D), and a new Paragraph (2) to Section 104.402(E) to now read as follows:

“Section 155.402 LIMITED USE STANDARDS

* * *

(C) Standards for Commercial and Office Limited Uses.

(2) *Portable Storage Unit.*

- (a) *Permit.*** All portable storage units shall require a building permit and inspection.
- (b) *Placement.*** No portable storage unit shall be placed on a lot without being placed on a hard-surfaced slab (concrete or asphalt) or concrete blocks, and properly anchored for its windstorm rating.

- (c) *Stacking.* No portable storage units shall be stacked on top of another portable storage unit.
- (d) *Paint.* All portable storage units must be painted with the same color scheme as the principal structure on the property, and cannot have any logos, numbering, or other visible writing on the unit.
- (e) *Maintenance.* All portable storage units must be maintained to eliminate any rust on such units.
- (f) *Screening.* If a portable storage unit is adjacent to a Residential Zone, then such unit must have an 8-foot opaque fence or Type-C buffer zone to screen from public view.
- (g) *Setback.* All portable storage units must be setback ten (10) feet from a fence or property line.
- (h) *Height.* All portable storage units must have a maximum height of 114 inches, measured from natural grade ground level to the top of the container.

(D) Standards for Industrial Limited Uses.

(2) Portable Storage Unit.

- (a) *Permit.* All portable storage units shall require a building permit and inspection.
- (b) *Placement.* No portable storage unit shall be placed on a lot without being anchored to a hard-surfaced slab (concrete or asphalt), and properly anchored for its windstorm rating.

- (c) *Stacking.* No portable storage units shall be stacked on top of another portable storage unit.
- (d) *Paint.* All portable storage units must be painted with the same color scheme as the principal structure on the property, and cannot have any logos, numbering, or other visible writing on the unit.
- (e) *Maintenance.* All portable storage units must be maintained to eliminate any rust on such units.
- (f) *Screening.* If a portable storage unit is adjacent to a Residential Zone, then such unit must have an 8-foot opaque fence or Type-C buffer zone to screen from public view.
- (g) *Setback.* All portable storage units must be setback ten (10) feet from a fence or property line.
- (h) *Height.* All portable storage units must have a maximum height of 114 inches, measured from natural grade ground level to the top of the container.

(E) Standards for W-1 Waterfront- Resort/Marina Limited Uses.

(2) *Portable Storage Unit.*

- (a) *Permit.* All portable storage units shall require a building permit and inspection.
- (b) *Placement.* No portable storage unit shall be placed on a lot without being anchored to a hard-surfaced slab (concrete or asphalt), and properly anchored for its windstorm rating.

- (c) *Stacking.* No portable storage units shall be stacked on top of another portable storage unit.
- (d) *Paint.* All portable storage units must be painted with the same color scheme as the principal structure on the property, and cannot have any logos, numbering, or other visible writing on the unit.
- (e) *Maintenance.* All portable storage units must be maintained to eliminate any rust on such units.
- (f) *Screening.* If a portable storage unit is adjacent to a Residential Zone, then such unit must have an 8-foot opaque fence or Type-C buffer zone to screen from public view.
- (g) *Setback.* All portable storage units must be setback ten (10) feet from a fence or property line.”
- (h) *Height.* All portable storage units must have a maximum height of 114 inches, measured from natural grade ground level to the top of the container.

Section 5. Section 155.404 – Temporary Use Standards, specifically Table 155.404-1, Temporary Uses Standards, of the Code of Ordinances of the City is hereby amended by changing the Duration of Portable Storage Units to now read as follows:

“If used for construction or renovation, may remain in place for thirty (30) days after project completion. If used for another purpose, ten (10) days.”

Section 6. It is hereby declared to be the intention of the City Council that the sections,

paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgement or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

Section 7. All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

Section 8. Any person violating this section shall be guilty of a misdemeanor and upon conviction therefor, shall be fined not to exceed \$2000, and each day any such violation continues or occurs shall constituted a separate offense.

Section 9. This Ordinance shall take effect and be in force from and after the descriptive caption of this ordinance has been published twice in the Brazosport Facts.

READ, PASSED AND ADOPTED this ____ day of _____, 2023.

Brooks Bass, Mayor

ATTEST:

Betty Wells, City Secretary

APPROVED AS TO FORM ONLY:

David W. Olson, Interim City Attorney



City Council Agenda Item #14.

Title: Discussion and possible action to award a bid to the apparent low bidder for WWTP.

Date: October 16, 2023

From: Lance Petty, Assistant City Manager
Cathy Ezell, Finance Director

Staff Recommendation: Staff recommends awarding a bid to Wharton Smith (lowest bidder) for the replacement of the main Wastewater Treatment Plant Clarifier, after discussion regarding all the options, including additional funding options to complete the project.

Item Summary: On October 4, 2023, the City of Freeport received and opened sealed bids for the replacement of the main wastewater treatment plant. The City received (2) sealed bids for the project. Below are the results of the bids received:

Wharton Smith Base Bid -	\$13,744,500.00
Extra Work Items -	\$16,500.00
Total Bid -	\$13,761,000.00

Hassell Construction Group Base Bid -	\$15,986,500.00
Extra Work Items -	\$17,000.00
Total Bid -	\$16,003,500.00

The City has the following options for proceeding with the bids:

- Re-bid the project
- Reduce the Scope of the project and re-bid
- Award the bid and seek additional funding
- Reject the bids and reject the grant funding

Background Information: In October 2020, the City applied for a grant from the GLO for the replacement of the main wastewater treatment plant. At the time of application, the cost estimates for this project were estimated at 3-5 million dollars. The City of Freeport received

grant funding from the GLO in the amount of \$5,991,468, of which \$4,950,000 was budgeted for the construction of the new plant . After the completion of engineering, the City of Freeport received sealed bids on October 4, 2023. The lowest bid received was from Wharton Smith for the amount of \$13,761,000.00. If the City decides to move forward with the project, additional funding will be needed to complete this project due to an increase in materials from 2020 to 2023, that the City was unaware of.

Special Considerations: Additional funding will be needed to complete this project.

Financial Impact: No additional grant funding is available to fund the cost difference. The City will have to seek financing options to fund the cost difference of \$8,811,000.

Board or 3rd Party Recommendation: Freese and Nichols is very familiar with this contractor and, having reviewed the bids, recommend them for the project.

Supporting Documentation:

1. Freeport WWTP Bid Tabulation

Attachment A Bid Tabulation

Bid Tabulation	Main Wastewater Treatment Plant Package Plant Replacement				Bid Opening: October 4,2023		Wharton Smith		Hassell Construction Group	
Owner:	City of Freeport						17474 Opportunity Avenue Baton Rouge, LA 70817 225-754-0550		12522 Cutten Road Suite A Houston, TX 77066 281-813-2570	
Design Professional:	Freese and Nichols									
Prepared By:	David Hunn, PE									
Item No.	Reference Spec	Unit		Estimated Quantity	Unit Price	Extended Amount	Unit Price	Extended Amount		
Base Bid Items										
1	01 29 00	MOBILIZATION (MAX 3% OF BASE BID PRICE)	LS	1	\$ 380,000.00	\$ 380,000.00	\$ 360,000.00	\$ 360,000.00		
2	01 57 23	STORMWATER POLLUTION PREVENTION PLAN (SWPPP)	LS	1	\$ 22,000.00	\$ 22,000.00	\$ 7,000.00	\$ 7,000.00		
3	02 96 00	TEMPORARY BYPASS PUMPING	LS	1	\$ 35,000.00	\$ 35,000.00	\$ 20,000.00	\$ 20,000.00		
4	31 25 13.15	SODDING	SY	1,000	\$ 6.00	\$ 6,000.00	\$ 5.00	\$ 5,000.00		
5	32 92 13	HYDROMULCH SEEDING	SY	1,000	\$ 7.00	\$ 7,000.00	\$ 4.00	\$ 4,000.00		
6	33 01 01	YARD PIPING	LS	1	\$ 250,000.00	\$ 250,000.00	\$ 1,500,000.00	\$ 1,500,000.00		
7		GROUND WATER CONTROL FOR OPEN-CUT CONSTRUCTION (0-8' DEPTH)	LF	350	\$ 100.00	\$ 35,000.00	\$ 30.00	\$ 10,500.00		
8	32 91 19.13	SITEWORK	LS	1	\$ 180,000.00	\$ 180,000.00	\$ 2,340,000.00	\$ 2,340,000.00		
9	46 77 01	PACKAGE WWTP COMPLETE IN PLACE (STEEL TREATMENT UNIT)	LS	1	\$ 9,150,000.00	\$ 9,150,000.00	\$ 8,800,000.00	\$ 8,800,000.00		
10	03 30 00	WASTE ACTIVATED SLUDGE PUMP STATION COMPLETE IN PLACE	LS	1	\$ 140,000.00	\$ 140,000.00	\$ 90,000.00	\$ 90,000.00		
11	03 40 16	ELECTRICAL BUILDING, Electrical Equipment, and Electrical Distribution	LS	1	\$ 3,013,500.00	\$ 3,013,500.00	\$ 2,750,000.00	\$ 2,750,000.00		
12	31 23 33.14	TRENCH SAFETY SYSTEM	LF	1,000	\$ 6.00	\$ 6,000.00	\$ 30.00	\$ 30,000.00		
13	03 40 16	CHEMICAL STORAGE AND FEED FACILITY COMPLETE IN PLACE	LS	1	\$ 520,000.00	\$ 520,000.00	\$ 70,000.00	\$ 70,000.00		
		Subtotal Base Bid				\$ 13,744,500.00		\$ 15,986,500.00		

Attachment A Bid Tabulation

Bid Tabulation	Main Wastewater Treatment Plant Package Plant Replacement				Bid Opening: October 4,2023		Wharton Smith		Hassell Construction Group	
Owner:	City of Freeport						17474 Opportunity Avenue Baton Rouge, LA 70817 225-754-0550		12522 Cutten Road Suite A Houston, TX 77066 281-813-2570	
Design Professional:	Freese and Nichols									
Prepared By:	David Hunn, PE									
Item No.	Reference Spec	Unit		Estimated Quantity	Unit Price	Extended Amount	Unit Price	Extended Amount		
Alternate Bid No.1										
14	AWWA D100 Appendix 2	PACKAGE WWTP COMPLETE IN PLACE (CONCRETE TREATMENT UNIT)		LS	1	\$ -	\$ -	\$ -	\$ -	
		Subtotal Alternative Bid No.1					\$ -		\$ -	
Extra Work Items										
15	02 41 00	EXTRA HAND EXCAVATION		CY	50	\$ 100.00	\$ 5,000.00	\$ 150.00	\$ 7,500.00	
16	02 41 00	EXTRA MACHINE EXCAVATION		CY	50	\$ 25.00	\$ 1,250.00	\$ 50.00	\$ 2,500.00	
17	31 23 33	EXTRA CEMENT STABILIZED SAND		CY	50	\$ 65.00	\$ 3,250.00	\$ 80.00	\$ 4,000.00	
18	01 29 00	OBSTRUCTION REMOVAL BY EXCAVATION		EA	1	\$ 7,000.00	\$ 7,000.00	\$ 3,000.00	\$ 3,000.00	
		Subtotal Extra Unit Items					\$ 16,500.00		\$ 17,000.00	
TOTAL BID						\$ 13,744,500.00		\$ 15,986,500.00		

Yellow Cell Bid Offeror Math incorrect, Engineer correction



City Council Agenda Item #15.

Title: Consideration and possible action for a budget amendment to perform repairs needed at the Freeport Municipal Park Kitchen.

Date: October 16, 2023

From: Jerry Cain
George Matamoros

Staff Recommendation: Council members requesting this item recommend that funding be authorized to proceed with needed improvements to the kitchen at Freeport Municipal Park.

Item Summary: During the budget discussion, it was proposed to include funding in the budget to make necessary improvements to the Kitchen at Freeport Municipal Park behind the stage in the large pavilion. Improvements needed include:

- Type 1 Hood Vent with Fire Suppression System (installed and tested by licensed personnel)
- Commercial Grade appliances
- Prep Tables
- Hand washing sink
- Under-Sink Grease Trap
- Mop Sink
- Solid ceiling in kitchen area (drop ceiling with FRP tiles, or solid nonporous ceiling).
- Gas appliances, with gas lines to new equipment.
- Upgrading electrical service.
- Ventilation/Cooling system

It was estimated that these improvements could be made for approximately \$40,000.

If authorized at this meeting to proceed, staff will bring back a formal Budget Amendment to include this in the FY 2023/2024 budget.

Background Information: When the Fiscal year 2023/2024 Budget was approved, these improvements were NOT included, but at the time, Council expressed the desire to consider these improvements in the future.

This kitchen has not been able to be utilized because of code concerns for the last two years. It was generally only used a few times a year for major events like Super Feast, but has also been discussed as a resource that could be utilized during times of natural disasters to support the community. If improved, it could be rented out for public use for events at the large pavilion or Riverplace (which only has a small catering kitchen.)

Special Considerations: While the improvements will not be able to be completed by the Super Feast next month, accommodations will be able to be made for use of the kitchen for prep work not related to direct cooking.

At the EDC meeting this month, the EDC was asked about partnering with the city on these improvements, and gave affirmative consensus to provide for half the cost, up to \$20,000. This will have to be done as an EDC project, which will require them to conduct a public hearing before their approval, and have two readings before City Council prior to Council's approval of that EDC "*Project*".

Financial Impact: \$40,000 would be added to the expenses in the Facilities & Grounds Capital Improvement Fund, and may be able to be funded from existing reserves in that fund without impacting reserves of the General Fund.

Board or 3rd Party Recommendation: None

Supporting Documentation:
None

DPW
Monthly Report
October 2023



DPW Monthly Report October 2023

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DPW Monthly Report October 2023

Description

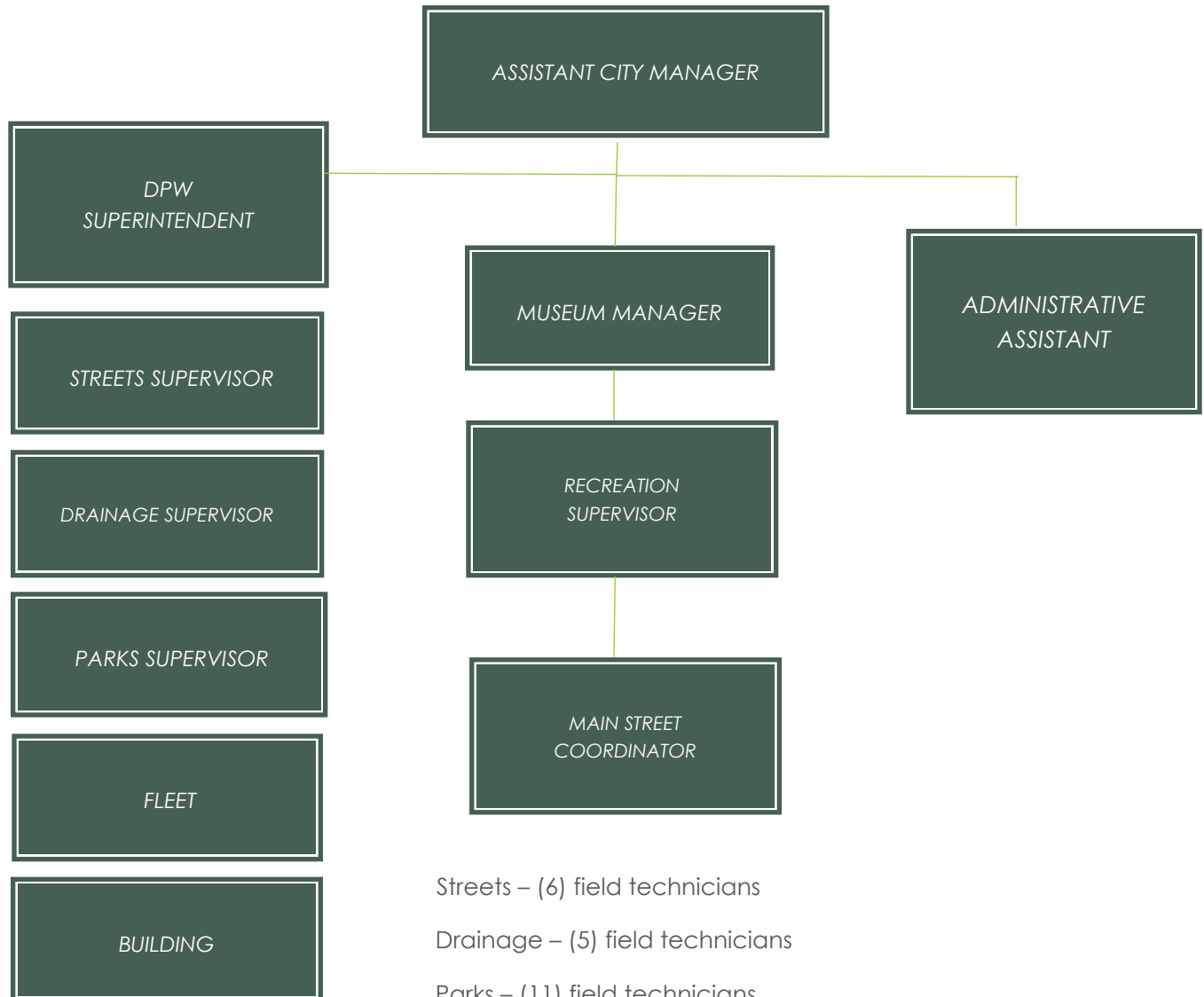
The DPW is administered by the Assistant City Manager. It is the responsibility of the department to successfully manage the City of Freeport infrastructure systems, City owned facilities, equipment, fleet, recreation and museum.

The department's mission and primary function is to provide a superior public service. In order to meet this goal, the operating function responsibilities of the department are assigned to eight groups. Each group is under the direction of a supervisor whose responsibilities include quality inspection, workload scheduling, contract management, and customer service. Each supervisor is responsible for coordinating the personnel and equipment resources of their respective divisions.

- Administration Division: under the Direction of the Assistant City Manager, this division manages the public works office, customer service, scheduling, reporting and public communication.
- Streets Division: Under the direction of the Streets Supervisor, this division provides street maintenance services to the community by pothole patching, curb, gutter and sidewalk repair and replacement of city streets and alleys. This division also provides sign maintenance which includes the installation and repair of roadway signs and the repair and maintenance of roadway markings within the city's right-of-way.
- Drainage Division: Under the direction of the Drainage Supervisor, this division is responsible for all repairs and maintenance of the city's stormwater collection system. This division also installs new culvert piping upon customer permitting.
- Parks Division: Under the direction of the Parks/Grounds/Facilities Supervisor, this division provides services to the community by conducting preservation and beautification of the City's parks, ball fields, building grounds and open spaces.
- Fleet Division: Under the direction of the Assistant City Manager, this division is responsible for all repairs and maintenance of the city's Fleet
- Building Maintenance Division: Under the direction of the Public Works Superintendent, this division provides services to the community by conducting preventative maintenance and repairs on all city property and buildings.
- Recreation Division: Under the direction of the Recreation Supervisor, this division provides services to the community through recreation, events and programs
- Museum Division: Under the Museum Manager, this division provides services to the community through museum, events and programs.

DPW Monthly Report October 2023

DPW Organizational Chart



Streets – (6) field technicians

Drainage – (5) field technicians

Parks – (11) field technicians

Fleet – (1) mechanic technician

Building – (1) lead technician

Museum – (1) assistant

Recreation – (1) event coordinator, (3) PT, (16) lifeguards

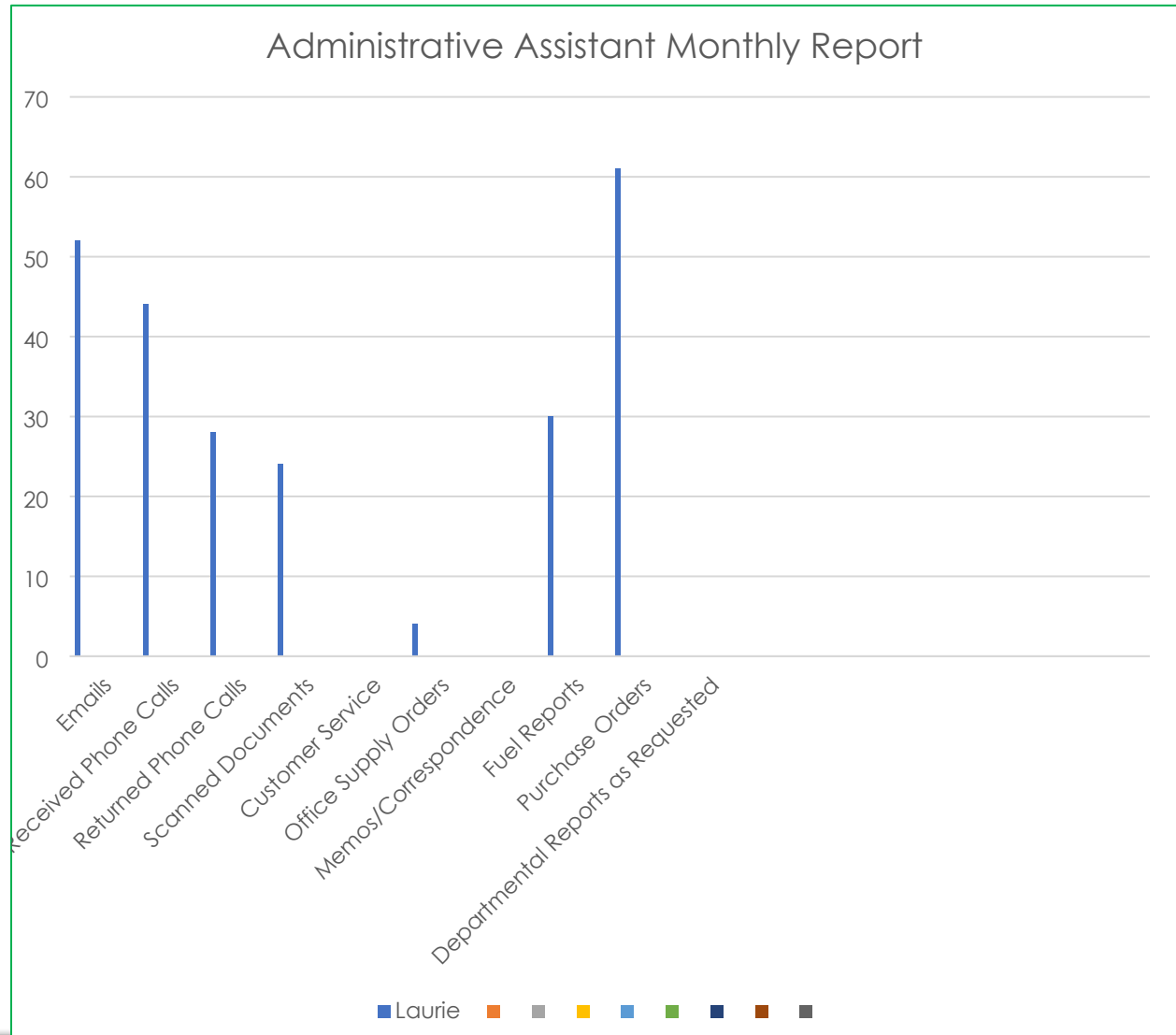
DPW Monthly Report October 2023

Administration Division:

under the Direction of the Assistant City Manager, this division manages the public works office, customer service, scheduling, reporting and public communication

Key Highlights This Month:

- Work Orders
- Expenditures



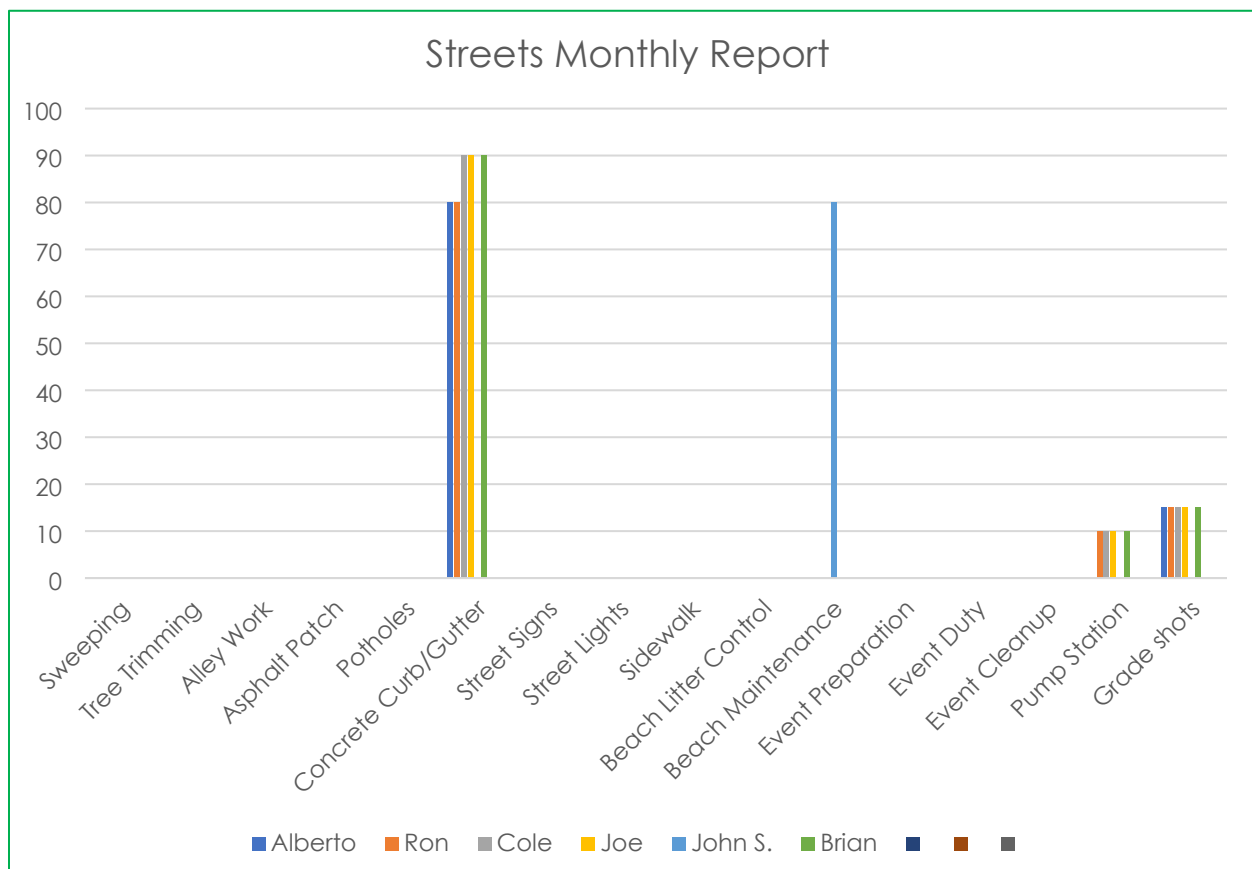
DPW Monthly Report October 2023

Streets Division:

Under the direction of the Streets Supervisor, this division provides street maintenance services to the community by pothole patching, curb, gutter and sidewalk repair and replacement of city streets and alleys. This division also provides sign maintenance which includes the installation and repair of roadway signs and the repair and maintenance of roadway markings within the city's right-of-way.

Key Highlights This Month:

- Street Sweeping
- Curb and Gutter replacement – Locust
- Saw Cuts for Veolia Water Leaks



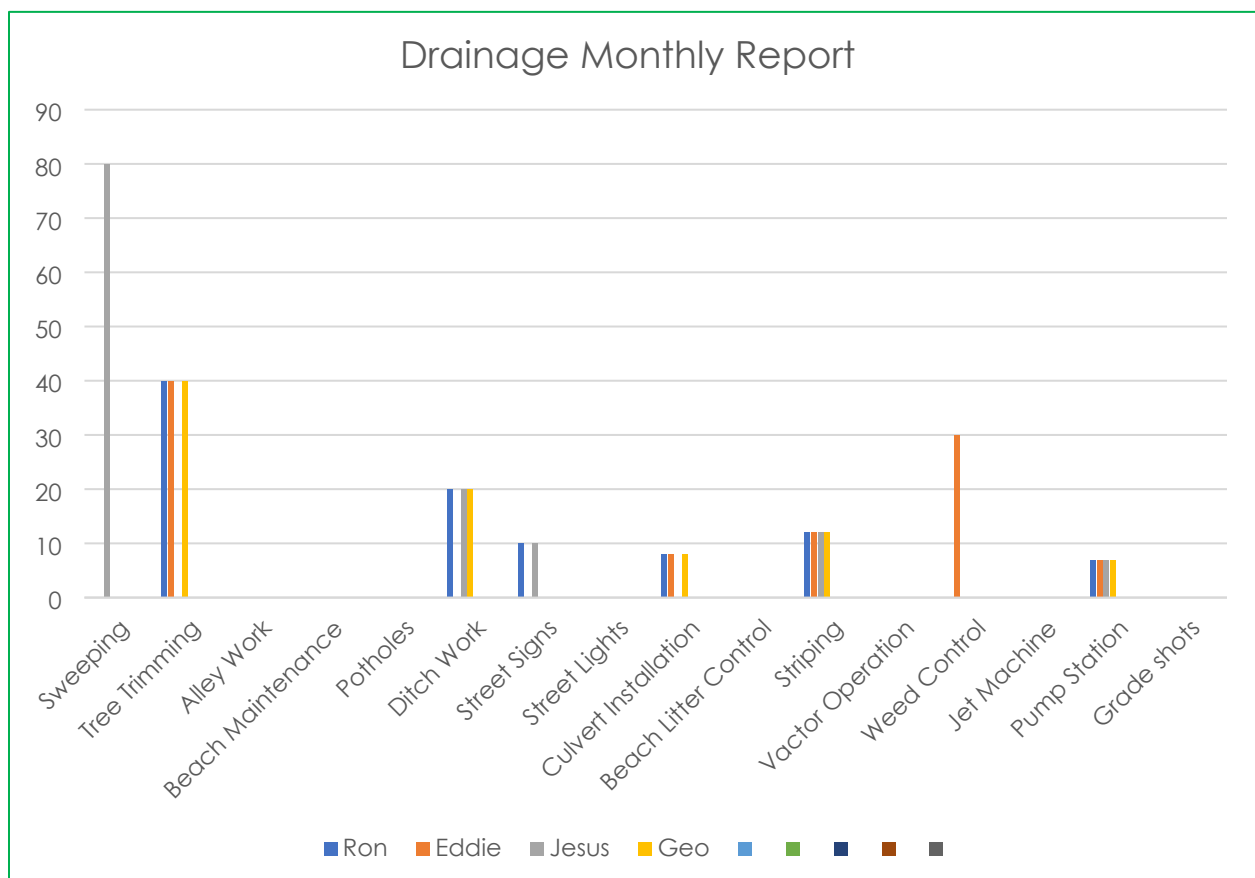
DPW Monthly Report October 2023

Drainage Division:

Under the direction of the Drainage Supervisor, this division is responsible for all repairs and maintenance of the city's stormwater collection system. This division also installs new culvert piping upon customer permitting.

Key Highlights This Month:

- Street Sweeping
- Mow/Weed Control all Wards
- Clean Inlets in all Wards

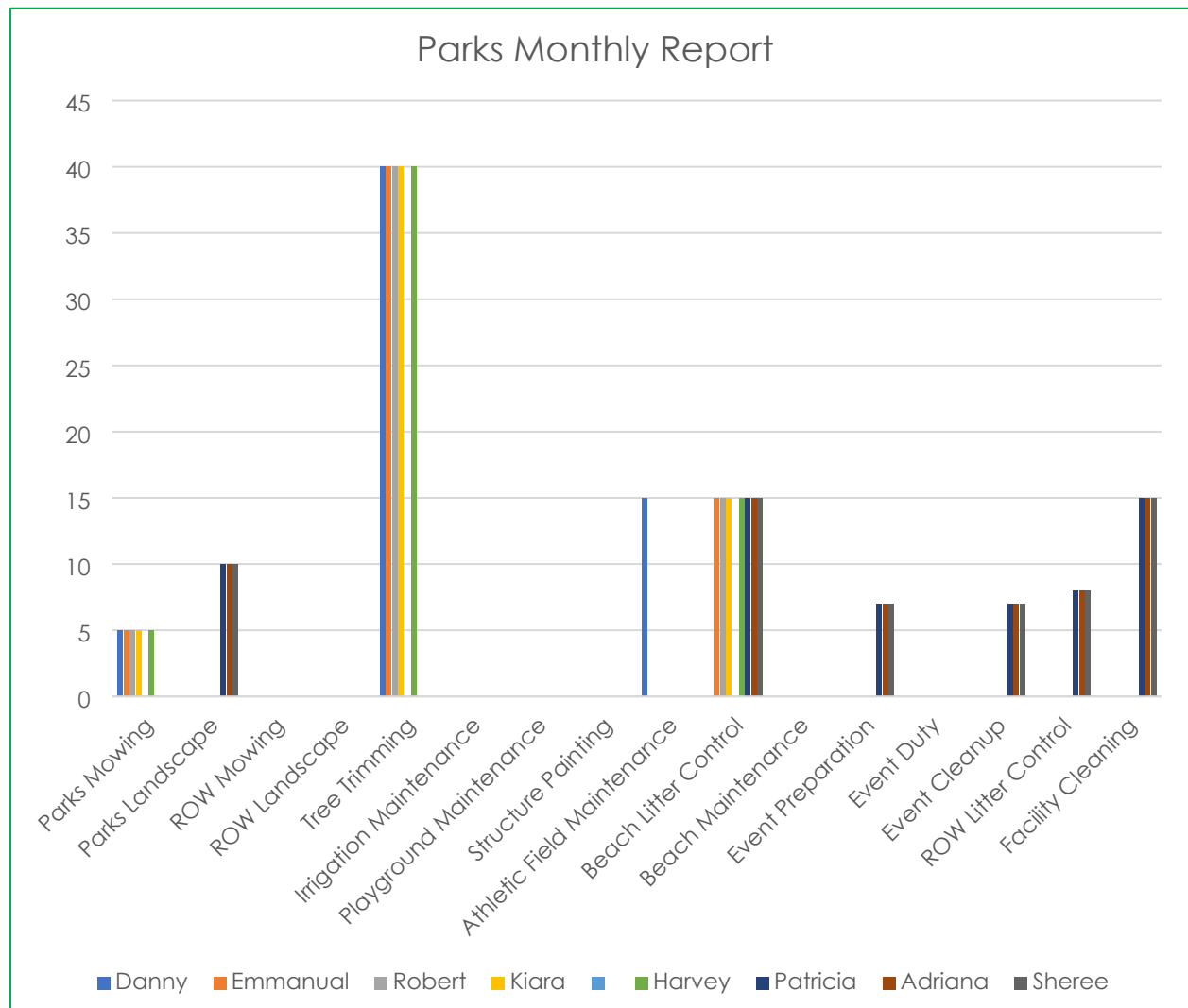


DPW Monthly Report October 2023

Parks Division:

Under the direction of the Parks/Grounds/Facilities Supervisor, this division provides services to the community by conducting preservation and beautification of the City's parks, ball fields, building grounds and open spaces.

- Park Maintenance (9)
- Athletic Field Maintenance (5)
- Tree Trimming



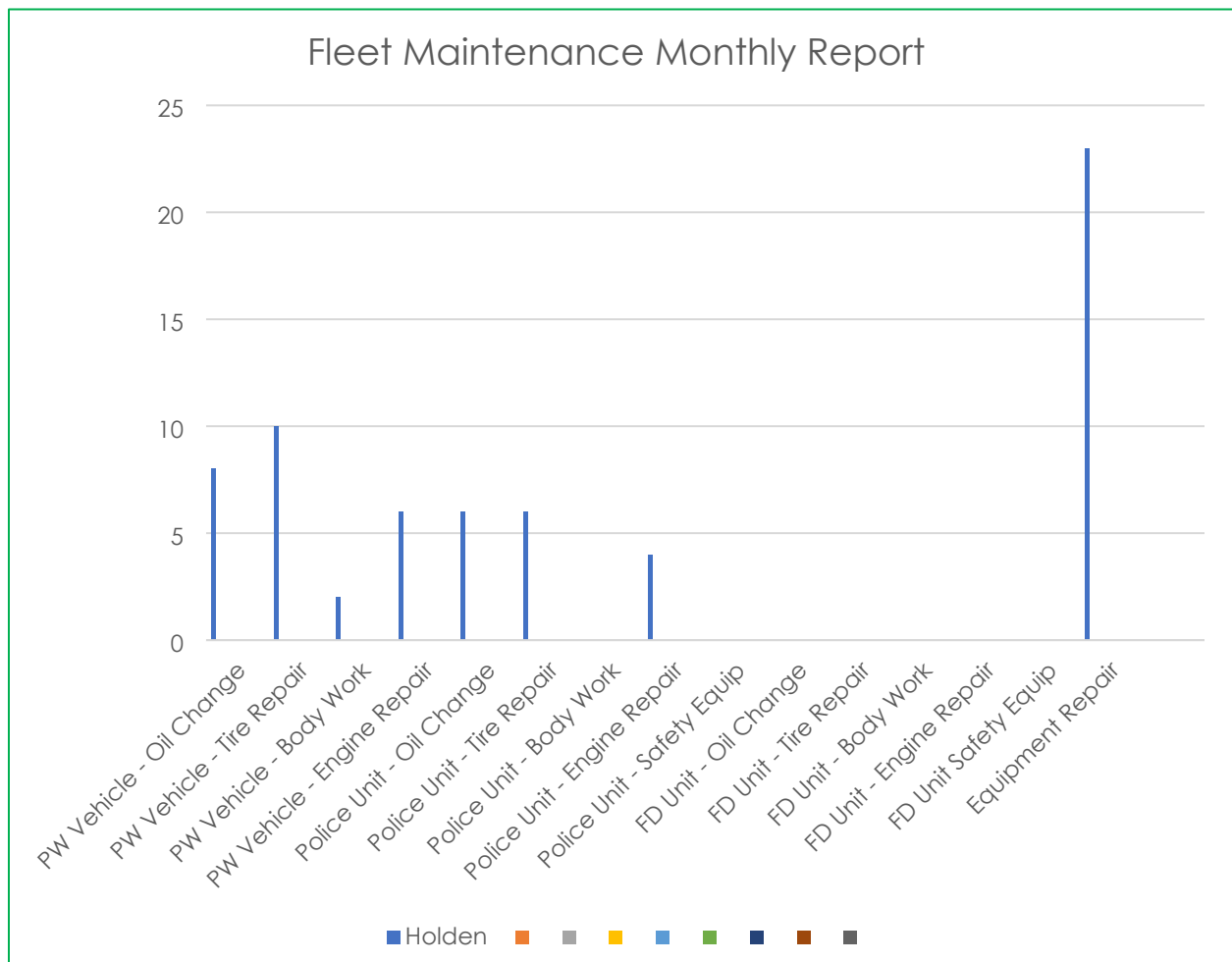
DPW Monthly Report October 2023

Fleet Division:

Under the direction of the Assistant City Manager, this division is responsible for all repairs and maintenance of the city's Fleet

Key Highlights This Month:

- Replace front brakes on unit 11
- Thermostat on unit 43
- Batteries on 5 yard



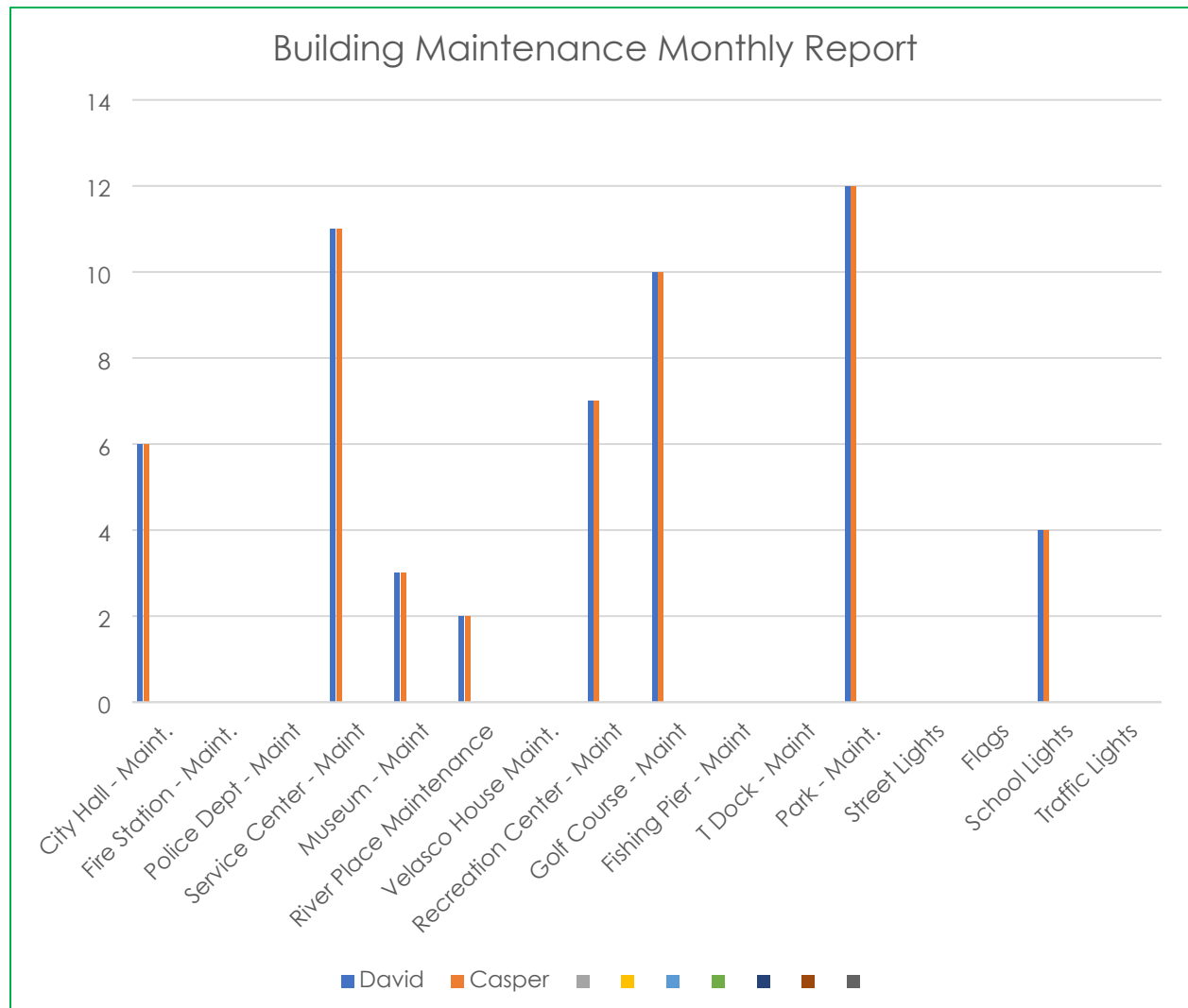
DPW Monthly Report October 2023

Building Maintenance Division:

Under the direction of the Public Works Superintendent, this division provides services to the community by conducting preventative maintenance and repairs on all city property and buildings.

Key Highlights This Month:

- Water Leak at FS 2
- Install water fountain at Recreation Center
- Paint Interior of Club House @ Golf Course



DPW Monthly Report October 2023

Recreation Division:

Under the direction of the Recreation Supervisor, this division provides services to the community through recreation, events and programs

- Seniors Day & Commissions Meeting- September 18th (Every 3rd Monday of the month)
- Staff Updates- We are fully staffed
- Current Programming- We have one Zumba instructor that has class 8:30- 9:30 a.m. on Mondays and Wednesdays and 10- 11am on Saturdays and 6- 7 p.m. on Mondays, Wednesdays and Fridays.
- Programs & Events- Fright Night- October 26, 2023



Facebook Data:

- August 2023 – 3548 people like the Freeport Recreation Page
- August 2023 – 3879 people follow the Freeport Recreation Page

Revenue:

- Adult Daily Pass \$190.00
- Child Daily Pass \$1
- Senior Daily Pass \$39.00
- Student Daily Pass \$30.00

Attendance:

- Monthly Membership Family 6
- Monthly Membership Individual 245
- Monthly Membership Senior 120
- Monthly Memberships Youth 10
- City Employees 11

DPW Monthly Report October 2023

• No. hrs. sports field used	4
• Facility rental revenue	\$12,175.00
• Total No. hrs. of use for non-revenue rentals	32 hrs.
• Facility rentals	22
• Sports field rentals	4
• Total No. of contract classes	22
• No. of events co-sponsored by department	1
• No. of non-profit services at park facilities at no cost for rental	1

DPW Monthly Report October 2023

Museum Division:

Under the Museum Manager, this division provides services to the community through museum, events and programs.

September 2023 Notes: With school underway, visitation to the museum was slow. Wade finished the research and design for the last five interpretive panels for the museum, visiting with Freeport Welding and speaking with other industry leaders. Maintenance staff members David and Casper repainted the museum lobby's ceiling and walls to be more inviting. Wade and Rene rearranged the space. Texas Navy Day was held on Saturday, September 16th. Guest speakers Andy Hall, Derrick Birdsall, and Peter Rindlisbacher shared their knowledge of maritime Texas history with the public. Food was provided. The Facts covered the event. Wade and Rene immediately began prepping the space for the Dia de Los Muertos Exhibition and Haunting Tales of The Texas Coast Exhibit for an October 2nd opening. Wade installed interpretive panels pertaining to the Freeport Shrimping Industry and Hurricane Carla. Rene assisted Wade in moving heavy nautical instruments into their new positions within the second half of the museum. Plans are underway for a Texas Archeology Month activity in October.

• Total No. of volunteers	0
• No. of visitors	58
• Museum projects improved	1
• No. of hrs. theatre used	2
• No. of programs offered	4
• No. of events co-sponsored	1
• No. of non-profit organizations	1

Museum programs for 2023:

- Freeport History Day
- Slavery in Brazoria County
- Dinosaur George
- Shark Exhibit
- Fort Velasco Day



MAIN STREET

FREEPORT

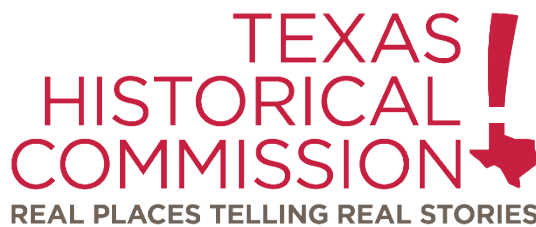
Ana Silbas, Main Street Coordinator

Freeport Main Street

Our Mission

The mission of the Freeport Main Street Program is to economically revitalize and historically preserve the downtown area to foster an environment which celebrates our rich history and diversity and offers economic, social and cultural opportunities.

Freeport Main Street is an affiliate community of the Texas Main Street Program, under the Community Heritage Development Division of the Texas Historical Commission and Main Street America.



1 Continue to Build Partnerships through Community Outreach

With Freeport Main Street in the Catalyst Phase (First Three Years), it is vital to continue the process of building relationships with residents, local corporations, civic organizations, community leaders and local and regional economic development partners.

2 The Four Point Main Street Approach

The work of Freeport Main Street is driven by the Four Point Main Street Approach, which focuses on design, organization, promotion and economic vitality.

3 The Main Street American Evaluation Framework

In order to continue the growth of Freeport Main Street, there are six standards to guide the historic preservation and economic revitalization of Downtown Freeport, which include:

I. Broad-Based Community Commitment to Revitalization

II. Inclusive Leadership and Organizational Capacity

III. Diversified Funding and Sustainable Program Operations

IV. Strategy-Driven Programming

V. Preservation-Based Economic Development

VI. Demonstrated Impact and Results

2023 September Impact

Events Attended

HGAC: Elements of Placemaking Beyond Aesthetics-September 14th

The Houston- Galveston Area Council hosted a Livable Centers Workshop entitled: *Elements of Placemaking Beyond Aesthetics*. This workshop covered topics related to Livable Center projects within the region, safety, economic development, wayfinding, branding and environmental impact. The presentations given by the City of Angleton, East End District, Near Northwest Management District, East Aldine District and UltraBarrio, provided valuable information on the successes and challenges associated with community development and revitalization.

Día de Los Muertos Planning Meeting -September 20th

Día de Los Muertos: A Month of Remembrance is a joint partnership between several community organizations which includes the Brazoria County Library System, Brazoria County Hispanic Chamber of Commerce, Brazoria County Historical Museum, Freeport Historical Museum, Freeport Main Street, Lake Jackson Museum and the Center for the Arts & Sciences to host county-wide Día de Los Muertos community events. Freeport Main Street will host a community procession on All Souls Day -- November 2, 2023, which will also include live entertainment, food and fellowship.

Brazoria County Business Expo-September 26th

Main Street Coordinator attended the Brazoria County Business Expo hosted by the Brazoria County Hispanic Chamber of Commerce, in partnership with the Freeport Economic Development Corporation. This event provided an opportunity to connect with businesses, agencies and vendors in attendance and listen to the success stories from local business owners. Main Street Board Member Irene Ocañas and her fellow Texas Gulf Bank, N.A. colleague presented on Small Business Lending.

Meetings

Texas Main Street Meeting with Assistant State Coordinator- September 7th

Freeport Main Street Coordinator met with the Texas Main Street Assistant State Coordinator, Community Liaison and Architect & Design Lead to discuss the Freeport Main Street Program and special projects, including development of design guidelines and a comprehensive downtown plan.

DPW Monthly Report October 2023

Main Street Board Training Meeting with Sarah O'Brien- September 12th

Main Street Coordinator and Sarah O'Brien met to discuss pre-training board survey results in preparation for the Freeport Historical Commission and Main Street Advisory Board Training. The survey results provided information on the overall knowledge of Texas Main Street & Main Street America, board member characteristics, community support and areas of improvement to increase the impact of Freeport Main Street.

Freeport Economic Development Corporation Meeting-September 12th

Main Street Coordinator presented to the Freeport Economic Development Corporation a potential special project in partnership with The University of Texas at San Antonio (UTSA). The project consists of the development of design guidelines and a comprehensive downtown plan by the UTSA Center for Urban and Regional Planning Research.

Freeport Historical Commission & Main Street Advisory Board Training-September 21st

The Freeport Historical Commission & Main Street Advisory Board met for a board training facilitated by Sarah O'Brien. The purpose of this training was to equip board members, subcommittee members and community leaders with clearly defined expectations and insight into programmatic board duties and responsibilities, provide a fundamental understanding of the national main street framework, guiding principles and transformation strategies and enhance leadership capacity, while cultivating a sustainable support system to achieve program accreditation.

Projects

Building Inventory

Main Street Coordinator is currently working on the creation of a Downtown Building Inventory through a compilation of data from the Brazoria County Appraisal District and documentation collected by N.C. "Nat" Hickey.

Friends of Freeport Main Street

Main Street Coordinator is currently working on the creation of Friends of Freeport Main Street. The purpose of this program is to serve as a community outreach initiative to engage community stakeholders in the revitalization efforts of Historic Downtown Freeport.

Downtown Survey

The Economic Vitality Subcommittee and the Main Street Coordinator are working together to develop a downtown survey to gain a better understanding of what amenities residents would like to see downtown and insight into the needs of downtown business owners.

Historic Design Guidelines and A Comprehensive Downtown Plan

The Design Subcommittee and the Main Street Coordinator are working together on the Historic Design Guidelines project with Ian Caine and the UTSA Center for Urban and Regional Planning Research. The Main Street Office has received a draft proposal outlining project scope related to the development of design guidelines with the option to add a comprehensive downtown plan.

DPW Monthly Report October 2023

Fall Market

Freeport Main Street's Fall Market is set for October 28, 2023 from 11AM-4PM in downtown. Main Street Coordinator is seeking craft and food vendors for this event, in addition to including special activities and music for a day of family-fun. Currently, there is a total of 17 vendors.

Día de Los Muertos Procession

Freeport Main Street's Día de Los Muertos Procession is set for November 2, 2023 from 6pm-9pm in downtown. Main Street Coordinator is seeking food and cultural item vendors for this event. There will be a community procession to honor our loved ones and a live mariachi performance.

NexTrex Community Recycling Challenge

As part of beautification and sustainability efforts, the Freeport Main Street Program is seeking the help of residents to help earn benches for downtown through a recycling collection program. The goal of the program is to collect 1,000 lbs. of plastic within a one-year time period to earn a Trex bench. The Brazosport Breakfast Lions Club has agreed to partner with Freeport Main Street for this community initiative.



Human Resources Monthly Report

Date: October 6, 2023

HR TEAM: Donna Fisher

HR Services Team Priorities and Results for September 2023:

- **Welcomes and Well-wishes:**
 - **We are excited to welcome:**
 - **Peyton Calhoun – Part-time Range Attendant – Golf Course**
 - **Stephen Davis – Firefighter/EMT – Fire Department**
 - **Joshua Horsch – Part-time Range Attendant – Golf Course**
 - **Tammi Kellar – Accounts Payable/Payroll Clerk – Finance Department**
 - **Geovannie Urrabas – Maintenance Technician – Street Department**
 - **Darius Woodard-Smith – Patrol Officer – Police Department**
- **Training/Coaching/Performance Improvement:**
 - **Performance Issues Addressed:** We had one (1) employee termination for performance this month.
- **Employee Turnover/Recruiting/Hiring Progress:**
 - **Employee Turnover:** We had seven (7) employee separations in September. One employee from the Golf Course, two employees from the Fire Department, one employee from the Finance Department, one employee from the Police Department and two employees from Public Works
 - **Internal Transfers/Promotions:** None.
 - **Recruiting:** Active recruiting searches include:
 - Part-time EMT
 - Firefighter/EMT – Full and Part Time
 - Part-time Crossing Guard
 - Police Officer
 - Maintenance Technician – Street Department
 - Telecommunications Officer (Dispatch) – Police Department
 - Utility Operations Manager – Public Works
 - Groundskeeper – Golf Course
 - Maintenance Technician – Parks Department
 - **Recruiting Sources** include: City website, The Facts Online, Texas Municipal League, Strategic Government Resources, Workforce Solutions, Industry-specific organizations, Community College programs for maintenance and Police, social media, and networking.

- **Risk Management and Insurance Updates:**

- **Unemployment Claims:** We had zero (0) unemployment appeals during the month of September. We have won one (1) unemployment appeal case this calendar year (Jan.- December). The City's account will not be charged for this unemployment claim.
- **Workers Compensation Claims:** We had two (2) active Workers Comp. claim in September.
- **Family & Medical Leave Cases (FMLA)-** We had two (2) active FMLA cases in September.
- **Employee Benefits:** Open Enrollment ended on September 15, with all changes entered into the respective portals
- **Training/Development:** We held a group training on Sexual Harassment for Managers on September 27.

Priorities for September:

- **Employee Benefits** – Verify that all benefits changes made during open enrollment are reflected on carrier invoices and payroll system. Enter all salary updates in payroll system
- **Training/Development** – Hold annual safety training for Public Works employees led by Manny Trejo from TML.

Monthly Golf Course Report September 2023

We finished our fiscal year off with an absolute bang. Highest revenue for any given month during any given fiscal year at \$111,495 for the month of September. This wrapped up a fiscal year that saw us bring in over \$950,000.00 in revenue for the year. Some of the other highlights we saw were as follows...

Highest rounds of golf played in a fiscal year (30,846 visits this year, great for tourism)

Best yearly turnout for outside fundraising tournaments(Huge thanks to our local businesses and schools)

Highest practice facility revenue for a fiscal year (\$28,000)

Highest rounds of golf played in our youth program (over 1000 rounds).

I can not thank my entire staff enough for these amazing feats, especially while doing this understaffed. For the small maintenance budget we are given the course has been in really good shape and word continues to get out on the conditions especially with our affordable pricing. Cart paths are still a problem and have gotten worse after the drought.

I still feel without growing the proshop for additional merchandise sales and a grill to grow our prep food and drink revenue, we will face the challenge of being a profitable course, which is rare for a muni course to do, but we are very close. I also strongly feel if we completed the pavilion to add a restroom and ac, we could rent it out for additional revenue.

Thank you

Brian

Golf Course Goals vs Actuals 2022-2023

Goal

Category	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Totals
Green Fee	14,000	12,000	13,000	10,000	10,000	16,000	18,000	18,000	17,000	16,000	13,000	13,000	170,000
Rec(taxable)	0	0	0	0	0	0	0	0	0	0	0	0	0
Golf Cart	8,000	8,000	6,000	6,000	5,000	7,000	10,000	11,000	11,000	10,000	9,000	9,000	100,000
Merchandise	11,000	11,000	12,000	10,000	10,000	15,000	20,000	19,000	18,000	16,000	13,000	13,000	168,000
Prep Food	550	650	400	500	400	800	1,100	1,200	1,200	750	750	700	9,000
Beer Sales	6,000	7,000	7,000	5,000	3,000	7,000	9,000	9,000	8,000	7,000	6,000	6,000	80,000
Drinks/Chips	2,500	2,000	1,500	1,500	1,500	2,000	3,500	3,500	3,000	3,000	3,000	3,000	30,000
Memberships	8,000	8,000	8,000	8,000	7,000	8,000	8,000	8,000	8,000	8,000	8,000	8,000	95,000
Total	\$50,050	\$48,650	\$47,900	\$41,000	\$36,900	\$55,800	\$69,600	\$69,700	\$66,200	\$60,750	\$52,750	\$52,700	\$652,000

Actual

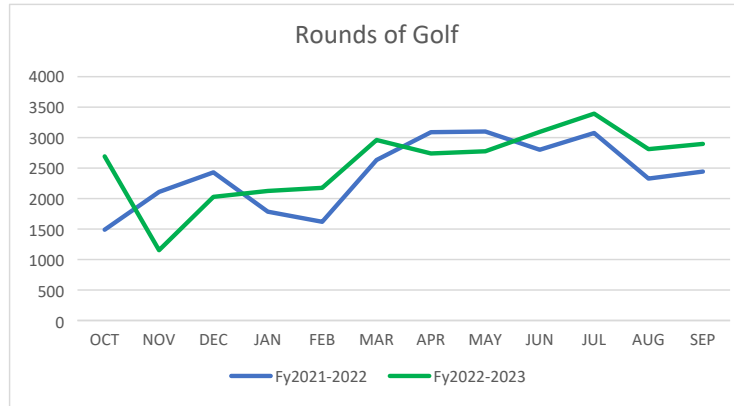
Category	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Totals
Green Fee	25,233	8,835	13,854	23,431	19,742	28,061	33,171	29,641	31,959	33,549	25,936	49,406	322,818
Rec(taxable)	0	0	0	0	0	0	0	0	0	0	0	0	0
Golf Cart	11,864	5,066	8,021	8,567	9,249	12,140	10,565	10,618	13,531	15,135	12,276	13,386	130,417
Merchandise	15,283	6,623	9,337	10,781	13,225	22,171	18,872	18,916	21,578	17,986	22,220	16,381	193,373
Prep Food	952	390	839	885	883	1,267	3,650	1,577	1,243	1,229	1,088	3,632	17,634
Beer Sales	9,311	3,189	5,716	5,874	6,204	9,174	9,571	8,617	10,871	10,118	9,191	10,802	98,638
Drinks/Chips	3,499	1,390	2,431	2,293	2,990	4,476	4,014	4,852	6,234	7,128	6,101	5,448	50,855
Memberships	10,450	7,890	13,733	9,927	10,278	14,601	14,066	11,939	13,572	11,064	11,231	12,441	141,193
Total	\$76,592	\$33,384	\$53,931	\$61,757	\$62,570	\$91,891	\$93,909	\$86,160	\$98,988	\$96,210	\$88,042	\$111,496	\$954,928

Over/Under	\$26,542	-\$15,266	\$6,031	\$20,757	\$25,670	\$36,091	\$24,309	\$16,460	\$32,788	\$35,460	\$35,292	\$58,796	\$302,930
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Rounds of Golf

Month	Fy2021-2022	Fy2022-2023
OCT	1489	2692
NOV	2109	1153
DEC	2430	2028
JAN	1785	2125
FEB	1619	2176
MAR	2633	2961
APR	3089	2740
MAY	3100	2776
JUN	2801	3094
JUL	3076	3393
AUG	2328	2811
SEP	2443	2897

28902 30846



Memberships

Month	FY2021-2022	FY2022-2023
OCT	179	194
NOV	171	184
DEC	172	186
JAN	158	174
FEB	160	178
MAR	163	195
APR	178	192
MAY	191	196
JUN	201	186
JUL	200	162
AUG	199	183
SEP	198	187



Revune for the fiscal years

	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-2021	2021-2022	2022-2023
October	\$ 47,009.00	\$ 38,020.00	\$ 44,541.00	\$ 42,949.00	\$ 40,175.00	\$ 50,996.00	\$ 41,662.00	\$ 40,670.00	\$ 34,325.00	\$ 35,953.00	\$ 33,172.00	\$ 40,639.00	\$ 27,027.00	\$ 34,039.00	\$ 42,407.50	\$ 62,202.91	\$ 51,147.84	\$ 76,592.04
November	\$ 27,799.00	\$ 33,807.00	\$ 33,020.00	\$ 44,707.00	\$ 39,303.00	\$ 36,034.00	\$ 42,510.00	\$ 44,313.00	\$ 28,636.00	\$ 26,980.00	\$ 19,944.00	\$ 31,995.00	\$ 30,448.00	\$ 23,229.00	\$ 43,338.77	\$ 64,634.00	\$ 56,586.76	\$ 33,383.62
December	\$ 34,148.00	\$ 25,466.00	\$ 37,308.00	\$ 36,530.00	\$ 20,950.00	\$ 35,136.00	\$ 31,312.00	\$ 32,256.00	\$ 29,786.00	\$ 29,645.00	\$ 26,178.00	\$ 24,651.00	\$ 20,856.00	\$ 40,933.00	\$ 48,990.47	\$ 56,927.48	\$ 62,544.32	\$ 53,930.64
January	\$ 38,163.00	\$ 19,599.00	\$ 23,783.00	\$ 40,207.00	\$ 21,224.00	\$ 27,521.00	\$ 49,248.00	\$ 25,563.00	\$ 37,898.00	\$ 20,982.00	\$ 36,242.00	\$ 57,636.00	\$ 30,342.00	\$ 30,229.00	\$ 23,365.55	\$ 56,651.51	\$ 47,116.31	\$ 61,756.57
February	\$ 29,092.00	\$ 31,360.00	\$ 29,207.00	\$ 40,299.00	\$ 16,893.00	\$ 32,118.00	\$ 27,440.00	\$ 36,248.00	\$ 32,762.00	\$ 31,605.00	\$ 30,448.00	\$ 30,449.00	\$ 21,772.00	\$ 26,749.00	\$ 37,454.31	\$ 41,451.22	\$ 49,126.05	\$ 62,570.03
March	\$ 44,484.00	\$ 50,244.00	\$ 45,181.00	\$ 51,193.00	\$ 52,873.00	\$ 64,305.00	\$ 39,994.00	\$ 58,128.00	\$ 44,011.00	\$ 29,929.00	\$ 34,261.00	\$ 39,413.00	\$ 52,056.00	\$ 52,147.00	\$ 56,303.83	\$ 67,691.37	\$ 69,982.06	\$ 91,891.25
April	\$ 52,898.00	\$ 44,170.00	\$ 54,841.00	\$ 60,003.00	\$ 58,698.00	\$ 57,655.00	\$ 57,937.00	\$ 46,802.00	\$ 51,866.00	\$ 33,553.00	\$ 28,234.00	\$ 58,911.00	\$ 60,713.00	\$ 82,079.00	\$ 13,723.75	\$ 75,786.66	\$ 93,650.43	\$ 93,909.09
May	\$ 49,583.00	\$ 50,784.00	\$ 59,984.00	\$ 65,535.00	\$ 46,083.00	\$ 53,246.00	\$ 57,607.00	\$ 51,940.00	\$ 56,256.00	\$ 48,499.00	\$ 30,164.00	\$ 50,065.00	\$ 57,692.00	\$ 62,730.00	\$ 28,942.99	\$ 58,401.78	\$ 92,185.04	\$ 86,160.24
June	\$ 38,039.00	\$ 52,831.00	\$ 65,674.00	\$ 62,065.00	\$ 59,492.00	\$ 59,357.00	\$ 61,151.00	\$ 55,923.00	\$ 48,913.00	\$ 26,082.00	\$ 8,162.00	\$ 37,417.00	\$ 53,075.00	\$ 58,322.00	\$ 62,154.13	\$ 63,469.78	\$ 80,131.95	\$ 98,988.23
July	\$ 40,396.00	\$ 35,250.00	\$ 58,329.00	\$ 62,141.00	\$ 40,405.00	\$ 52,427.00	\$ 50,465.00	\$ 50,193.00	\$ 44,700.00	\$ 43,387.00	\$ 36,186.00	\$ 37,656.00	\$ 52,448.00	\$ 69,071.00	\$ 50,746.13	\$ 57,641.43	\$ 81,808.90	\$ 96,200.29
August	\$ 40,352.00	\$ 41,420.00	\$ 38,504.00	\$ 63,134.00	\$ 48,395.00	\$ 44,385.00	\$ 45,158.00	\$ 48,075.00	\$ 46,545.00	\$ 43,727.00	\$ 30,306.00	\$ 23,868.00	\$ 58,221.00	\$ 67,005.00	\$ 58,155.52	\$ 57,091.00	\$ 59,695.18	\$ 88,042.38
September	\$ 35,529.00	\$ 37,527.00	\$ 23,756.00	\$ 49,098.00	\$ 41,066.00	\$ 44,276.00	\$ 42,282.00	\$ 34,895.00	\$ 25,984.00	\$ 21,813.00	\$ 26,082.00	\$ 2,160.00	\$ 15,674.00	\$ 38,567.00	\$ 57,786.23	\$ 45,708.61	\$ 68,991.57	\$ 111,495.89
Total	\$ 477,492.00	\$ 460,478.00	\$ 514,128.00	\$ 617,861.00	\$ 485,557.00	\$ 557,456.00	\$ 546,766.00	\$ 525,006.00	\$ 481,682.00	\$ 392,155.00	\$ 339,379.00	\$ 434,860.00	\$ 480,324.00	\$ 585,100.00	\$ 523,369.18	\$ 707,657.75	\$ 812,966.41	\$ 954,920.27



CITY OF FREEPORT
FREEPORT FIRE & EMS DEPARTMENT

*131 East 4th Street
Freeport, Texas 77541
Phone (979) 233-2111
Fax (979) 233-4103*

Christopher Motley
Chief / EMC

Mike Praslicka
Deputy Chief
EMS Coordinator

Micheal Dumas
Deputy Chief
Fire Marshal

To: Mr. Kelty, City Manager

From: Christopher D. Motley, Fire Chief

Date: October 16, 2023

Re: September 2023

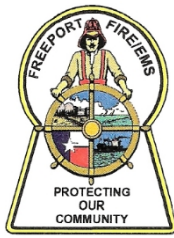
Response alarms: Fire - 20
 EMS - 213
 Total - 233

Significant Events: Air Ambulance transport: 3
 Request mutual aid into the city EMS response: 3 FIRE 0
 Mutual aid given to other cities to cover EMS response: 4 FIRE 1
 Two EMS units working calls at the same time: 31
 Three working EMS alarms: 3
 Four working EMS alarms: 0
 Five working EMS alarms: 0
 Transport rate: 65%

Infrastructure: Fire Station #1 Driveway repair: No update.
 Station #2: Addressing site plan and utilities
 CenterPoint Power approved new utilities.
 Station #2 RFP-Engine Apparatus Building New Construction
 Station #2 Modular Building award HGAC Contract

Emergency Management: Preparing emergency management response to natural disasters.
 iPAWS training and renewal agreement in progress
 FEMA Alert & Warning Meeting-Webinar
 Everbridge update services to include social media and website
 update at time of notification.
 Implementing Response Group software for EOC and infield
 response.

Visit us online at www.freeport.tx.us
facebook.com/FreeportFire
fire@freeport.tx.us



CITY OF FREEPORT
FREEPORT FIRE & EMS DEPARTMENT

131 East 4th Street
Freeport, Texas 77541
Phone (979) 233-2111
Fax (979) 233-4103

Christopher Motley
Chief / EMC

Mike Praslicka
Deputy Chief
EMS Coordinator

Micheal Dumas
Deputy Chief
Fire Marshal

<u>Mitigation Grants:</u>	Reviewing mitigation projects for the City of Freeport.
<u>Grants:</u>	FEMA AFG Radios: Award \$213,000.00 present to City Council for approval. Passed. DHS requires a civil rights policy for any grants awarded. Completed and submitted the policy for review. Pending approval.
<u>Personnel:</u>	<u>Staffing:</u> Fire Fighter Vacancy: Three (Full-time) Fire Fighter Vacancy: Three (Part-time) EMS Vacancy: Five (Part-time). Employee testing: Scheduled 0, Tested: 0, No Show: 0 Interviews: One Backgrounds complete: One Job Offers: One Resignation: One Challenge is applicants submit incomplete applications, passing physical agility test, and cognitive test.
<u>Training Employees:</u>	TEEX Pipeline firefighting: Botello, Cagle, Bontempo.
<u>EMS Proctor:</u>	None
<u>Injuries:</u>	Firefighter/EMTB ankle injury off duty.
<u>Events:</u>	Brazoria County Firefighter Association, Fire Field Committee Brazoria County Firefighter Association Fire Field -Building Design Brazosport Marine Action Team Marine Firefighting and ROR vessels FEMA Civil Rights: webinar
<u>Prevention:</u>	Council Chambers are sanitized by staff prior to each council meeting.
<u>Public Relations:</u>	National Night Out – PD/FD Planning Homecoming Parade Homecoming Bonfire
<u>Announcements:</u>	N/A

Visit us online at www.freeport.tx.us
facebook.com/FreeportFire
fire@freeport.tx.us

Information Technology

Monthly Report

September 2023

- Improved Monthly Report information
- Digital Scanning now fully implemented for all city
- Citizen Serve active and processing permits and resident reporting
- Improved emergency phones for PD elevators
- Automated Facebook and Website Emergency and informational posting.
- Upgraded Redundant cellular backup networks
- Wireless Network beamed to Golf Pavilion for events
- Set City-wide maintenance window schedule for auto patching and security upgrades

Upcoming Projects:

- Overhaul of all City administration account access and Remote support assistance features.
- Asset Management and tracking
- Replacement Computers for Fire Department
- Multiple Cellular options for full city coverage for mobile devices
- Options for full city connectivity under 1 network (will remove need for multiple firewalls and ISP contracts)
- Court Doc digital scanning system
- Secure Wireless Traffic and MDM Appliances
- Physical security upgrades for RiverPlace.
- Website re-designs





Closed Ticket 31 days by Category

Description:

Category: Service Desk

Server Hostname: support.0cwrseesmgcerdzoaboqdri0wg.bx.internal.cloudapp.net

Generated: 10/01/2023 01:00:26

1 row: Category: Hardware::Accessories (Mouse/Keyboard/Speakers/Etc)::Speakers

1 row: Category: Hardware::Phone::Mobile

2 rows: Category: Network

14 rows: Category: Other

2 rows: Category: Software::Issue

8 rows: Category: Website::Change or Upload

10/01/2023

Reporting period9 Sep 2023 00:00 - 9 Oct 2023 18:51

Managed endpoints

58

+2%

Active endpoints

52

Blocked threats

6

+100%

Company risk score

79%

Inventory:

Windows workstations

49

+1

Windows servers

9

macOS

0

Linux

0

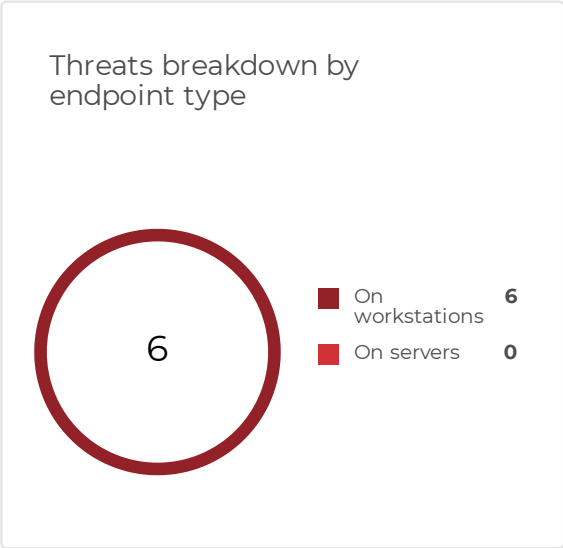
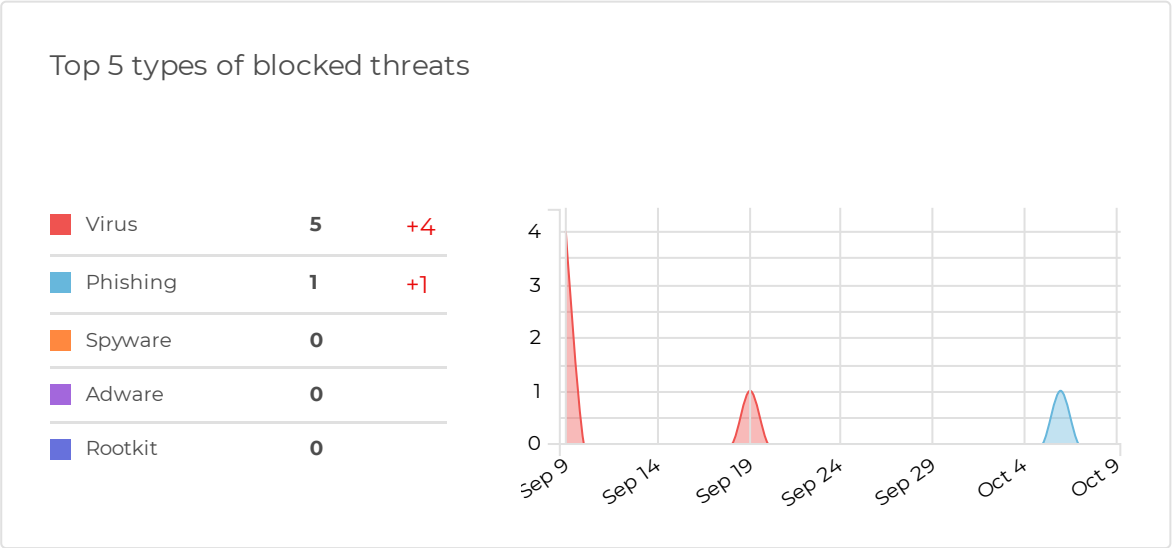
Physical endpoints

49

+1

Virtual machines

9

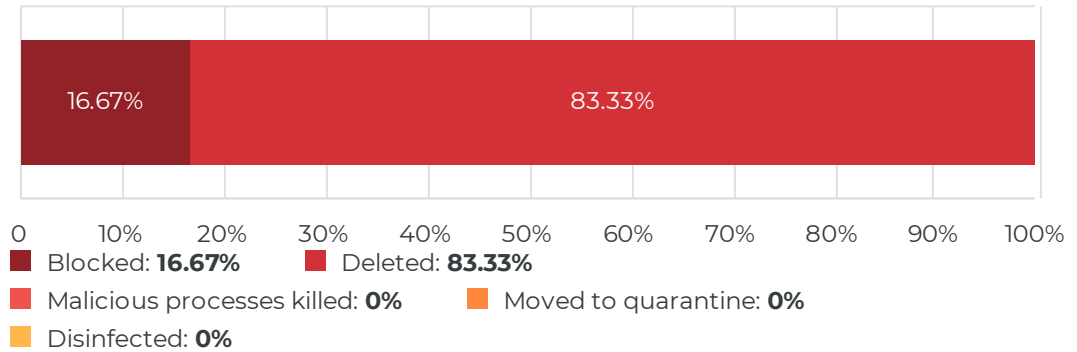


Incidents status

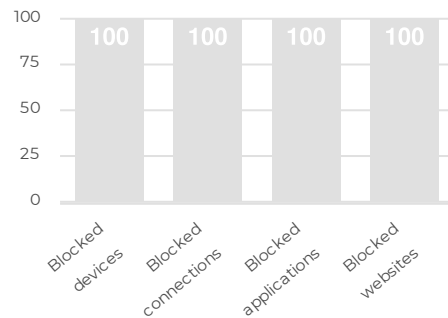


No information available. To retrieve data about your company's **Incidents Status**, please consider a compatible [license key](#).

Remediation actions



Policy rule-based detections



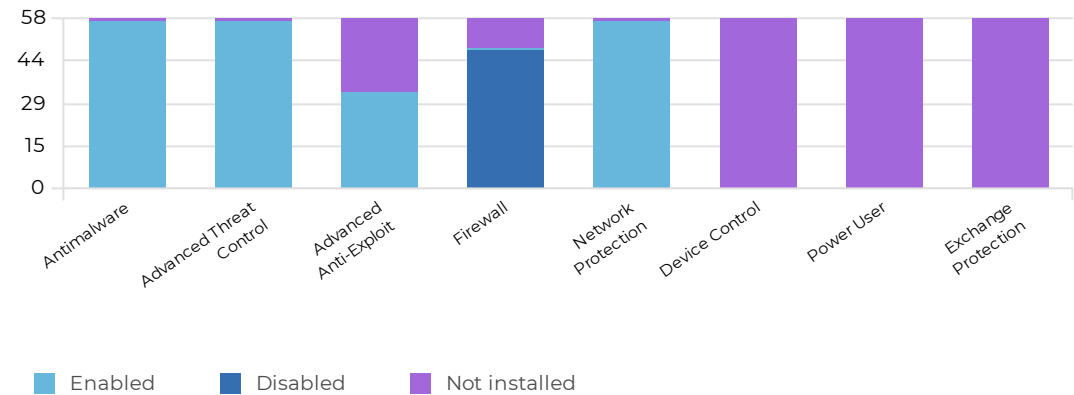
Blocked websites



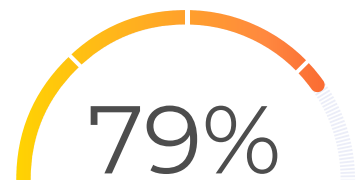
Blocked network attack techniques

Initial access	0
Credential access	0
Discovery	0
Lateral movement	0
Crimeware	0

Endpoint modules status



Company risk score



Misconfigurations	62%
App vulnerabilities	34%
Human risk	3%

Endpoint modules status details

Antimalware	57	0	1
Advanced Threat Control	57	0	1
Advanced Anti-Exploit	33	0	25
Firewall	1	47	10

Network Protection	57	0	1
Device Control	0	0	58
Power User	0	0	58
Exchange Protection	0	0	58

Enabled Disabled Not installed

Filters

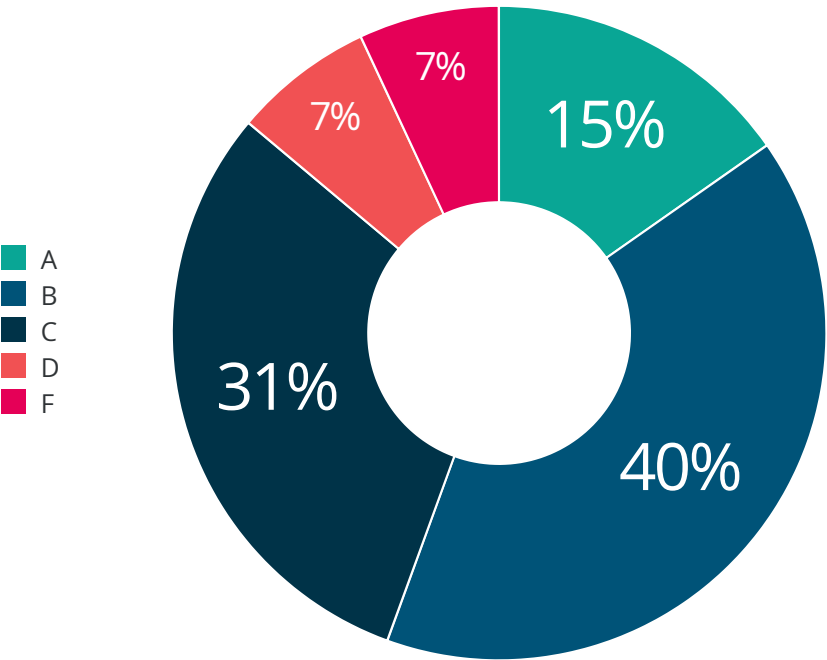
Months in Event Date

Last Month

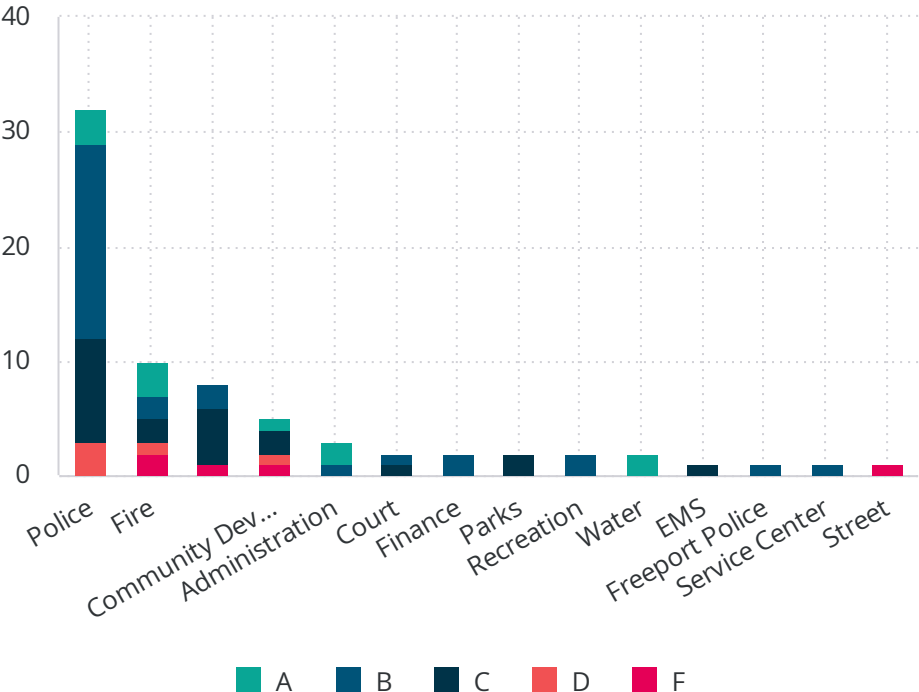
Test Campaign

No

Learner grades



Department grade ranking



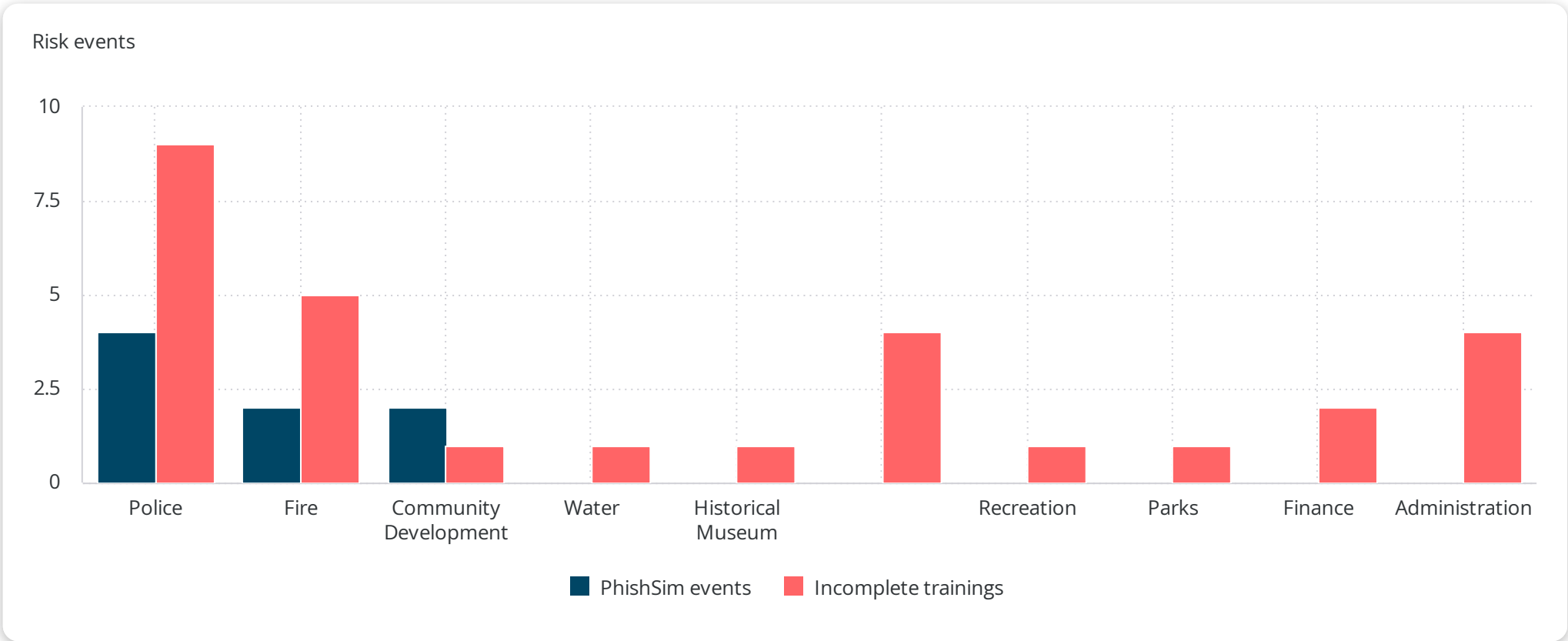
Filters

Months in Event Date

Last Month

Test Campaign

No



Performance summary

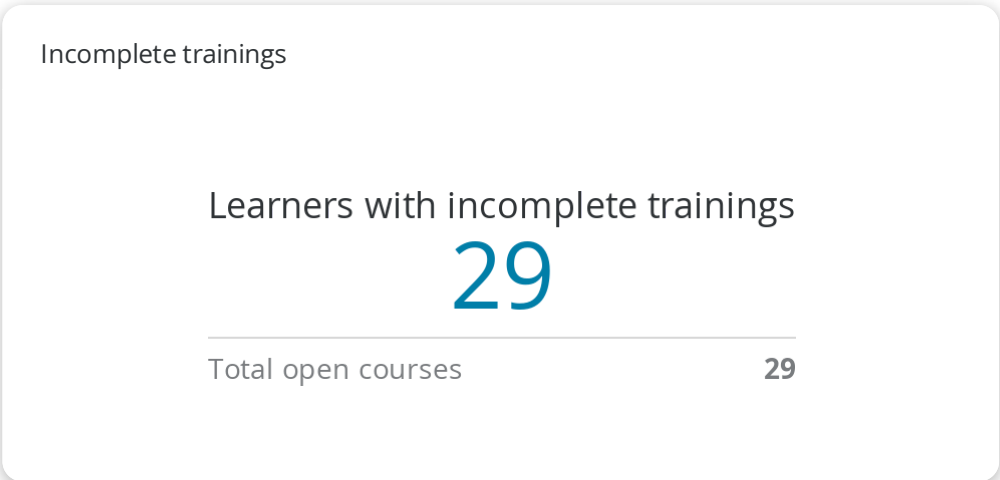
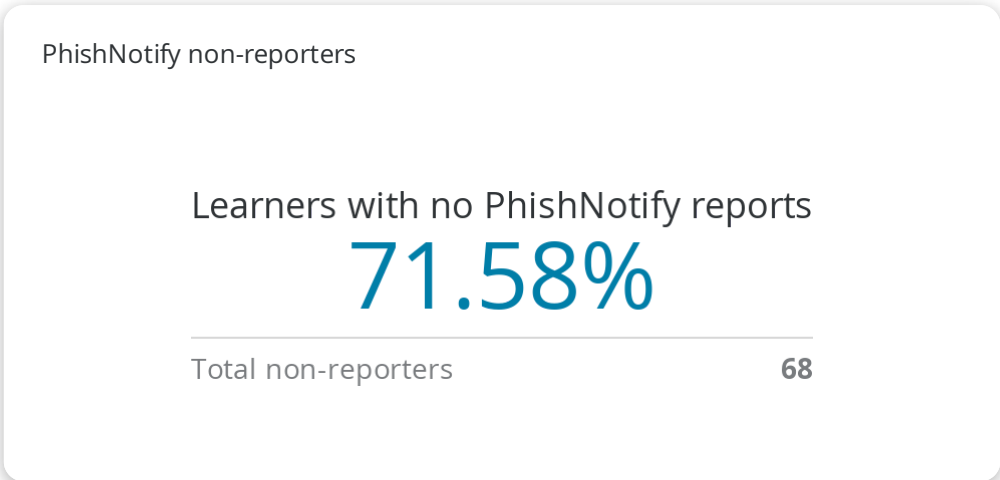
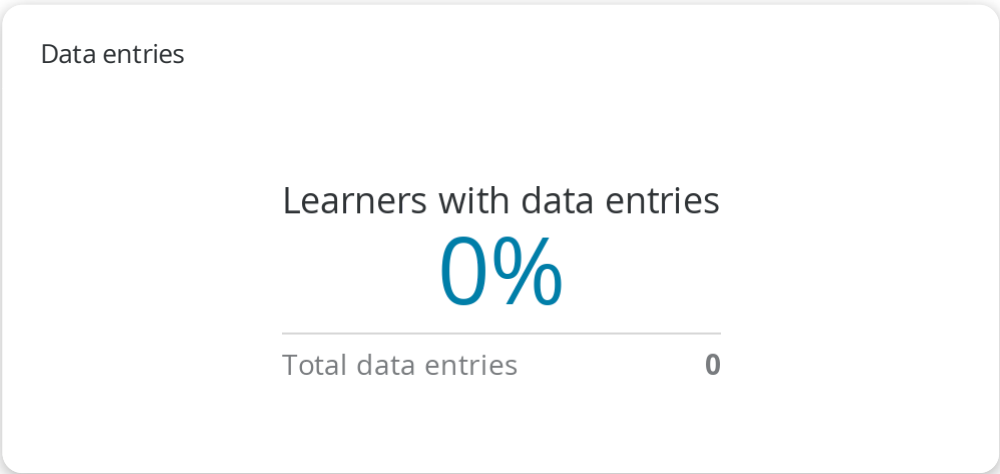
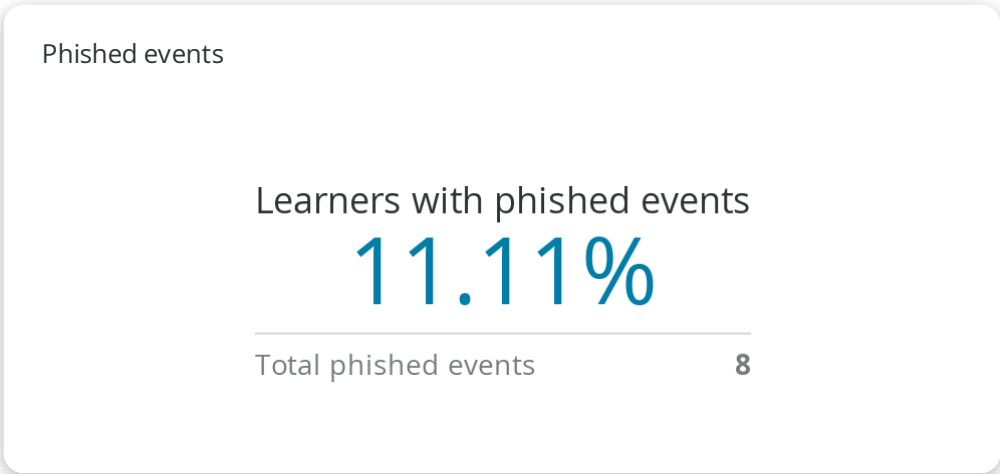
Filters

Months in Event Date

Last Month

Test Campaign

No



Quarter over quarter

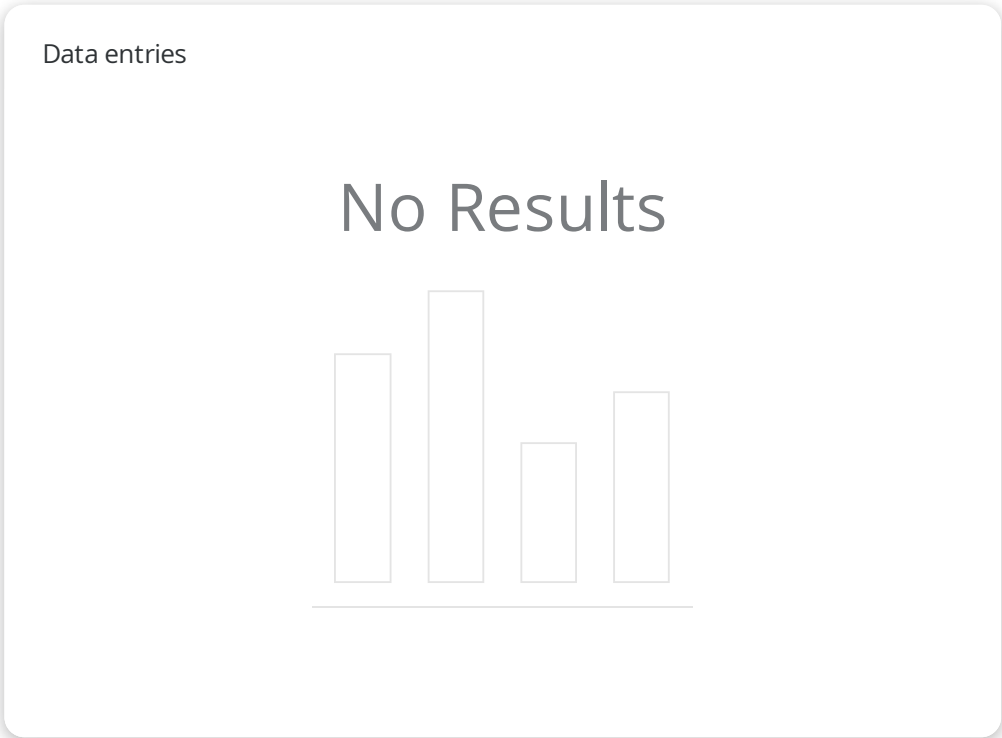
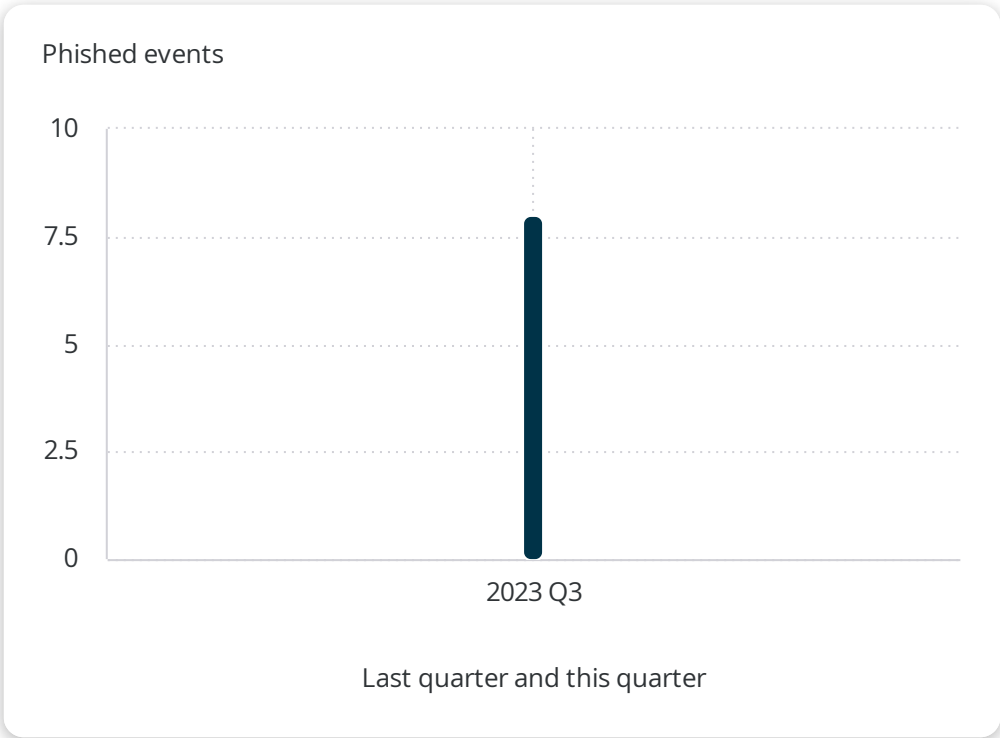
Filters

Months in Event Date

Last Month

Test Campaign

No



Filters

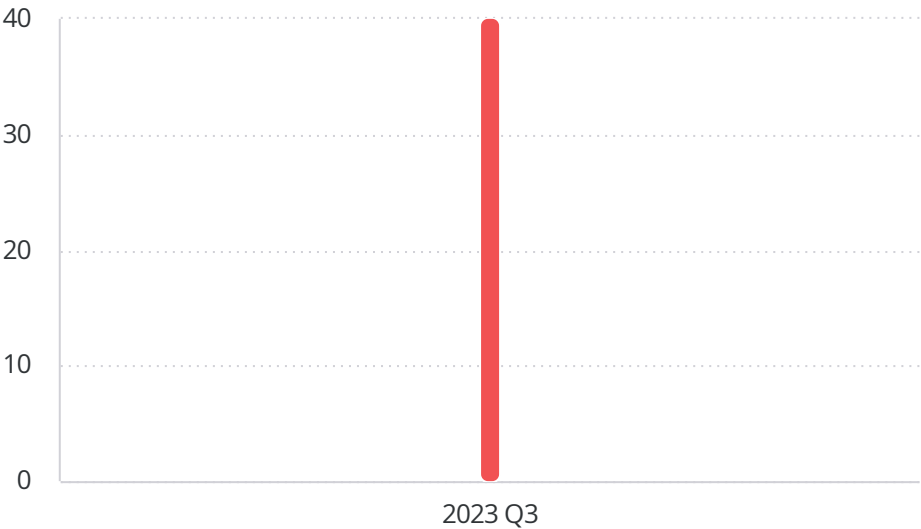
Months in Event Date

Last Month

Test Campaign

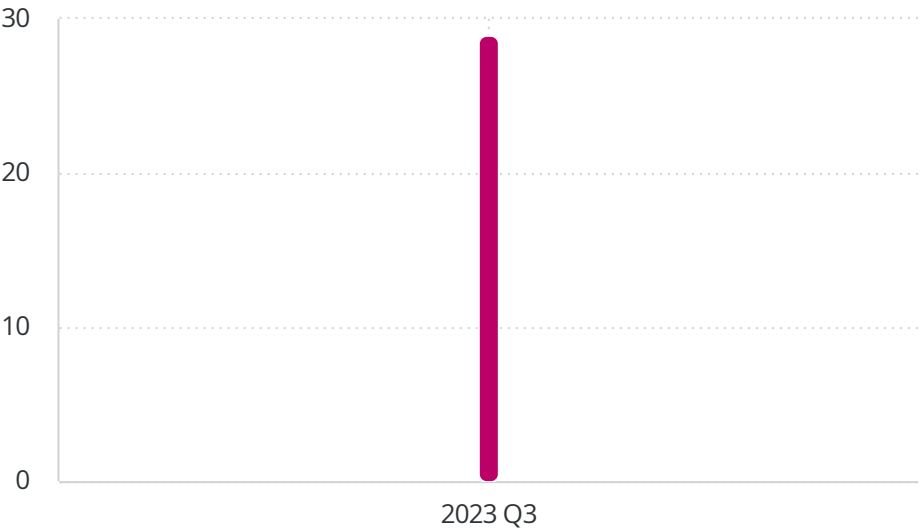
No

PhishNotify reports



Last quarter and this quarter

Incomplete trainings



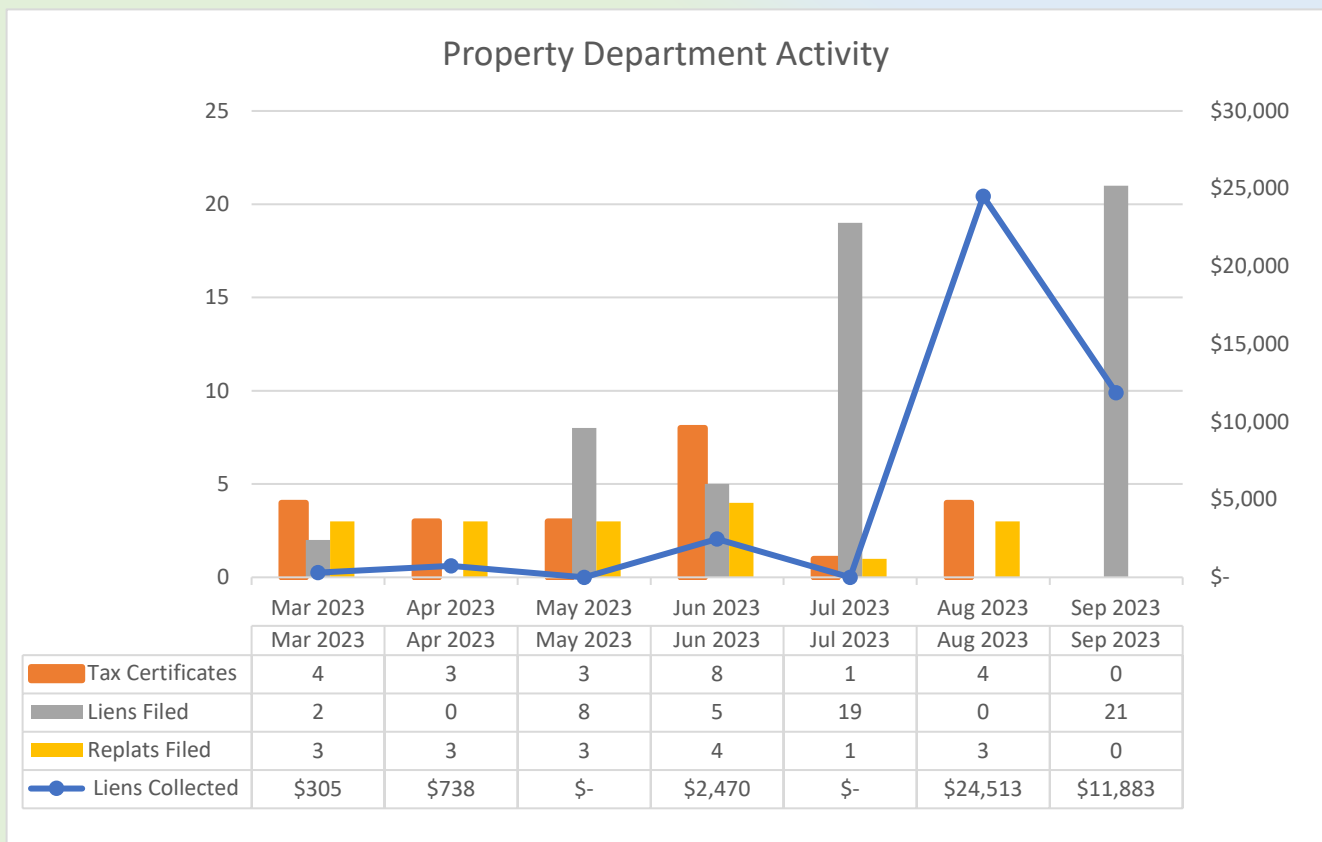
Last quarter and this quarter

Property & GIS Monthly Report

September 2023

Property:

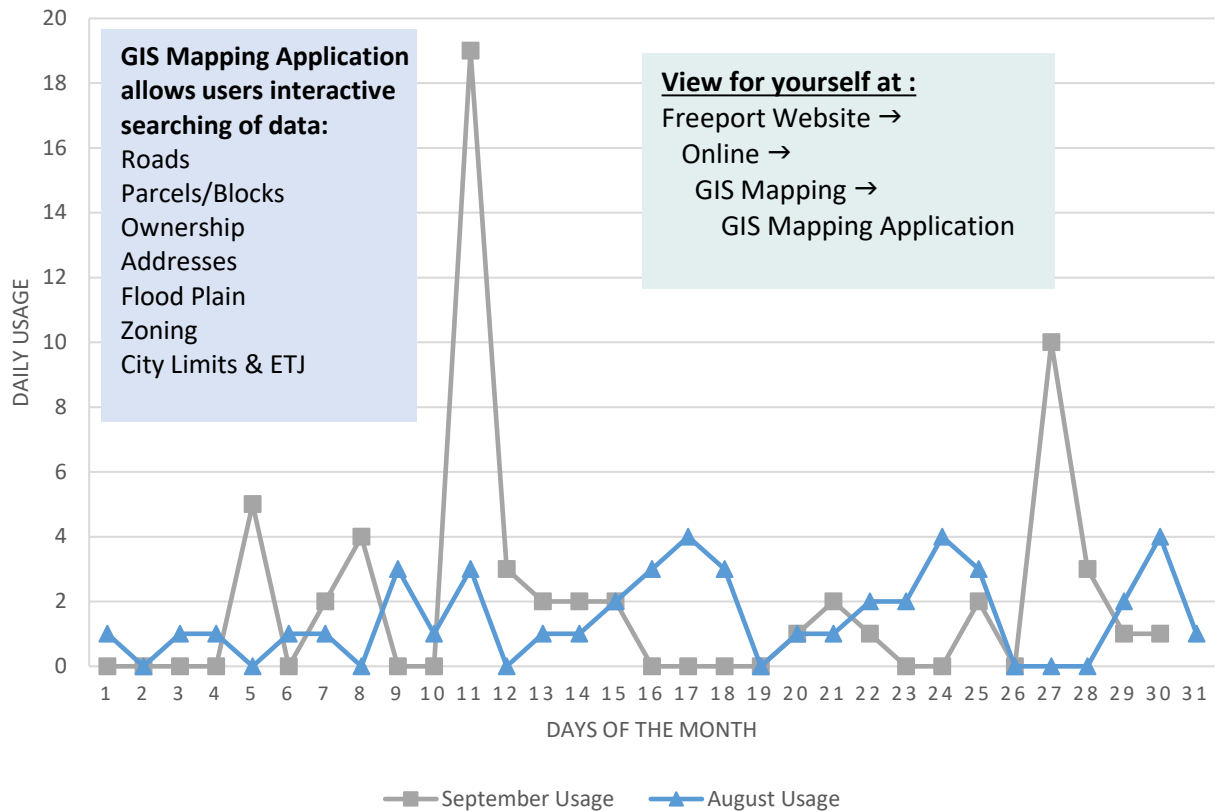
- Lien Calculations/Payoff Preparations/Releases
 - Liens Collected: \$ 11,883.13
 - Lien Payoff Preparations: 2
 - Liens Released: 3
- Brazoria County Tax Office – Tax Certificates (0)
- Brazoria County Clerk – File Liens (21) & Replats (0)



GIS:

- Update ownership data
 - New Data Uploads from BCAD
- 200' Replat maps with ownership
- 911 Address Range Verifications
- New Address Assignments
- Departmental Data Information Requests
- Apartment Complexes
- Buildable Lots (City Owned)
- Departmental Web Applications

PUBLIC GIS WEB APP - MONTHLY USAGE



Projects:

- 2023 Illumination Street Lights -Installation 50%
 - Centerpoint – Permits w/ City in Progress
 - Centerpoint Scheduling
- Liens – Catalog by Block & Lot 25%
- Lead/Copper Water Lines – Field Work to Commence 10%
- Hard Copy Documentation scanning into Click Scan 10%

Community Development

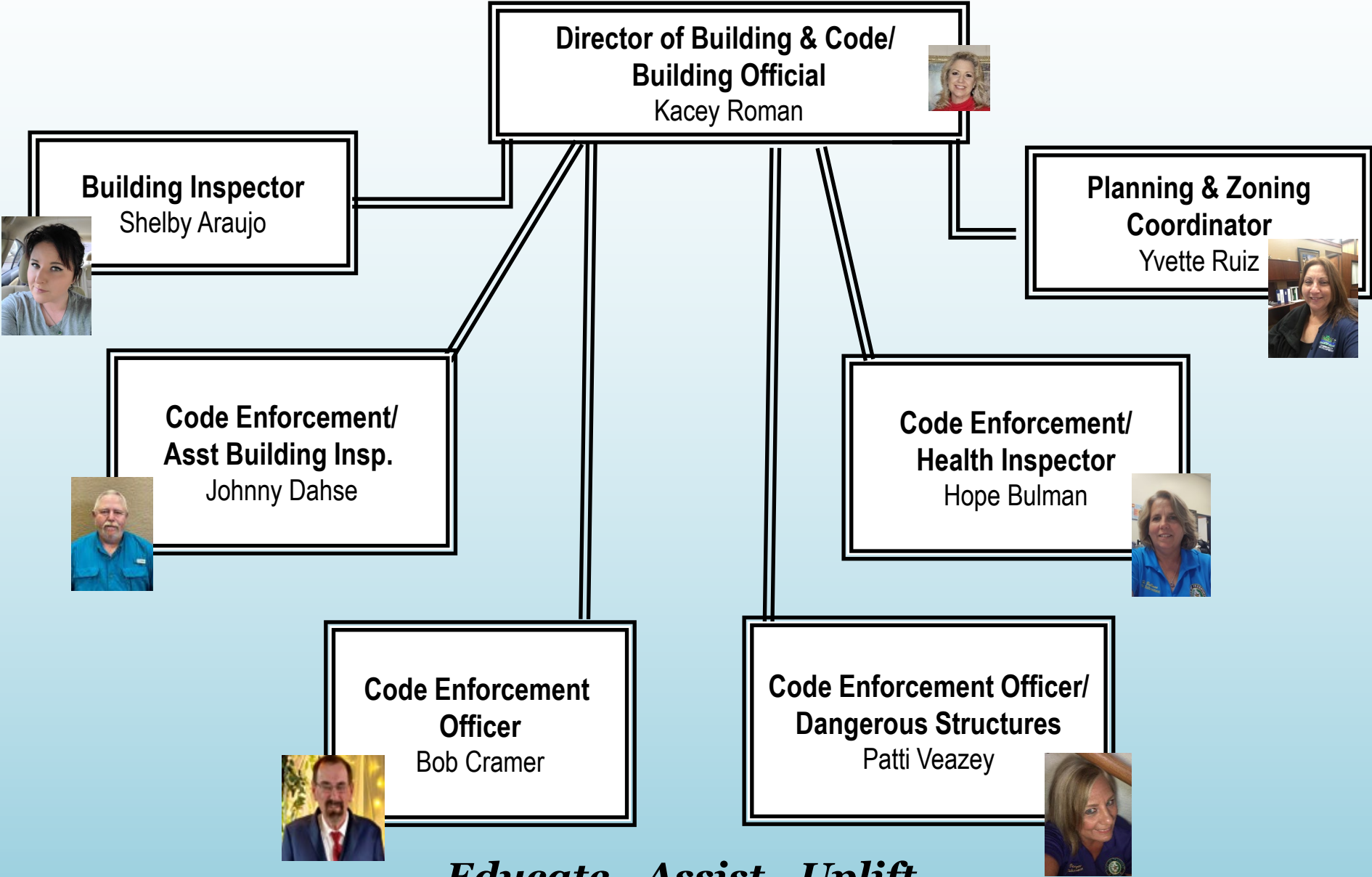


The Community Development Department is responsible for working with the citizens of Freeport and its development community, Boards and Commissions, and the elected officials while managing current and long-range planning, permitting and inspections, code enforcement and other activities in support of the City of Freeport. Our goal is to make our City a Healthy, Safe and Prosperous place to work and live.

Building Permits & Inspections
Health Permits & Inspections
Code Enforcement
Short Term Rental Inspections
Planning & Zoning
Board of Adjustments
Permit Desk Operations

Educate - Assist - Uplift

Community Development



Educate - Assist - Uplift

The City Cleanup was a Success!!

Over 84 Truck & Trailer Loads!



**Code Enforcement passed out fliers of
Upcoming City Events and thanked the
residents for participating!**

Partnering with Main Street



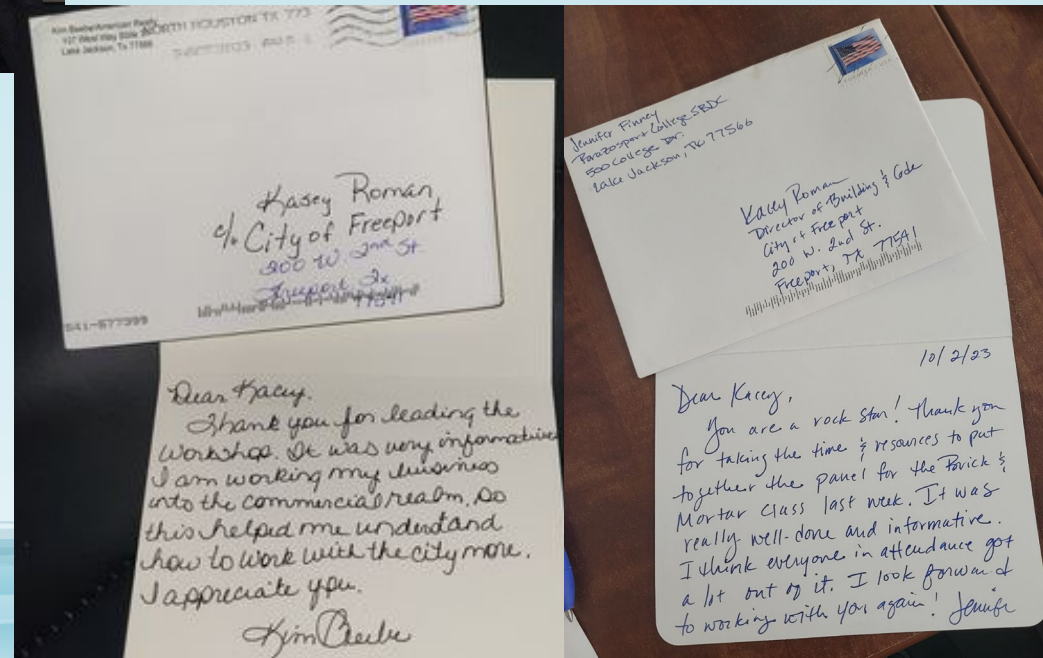
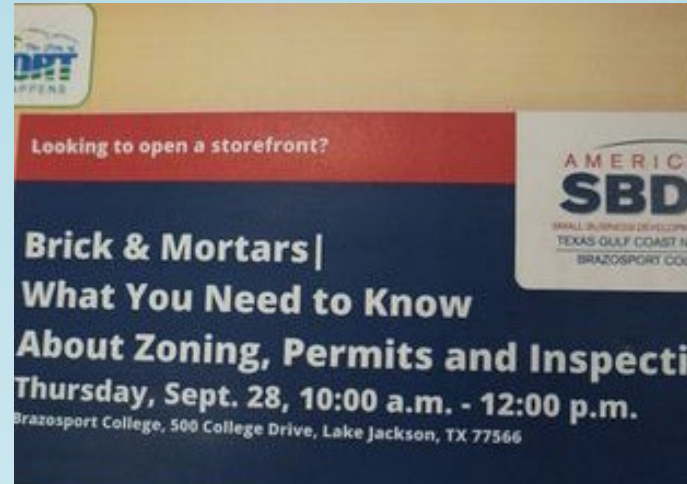
Building Official Kacey Roman attended the Main Street Board Training and Retreat to learn how to assist and communicate effectively with our Main Street Board and Historical Advisory Commission.



Proactively Partnering to help New Businesses



David Walton with Lake Jackson, Kyle Reynolds with Angleton, Kacey Roman with Freeport, Jennifer Finney from SBDC and Steve Upton from Clute.



The City of Freeport partnered with the Small Business Development Center and other local Building Officials to help local businesses what to expect when opening a Small Business.

It was well attended, and we have received a lot of very positive feedback. The class was recorded and will be available for viewing online.





BUSINESS 2023 expo

FREE TO THE PUBLIC!

FREE HEADSHOTS
PROVIDED BY




WELCOME TO THE 2023



NETWORKING



DOOR PRIZES EVERY HOUR



GRANT PROGRAMS



RESOURCES



WORKSHOPS



 **Texas Department of Transportation**

 **MD Anderson Cancer Center**
"Making Cancer History"

 **SBA** U.S. Small Business Administration

 **Workforce Solutions**

LOCAL BUSINESSES



SHOWCASE OF AREA BUSINESSES
RETAILERS • INDUSTRIAL • RESTAURANT • INSURANCE
REAL ESTATE • HEALTH CARE • FINANCIAL

SEPTEMBER 26, 2023
12PM - 6:30PM | BUSINESS AFTER HOURS 5PM - 6:30PM
FREEPORT RIVERPLACE

Representing Freeport at the Business Expo

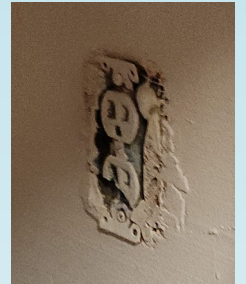
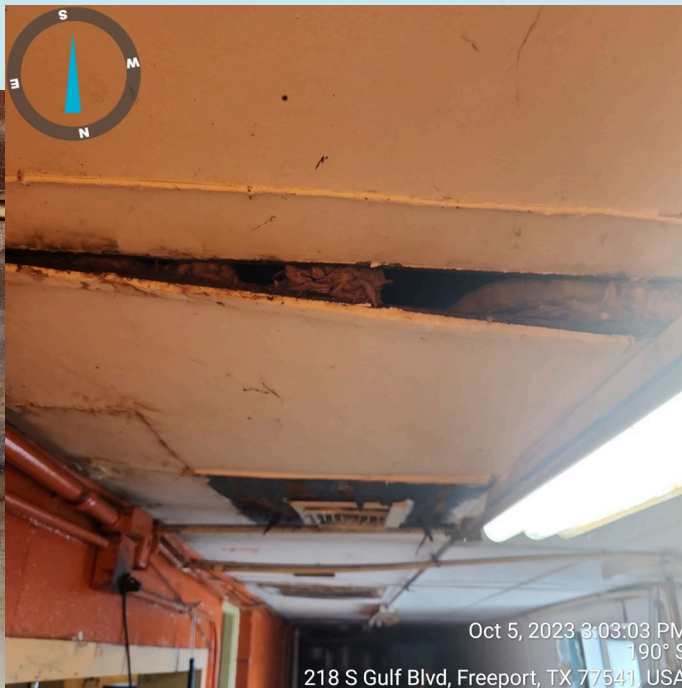


Struggles Facing New Businesses

New Business owners often do not realize the extent of repairs that might be required before opening a business. The photos below are of a “Walk-Through” for a potential new restaurant in Freeport. The Tenants have been told by the Property Owner that they will be responsible for the expense of permanent repairs to the building, which often chases away prospective new tenants.

Some of the Dangerous Conditions Found:

spliced wires, broken outlets, lights not working, exit lights not operational, mold, raw unsealed concrete floors, leaking/bowed ceiling, leaking gas (Fire Marshal ordered gas meter removal), etc.



The City of Freeport is ONLINE!!

This program covers every area of Community Development and has modules that we can use for possible Rental Registration and Inspections.

- Business Licensing
- Code Enforcement
- Permitting
- Planning & Zoning
- Short Term Rentals
- Request Tracking
- Online Portal



<https://www.citizenserve.com/>

This enables our Contractors, Business Owners and Citizens to conduct business online, and provide greater tracking and reporting abilities for staff.

Staff has been working diligently on the implementation and has spend hundreds of hours working on the implementation and transition.

We appreciate your understanding during this transition period!

Staff Training & Meetings

Education of all staff members is essential and helps improve the ISO Rating of our City. Staff also attends proactive Meetings to assist in the development of our community.

Staff Members attended the following events:

- Main Street & Historical Advisory Commission Workshop & Training
- Brazoria County Cities Association
- Courtroom Procedures for Code Officers and Inspectors (all Code Enforcement staff attended)
- Illegal Dumping Class





Before/After - 1726 W. 10

Pedestrian safety

 crazy jake <crazyjake2591@gmail.com>
To: Kacey Roman

 FollowUp. Completed on Wednesday, October 11, 2023.
You forwarded this message on 7/25/2023 3:25 PM.

More bricks could fall at any time. At least barricade the sidewalk directly beneath the danger zone.



From:

Park Ave Lofts

To whom it may concern:

I wish to appeal your determination that my building at 226 W Park violates sections 304 and 302.7 of the IPMC. Please notify me of the appeals procedure moving forward.

Thank you.

Park Avenue Lofts

A handwritten signature in blue ink, appearing to be "Jeff Pena", written over the typed name "Park Avenue Lofts".

Code Enforcement received an email complaint about bricks falling off the property located at 226 W. Park. Jeff Pena was notified by certified letter of the violation and given a time frame to repair.

Instead of repairing, Mr. Pena has appealed the issue to the Board of Adjustments.

The item will be brought before the Board of Adjustments for deliberation on October 26, 2023.



Upcoming Board of Adjustments – October 26, 2023

Jeff Pena Appeal

Planning & Zoning Meeting Updates

September 26, 2023

6:00 pm



Freeport City Council

Mayor Brooks Bass, Ward B/Mayor Pro Tem Jerry Cain,
Ward A - Jeff Pena, Ward C - George Matamoros, Ward D - Winston Rossow,

Planning & Zoning Commission “P&Z”

Andrew Dill (Chair), Eric Hayes (Vice Chair), Pamela Dancy, Ron Bachman, Jim Saccomano
City Council Liaison – George Matamoros

Planning & Zoning Agenda Items



25 Foot Lots

Continued discussion to allow construction of Single-Family Houses on Single 25-Foot Lots with a Specific Use Permit

Shipping Containers

Ordinance to allow for Shipping Containers as Temporary or Permanent Storage Units with certain restrictions. Recommended to Approve.



FREEPORT POLICE DEPARTMENT

430 N. Brazosport Blvd • Freeport, TX 77541 • 979.239.1211 • Fax 979.239.2075

Danny Gillchrist
Captain

Jennifer Howell
Chief of Police

Corey Brinkman
Lieutenant

SEPTEMBER POLICE REPORT

I. CALLS FOR SERVICE

1896 calls for service were reported for the month.
Zuercher Records Management System (RMS) reports to follow.

II. INCIDENTS

129 cases were reported for the month.
Zuercher Records Management System (RMS) reports to follow.

III. TRAFFIC STOPS

311 traffic stops were reported for the month.
Zuercher Records Management System (RMS) reports to follow.

IV. TRAINING

Training performed in accordance with the Texas Commission on Law Enforcement (TCOLE).
- Various training during the month to include for a total of 784 hours across the department.

V. COMMUNITY EVENTS

The police department participated in the following events for this month:
- BISD Homecoming parade

The following are upcoming events:

- Fright Night October 26th
- Festival of Lights November 18th
- Blue Santa Pancake Breakfast December 2nd
- Blue Santa First Responder Parade
- Blue Santa Store

VI. COMPLAINTS and COMPLIMENTS

There was a complaint regarding police harassing a business. It was researched and follow up was made with business owners. It was a misunderstanding and no harassment occurred.

There was a complaint regarding a traffic stop, that the officer was rude and that the equipment was not broken. Video was reviewed, the officer was professional and the video show's equipment issue on driver vehicle.



VII. STAFFING

DISPATCHERS:

Dispatch is currently short 4 positions.

JAILERS:

Full staff.

ACOS:

ACO Shana Burton returned. We are full staff.

POLICE OFFICERS:

New hire Darius Smith started. We currently are short 1 position.

PROMOTIONS:

None.

Freeport Police Department

Monthly Call For Service CC

Printed on October 10, 2023

Description	Totals	
911 CALL	113	113
911 HANG UP	58	58
ABANDONED VEHICLE	7	7
ACCIDENT - HIT & RUN	8	8
ACCIDENT - MAJOR	5	5
ACCIDENT - MINOR	28	28
ALARM - BUSINESS	19	19
ALARM - RESIDENTIAL	7	7
AMBULANCE CALL - FREEPORT	147	147
AMBULANCE CALL - OYSTER CREEK	13	13
AMBULANCE CALL - SURFSIDE	33	33
ANIMAL BITE	2	2
ANIMAL CONTROL - GENERAL	139	139
ANIMAL CONTROL - PENDING	3	3
ASSAULT	5	5
ATTEMPT TO SERVE - WARRANT	5	5
BAR CHECK	4	4
BEACH PATROL	13	13
BROADCAST	11	11
BURGLARY - BUILDING	1	1
BURGLARY - HABITATION	1	1
BURGLARY - MOTOR VEHICLE	1	1
CHECKED OUT	2	2
CITY ORDINANCE VIOLATION	9	9
CIVIL MATTER	13	13
CIVIL STANDBY	7	7
CLERK CHECK	47	47
CLOSE PATROLLING AREA	287	287
CLOSE PATROL REQUEST	1	1
COMMERCIAL VEHICLE ENFORCEMENT	11	11
COURTESY TRANSPORT	2	2
CPS RELATED INVESTIGATION	16	16
CRIMINAL MISCHIEF	9	9
CRIMINAL TRESPASSING	6	6
DEATH INVESTIGATION	1	1
DEBRIS IN ROADWAY	4	4
DISCHARGE FIREARM	1	1
DISTURBANCE PHYSICAL	14	14
DISTURBANCE VERBAL	23	23
DRIVING WHILE INTOXICATED	1	1
EVADING ARREST	1	1
FIRE - ALARM	1	1

Description	Totals	
FIRE CALL	19	19
FIRE CALL MUTUAL AID	1	1
FLAGGED DOWN	6	6
FOLLOW UP	23	23
FOUND PROPERTY	5	5
FRAUD	8	8
GAS/CHEMICAL RELEASE	1	1
HARASSMENT	2	2
HIGH WATER	1	1
HOSPICE DEATH	2	2
INCIDENT REPORT	6	6
INDECENT EXPOSURE	1	1
INSPECTION	14	14
JAIL CHECK	3	3
JUVENILE COMPLAINTS	9	9
LOST ARTICLE/PROPERTY	1	1
MENTAL HEALTH CALL/REFERAL	4	4
MISCELLANEOUS	48	48
MISSING PERSON	4	4
MOTORIST ASSIST	9	9
NARCOTICS COMPLAINT	3	3
NOISE COMPLAINT	18	18
OPEN DOOR/WINDOW	2	2
OTHER AGENCY ASSIST	15	15
PARKING VIOLATION	4	4
POLICE ESCORT	3	3
PRISONER TRANSPORT	10	10
PUBLIC INTOXICATION	1	1
PUBLIC RELATIONS	2	2
RECKLESS DRIVER	11	11
REPORT DROPPED IN ERROR	7	7
REPOSESSION VEHICLE	6	6
SEXUAL OFFENSE	3	3
SPEAK WITH OFFICER	52	52
SPECIAL ASSIGNMENT	5	5
SPECIAL WATCH	3	3
SUBJECT CONTACT	17	17
SUICIDE	1	1
SUSPICIOUS CIRCUMSTANCE	30	30
SUSPICIOUS NOISE	3	3
SUSPICIOUS SUBJECT	31	31
SUSPICIOUS VEHICLE	23	23
SWAT	1	1
TERRORISTIC THREATS	5	5
THEFT	21	21
TRAFFIC COMPLAINT	15	15

Description	Totals	
TRAFFIC CONTROL	1	1
TRAFFIC STOP	254	254
UNWANTED SUBJECT	26	26
WARRANT CLASS B OR ABOVE	3	3
WARRANT MUNICIPAL	3	3
WATER / STREET DEPT CALLOUT	33	33
WELFARE CONCERN	18	18
	20	20
Totals	1896	1896

Freeport Police Department

Monthly Incidents CC

Printed on October 10, 2023

Reported	Case Number	Offenses	Description
09/01/23	FPD23-1169	ASSAULT CAUSES BODILY INJURY	INCIDENT REPORT
09/01/23	FPD23-1170	CITY WARRANT	PRISONER TRANSPORT
09/01/23	FPD23-1171	OTHER JURISDICTION WARRANT	TRAFFIC STOP
09/01/23	FPD23-1172	FAIL TO REMAIN AND REPORT	ACCIDENT - HIT & RUN
09/01/23	FPD23-1173	INCIDENT REPORT	ANIMAL CONTROL - GENERAL
09/02/23	FPD23-1174	ASSAULT CAUSES BODILY INJ	ASSAULT
09/02/23	FPD23-1175	DRIVING WHILE INTOXICATED	ACCIDENT - MINOR
09/02/23	FPD23-1176	DEATH INVESTIGATION	DEATH INVESTIGATION
09/02/23	FPD23-1177	INCIDENT REPORT	TRAFFIC STOP
09/02/23	FPD23-1178	THEFT CLASS C	THEFT
09/02/23	FPD23-1179	BURGLARY OF VEHICLE - theft from	BURGLARY - MOTOR VEHICLE
09/03/23	FPD23-1180	CRIMINAL MISCHIEF >=\$750<\$2,500	CRIMINAL MISCHIEF
09/03/23	FPD23-1181	THEFT CLASS C	UNWANTED SUBJECT
09/03/23	FPD23-1182	CRIMINAL MISCHIEF >=\$750<\$2,500	CRIMINAL MISCHIEF
09/03/23	FPD23-1183	INCIDENT REPORT	SPEAK WITH OFFICER
09/03/23	FPD23-1184		THEFT
09/04/23	FPD23-1185	CITY WARRANT	PRISONER TRANSPORT
09/04/23	FPD23-1187	THEFT CLASS C	THEFT
09/04/23	FPD23-1186	THEFT CLASS C	THEFT
09/04/23	FPD23-1188	THEFT PROP >=\$750<\$2,500	THEFT
09/04/23	FPD23-1189	THEFT CLASS C	THEFT
09/04/23	FPD23-1190	INCIDENT REPORT	DISCHARGE FIREARM
09/04/23	FPD23-1191	INCIDENT REPORT	LOST ARTICLE/PROPERTY
09/04/23	FPD23-1192	THEFT CLASS C	THEFT
09/05/23	FPD23-1193	PUBLIC INTOXICATION; CAPIAS	SUSPICIOUS CIRCUMSTANCE
09/07/23	FPD23-1194	CRIMINAL MISCHIEF >=\$100<\$750	CRIMINAL MISCHIEF
09/07/23	FPD23-1195	PUBLIC INTOXICATION	SUSPICIOUS SUBJECT
09/07/23	FPD23-1196	DEATH INVESTIGATION	HOSPICE DEATH
09/07/23	FPD23-1197	THEFT PROP >=\$100<\$750	SPEAK WITH OFFICER
09/07/23	FPD23-1198	BURGLARY OF HABITATION	THEFT
09/08/23	FPD23-1199	ASSAULT CAUSES BODILY INJURY	DISTURBANCE VERBAL
09/08/23	FPD23-1200	INCIDENT REPORT	MENTAL HEALTH CALL/REFERAL
09/08/23	FPD23-1201	INCIDENT REPORT	INCIDENT REPORT
09/08/23	FPD23-1202	INCIDENT REPORT	DISTURBANCE VERBAL
09/09/23	FPD23-1203	PUBLIC INTOXICATION	UNWANTED SUBJECT
09/09/23	FPD23-1204	CREDIT CARD OR DEBIT CARD	FRAUD
09/09/23	FPD23-1205	CRIMINAL MISCHIEF	SPEAK WITH OFFICER
09/09/23	FPD23-1206	OTHER JURISDICTION WARRANT	THEFT
09/09/23	FPD23-1207	DUTY ON STRIKING FIXTURE/HWY	SUSPICIOUS VEHICLE
09/10/23	FPD23-1208	INCIDENT REPORT	CRIMINAL MISCHIEF
09/10/23	FPD23-1209	INCIDENT REPORT	FOUND PROPERTY
09/10/23	FPD23-1210	ASSAULT CAUSES BODILY INJURY	DISTURBANCE PHYSICAL
09/10/23	FPD23-1211	ASSAULT CAUSES BODILY INJ	DISTURBANCE VERBAL

Reported	Case Number	Offenses	Description
09/11/23	FPD23-1212	THEFT PROP >=\$100<\$750	THEFT
09/12/23	FPD23-1213	DEATH INVESTIGATION	AMBULANCE CALL - FREEPORT
09/12/23	FPD23-1214	CITY WARRANT	PRISONER TRANSPORT
09/12/23	FPD23-1215	THEFT PROP >=\$2,500<\$30K	THEFT
09/13/23	FPD23-1216	FRAUD - GENERAL	FRAUD
09/13/23	FPD23-1217	INCIDENT REPORT	FOUND PROPERTY
09/13/23	FPD23-1218	INCIDENT REPORT	ACCIDENT - MINOR
09/13/23	FPD23-1219	TERRORISTIC THREAT	TERRORISTIC THREATS
09/13/23	FPD23-1220	AGG ASSAULT W/DEADLY	DISTURBANCE PHYSICAL
09/14/23	FPD23-1221	INCIDENT REPORT	FOUND PROPERTY
09/15/23	FPD23-1222	POSS CS PG 1/1-B >=1G<4G;	ATTEMPT TO SERVE - WARRANT
09/15/23	FPD23-1223	CRIMINAL TRESPASS	TERRORISTIC THREATS
09/15/23	FPD23-1225	OTHER JURISDICTION WARRANT	SUBJECT CONTACT
09/16/23	FPD23-1224	PUBLIC INTOXICATION	TRAFFIC STOP
09/16/23	FPD23-1226	POSS CS PG 1/1-B >=1G<4G	TRAFFIC STOP
09/16/23	FPD23-1227	INCIDENT REPORT	ABANDONED VEHICLE
09/16/23	FPD23-1228	THEFT PROP >=\$100<\$750	UNWANTED SUBJECT
09/16/23	FPD23-1229	POSS OF CHILD PORNOGRAPHY	JUVENILE COMPLAINTS
09/17/23	FPD23-1230	POSSESSION OF DRUG	AMBULANCE CALL - FREEPORT
09/17/23	FPD23-1231	POSSESSION OF DRUG	TRAFFIC STOP
09/17/23	FPD23-1232	INCIDENT REPORT	SUSPICIOUS CIRCUMSTANCE
09/18/23	FPD23-1233	CITY WARRANT	PRISONER TRANSPORT
09/18/23	FPD23-1234	ASSAULT BY PHYSICAL CONTACT	ASSAULT
09/18/23	FPD23-1235	THEFT PROP >=\$100<\$750	THEFT
09/18/23	FPD23-1237	THEFT PROP >=\$100<\$750;	CRIMINAL MISCHIEF
09/18/23	FPD23-1236	ASSAULT BY THREATS	TERRORISTIC THREATS
09/18/23	FPD23-1238	CRIMINAL TRESPASS	CRIMINAL TRESPASSING
09/18/23	FPD23-1239	PUBLIC INTOXICATION	911 CALL
09/18/23	FPD23-1240	ASSAULT BY PHYSICAL CONTACT	DISTURBANCE VERBAL
09/19/23	FPD23-1241	CRIMINAL MISCHIEF >=\$100<\$750	CRIMINAL MISCHIEF
09/19/23	FPD23-1242	DUTY ON STRIKING FIXTURE/HWY	CRIMINAL MISCHIEF
09/20/23	FPD23-1243	NO DRIVER'S LICENSE	TRAFFIC STOP
09/20/23	FPD23-1244	FRAUD - GENERAL	SPEAK WITH OFFICER
09/20/23	FPD23-1245	INCIDENT REPORT	TERRORISTIC THREATS
09/20/23	FPD23-1246	INCIDENT REPORT	HOSPICE DEATH
09/20/23	FPD23-1247	THEFT CLASS C	THEFT
09/21/23	FPD23-1248	THEFT PROP >=\$750<\$2,500	THEFT
09/21/23	FPD23-1249	CRIMINAL MISCHIEF	CRIMINAL MISCHIEF
09/21/23	FPD23-1250	INCIDENT REPORT	TRAFFIC COMPLAINT
09/21/23	FPD23-1251		REPORT DROPPED IN ERROR
09/21/23	FPD23-1252	INCIDENT REPORT	DISTURBANCE PHYSICAL
09/22/23	FPD23-1253	INCIDENT REPORT	MISCELLANEOUS
09/22/23	FPD23-1254	INCIDENT REPORT	FOUND PROPERTY
09/22/23	FPD23-1255	HARBORING RUNAWAY CHILD;	MISSING PERSON
09/22/23	FPD23-1256	INCIDENT REPORT	MENTAL HEALTH CALL/REFERAL
09/22/23	FPD23-1257	INCIDENT REPORT	SUSPICIOUS CIRCUMSTANCE
09/23/23	FPD23-1258	EVADING ARREST DET W/VEH	EVADING ARREST

Reported	Case Number	Offenses	Description
09/23/23	FPD23-1259	DEATH INVESTIGATION	AMBULANCE CALL - FREEPORT
09/23/23	FPD23-1260	PUBLIC INTOXICATION W/3 PRIOR	SUSPICIOUS SUBJECT
09/23/23	FPD23-1261	DANGEROUS VICIOUS DOG	ANIMAL BITE
09/24/23	FPD23-1262	INCIDENT REPORT	DISTURBANCE PHYSICAL
09/24/23	FPD23-1263	ALLOWING DOG TO RUN AT LARGE	ANIMAL BITE
09/25/23	FPD23-1264	FRAUD - GENERAL	FRAUD
09/26/23	FPD23-1265	AGG ASSAULT W/DEADLY	DISTURBANCE PHYSICAL
09/26/23	FPD23-1266	INCIDENT REPORT	FOUND PROPERTY
09/26/23	FPD23-1267	SEXUAL ASSAULT - w/object;	SEXUAL OFFENSE
09/26/23	FPD23-1268	CAPIAS WARRANT	WARRANT MUNICIPAL
09/26/23	FPD23-1269	CPS/APS REFERRAL	AMBULANCE CALL - FREEPORT
09/26/23	FPD23-1270	POSSESSION OF DRUG	TRAFFIC STOP
09/27/23	FPD23-1271	CITY WARRANT	WARRANT MUNICIPAL
09/27/23	FPD23-1272	BURGLARY OF BUILDING	BURGLARY - BUILDING
09/27/23	FPD23-1273	THEFT PROP >=\$100<\$750	THEFT
09/27/23	FPD23-1274	THEFT PROP >=\$100<\$750	THEFT
09/27/23	FPD23-1275	INCIDENT REPORT	SEXUAL OFFENSE
09/27/23	FPD23-1277	CITY WARRANT	WARRANT MUNICIPAL
09/27/23	FPD23-1276	FRAUD - GENERAL	FRAUD
09/27/23	FPD23-1278	CREDIT CARD OR DEBIT CARD	FRAUD
09/27/23	FPD23-1279	INCIDENT REPORT	SUSPICIOUS SUBJECT
09/28/23	FPD23-1283	INCIDENT REPORT	TRAFFIC STOP
09/28/23	FPD23-1282	INCIDENT REPORT	CRIMINAL MISCHIEF
09/28/23	FPD23-1280	FRAUD - GENERAL	FRAUD
09/28/23	FPD23-1281	INCIDENT REPORT	FOUND PROPERTY
09/28/23	FPD23-1284		SPEAK WITH OFFICER
09/28/23	FPD23-1285	INCIDENT REPORT	AMBULANCE CALL - FREEPORT
09/29/23	FPD23-1286	PUBLIC INTOXICATION W/3 PRIOR	911 CALL
09/29/23	FPD23-1287	FAIL TO REMAIN AND REPORT	ACCIDENT - HIT & RUN
09/29/23	FPD23-1288	BURGLARY OF BUILDING	THEFT
09/29/23	FPD23-1289	POSSESSION OF DRUG	TRAFFIC STOP
09/29/23	FPD23-1290	INCIDENT REPORT	DISTURBANCE PHYSICAL
09/30/23	FPD23-1291	CRIM TRESPASS	UNWANTED SUBJECT
09/30/23	FPD23-1292	DRIVING WHILE INTOXICATED	ACCIDENT - HIT & RUN
09/30/23	FPD23-1293	CITY WARRANT	PRISONER TRANSPORT
09/30/23	FPD23-1295	BURGLARY OF BUILDING	THEFT
09/30/23	FPD23-1294	BURGLARY OF BUILDING	THEFT
09/30/23	FPD23-1296	FAIL TO REMAIN AND REPORT	ACCIDENT - HIT & RUN
09/30/23	FPD23-1297	INCIDENT REPORT	SUSPICIOUS CIRCUMSTANCE

Total Records: 129

Freeport Police Department

Monthly Traffic Stops CC

Printed on October 10, 2023

Descriptions	Totals	
Advice Given	1	1
Arrest	9	9
Arrest; Citation Issued	2	2
Citation Issued	83	83
Citation Issued ; Report Taken	6	6
CVE - No Violation	6	6
Disregard / Event Cancelled	1	1
Handled By Officer / Deputy	1	1
No Police Action Taken	4	4
Written Warning Issued	198	198
Totals	311	311



Finance, Court & Water Departments

Title: Monthly Report for September 30, 2023

Date: October 16, 2023

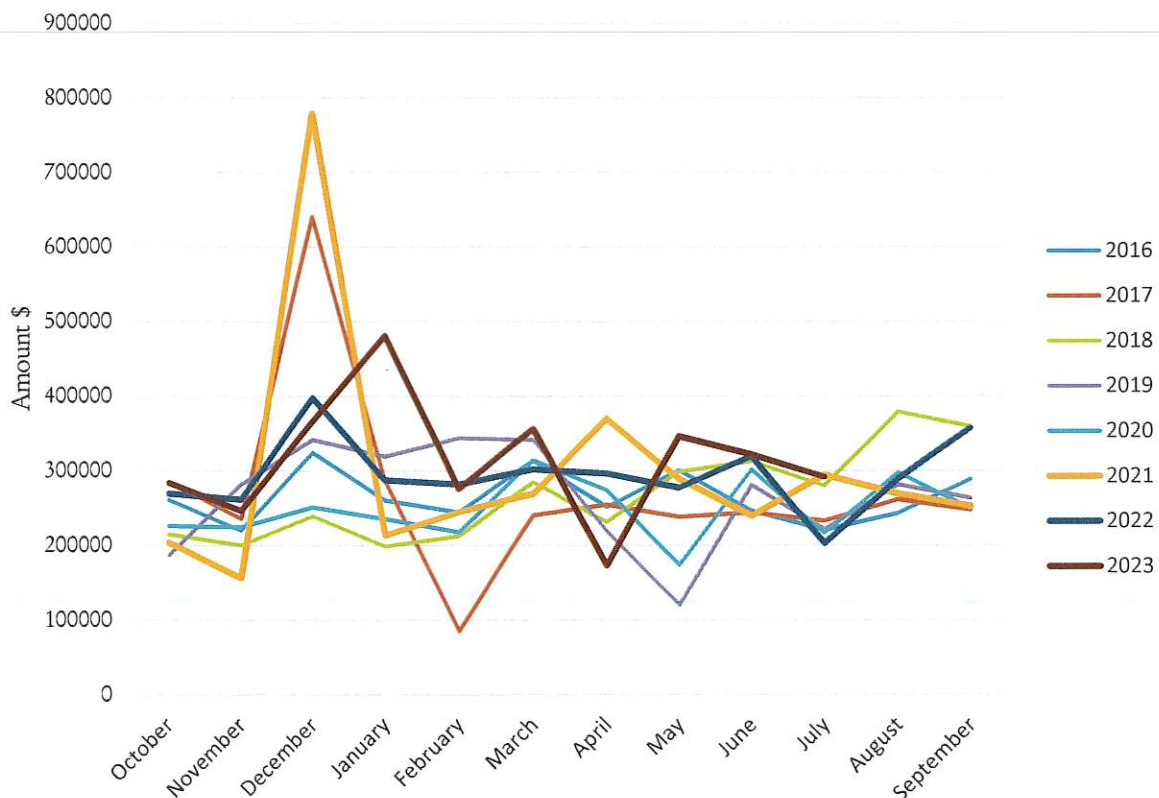
From: Cathy Ezell, Finance Director

Financial Information

The General Fund:

The revenues collected for the General fund as of September 30, 2023 are \$20,120,700 or 101.30% of the total budgeted revenues. Sales tax revenue is collected two months in arrears. The sales tax collections received are more than last year at this time.

Comparison of Sales Tax Revenue by Year



The expenditures for the General Fund as of September 30, 2023 are \$18,692,972 or 92.25% of the budgeted expenditures. See the attached Monthly Financial Report for more detail.

The revenues are over the expenditures by \$1,427,728. The fund balance or reserves of the General Fund as of September 30, 2023 is \$7,342,549. This is 36.23% of the expenditure budget.

Water & Sewer Fund

The revenues for the Water & Sewer Fund as of September 30, 2023 are \$8,020,685 or 44.19% of the budgeted revenues. See the attached Monthly Financial Report for more detail.

The expenditures for the Water & Sewer Fund as of September 30, 2023 are \$6,985,136 or 105.89% of the budgeted expenditures. See the attached Monthly Financial Report for more detail.

The revenues are over the expenditures by \$1,035,549. The fund balance or reserves for the Water & Sewer Fund as of September 30, 2023 is \$1,135,256. This fund balance is only 17.21% of the operating expenditures.

Customer Service Department – Water & Court

We are continuing with the cross-training of employees. Also, we are working with Veolia to identify dead meters and idle accounts.

The review of all court records continues. Municipal Court has fully migrated to Incode 10 as of October 31, 2022. Standard Operating Procedures have been created for Municipal Court.

We began training on the process of scanning Municipal Court records into Incode software in September 2023. Then move to the Water/Sewer records, Human Resources records, invoice and purchase orders

Other

We created a departmental calendar for informational flyers to be included in the water bills each month.

We have completed the process of converting to the new time and attendance application.

City of Freeport
Monthly Financial Report
As of September 30, 2023
General Fund

	FY2022	Adopted	Amended	Year to Date	% YTD
	Actuals	FY2023	FY2023	Actual	Budget
		Budget	Budget		
Beginning Fund Balance	\$ 6,725,855	\$ 5,564,969	\$ 5,914,821	\$ 5,914,821	
Revenues					
EMS	\$ 571,697	\$ 589,000	\$ 589,000	\$ 712,547	120.98%
Property Taxes	3,092,192	3,355,000	3,355,000	3,182,961	94.87%
Industrial Taxes	8,171,633	8,679,299	8,679,299	8,574,018	98.79%
Sales Tax	2,361,795	2,250,000	2,250,000	2,099,335	93.30%
Franchise & Other Taxes	664,892	644,000	644,000	654,611	101.65%
Permits	276,188	196,625	196,625	538,477	273.86%
Charges for Services	858,762	793,700	793,700	801,721	101.01%
Recreation/Rental	121,819	100,500	100,500	83,185	82.77%
Golf	814,284	652,000	652,000	940,725	144.28%
Municipal Court	234,733	208,500	208,500	156,062	74.85%
Grants	1,788,558	2,092,765	2,092,765	1,495,759	71.47%
Lease Income	151,087	125,000	125,000	23,009	18.41%
Miscellaneous	649,261	176,820	176,820	858,290	485.40%
Total Revenues	19,756,901	\$ 19,863,209	\$ 19,863,209	\$ 20,120,700	101.30%
Expenditures					
Administration	\$ 2,113,246	\$ 1,792,676	\$ 1,792,676	\$ 2,112,453	117.84%
Information Technology	-	229,628	229,628	261,699	113.97%
Service Center	231,715	201,887	201,887	194,700	96.44%
Municipal Court	239,515	231,301	231,301	274,161	118.53%
Police	4,855,088	5,254,992	5,254,992	4,797,747	91.30%
Fire	1,200,390	1,425,610	1,425,610	1,435,551	100.70%
EMS	1,020,517	969,552	969,552	875,191	90.27%
Emergency Management	150,986	-	-	-	
Code Enforcement	393,520	479,991	479,991	429,865	89.56%
Building	306,662	308,662	308,662	262,037	84.89%
Garbage Collection	887,107	720,000	720,000	747,174	103.77%
Street & Drainage	1,403,967	1,500,782	1,500,782	1,401,571	93.39%
Beach Fund Expense	57,529	42,850	42,850	30,656	71.54%
Historical Museum	345,069	374,526	374,526	279,957	74.75%
Sr Citizens Commission	7,731	7,500	7,500	6,122	81.63%
Library	33,549	41,535	41,535	35,919	86.48%
Parks	1,284,982	1,294,028	1,294,028	1,150,258	88.89%
Golf	1,190,704	1,235,668	1,235,668	1,258,237	101.83%
Recreation	492,678	572,840	572,840	342,171	59.73%
Interfund Transfer to	4,502,980	3,729,095	3,729,095	2,935,004	78.71%
Interfund Transfer from	(150,000)	(150,000)	(150,000)	(137,500)	91.67%
Total Expenditures	20,567,934	\$ 20,263,123	\$ 20,263,123	\$ 18,692,972	92.25%
Revenue Over/(Under)					
Expenditures	\$ (811,034)	\$ (399,914)	\$ (399,914)	\$ 1,427,728	
Ending Fund Balance	\$ 5,914,821	\$ 5,165,055	\$ 5,514,907	\$ 7,342,549.06	

City of Freeport
Monthly Financial Report
As of September 30, 2023
Water Sewer Fund

	FY2022	Adopted	Amended	Year to Date	% YTD
	Actuals	FY2023 Budget	FY2023 Budget	Actual	Budget
Beginning Fund Balance	\$ 50,936	\$ 174,759	\$ 99,707	\$ 99,707	
Revenues					
Interlocal Revenue	\$ 16,086	\$ 4,000	\$ 4,000	\$ 3,691	92.28%
Interest	2,408	1,000	1,000	17,416	1741.65%
Misc Income	1,749	-	-	(106)	N/A
Misc Income Return Checks	1,242	1,000	1,000	975	97.50%
Utility Reimbursements	165,400	100,000	100,000	132,784	132.78%
Community Dev Grant	136,229	-	-	-	N/A
Grant - CDBG GLO	622,829	-	11,336,988	598,335	N/A
FEMA Reimbursement	-	-	-	-	N/A
Cash Over or Short	(40)	-	-	(11)	N/A
Water Revenue	3,500,777	4,178,200	4,178,200	4,273,390	102.28%
Water Revenue - Misc	(1,722)	-	-	-	N/A
Sewer Revenue	2,563,543	2,400,000	2,400,000	2,808,110	117.00%
Sewer Revenue - Misc	20	-	-	-	N/A
Sewer Surcharge	321	-	-	-	N/A
Water Tap Fee	23,752	15,000	15,000	30,426	202.84%
Sewer Tap Fee	3,040	3,000	3,000	4,429	147.63%
Bad Debt Write-Off	728	1,000	1,000	1,491	149.10%
Connect & Disconnect Fees	132,499	110,000	110,000	149,754	136.14%
Transfer from General Fund	323,000	-	-	-	N/A
Total Revenues	7,491,862	6,813,200	18,150,188	8,020,685	44.19%
Expenditures					
Salaries	\$ 98,019	\$ 102,267	\$ 102,267	\$ 94,715	92.62%
Benefits	97,149	40,692	40,692	53,835	132.30%
Supplies	76,241	70,950	70,950	33,035	46.56%
Services	5,553,016	5,848,140	5,848,140	5,704,601	97.55%
Maintenance	89,129	65,000	65,000	58,587	90.13%
Sundry	16,548	17,800	17,800	20,094	112.89%
Capital Outlay	1,083,229	-	-	606,439	N/A
Debt Service Fees	9,833	-	-	-	N/A
Transfer to Debt Service	269,928	301,450	301,450	276,329	91.67%
Transfer to CO2021 Bond Fund	-	-	-	-	N/A
Transfer to General Fund	150,000	150,000	150,000	137,500	91.67%
Total Expenditures	7,443,091	6,596,299	6,596,299	6,985,136	105.89%
Revenue Over/(Under)					
Expenditures	\$ 48,771	\$ 216,901	\$ 11,553,889	\$ 1,035,549	
Ending Fund Balance	\$ 99,707	\$ 391,660	\$ 11,653,596	\$ 1,135,256	



City of Freeport Municipal Court
September 2023 Statistics

	September	Year-to-Date
Citations Issued	215	2064
Number of Violations Issued	234	2320
Court Payments Received	\$ 25,384.50	\$ 270,373.98

	September	September
Warrants Issued	75	\$ 19,381.14
Total Active Warrants	2,495	\$ 989,916.54

	Number of Persons on Docket
Court Attendance	84



City of Freeport Utility Billing
September 2023 Statistics

Total Active Accounts	3,512
Total Services Disconnected	69
Total New Services	73

Billed Consumption - Water	40,063,456	\$ 535,003.19
Billed Consumption - Sewer	26,905,806	272,359.56
Billed Garbage		72,361.30
Billed Ambulance		6,956.18
Total Billed		<u>\$ 886,680.23</u>

City of Freeport
Capital Projects
As of September 30, 2023

Project	Project Status	Budget/Estimated Cost	Spent To Date	Remaining Budget
Fund 67 - 2021 CO Bond Fund				
Lift Station 3, 4, and 14 Rehabilitation	Complete	\$ 1,735,713.00	\$ 1,720,749.54	\$ 14,963.46
FM 1495 Water Line Relocation	Construction has begun	441,664.99	441,664.99	-
Phase I SSOI Engineering	Underway	215,926.36	-	215,926.36
Sanitary Sewer Collection GLO Project	Construction has begun	59,316.26	-	59,316.26
Wastewater Treatment Plant Grant Match	Bids were received	60,520.00	-	60,520.00
Avenue H Sewer Line Replacement Grant Match	Complete	42,375.00	40,192.30	2,182.70
WWTP Improvements	Engineering has begun	1,928,630.00	-	1,928,630.00
Sewer Line Replacement SSOI	CCTV & Manhole Inspections underway	515,854.39	-	515,854.39
	Total Fund 66 - 2021 CO Bond Fund	\$ 5,000,000.00	\$ 2,202,606.83	\$ 2,797,393.17
Fund 66 - 2020 CO Bond Fund				
Streets & Drainage Projects	Total Budget for Street Projects	\$ 6,375,000.00		
2019-2020 Asphalt Streets - County Interlocal carried over to 2021	Complete	\$ 206,053.24	\$ 206,053.24	\$ -
2020-2021 Asphalt Streets - County Interlocal	Complete	321,260.88	321,260.88	-
2020-2021 Water/Sewer Relocation - Asphalt Streets	Complete	230,704.84	230,704.84	-
2021-2022 Asphalt Streets - County Interlocal	Complete	382,973.00	333,531.08	49,441.92
2021-2022 alley Sewer Relocation - Asphalt Streets	Complete	117,000.00	66,676.49	50,323.51
2022 Phase 1 Concrete Streets - Engineering	Complete	320,130.00	316,203.58	3,926.42
2022 Phase 1 Concrete Streets - Construction	Complete	2,381,309.43	2,234,868.34	146,441.09
2022-2023 Phase 2 Concrete Streets - Engineering	Construction Observation	426,380.00	426,380.00	-
2022-2023 Phase 2 Concrete Streets - Construction	Under Construction	1,451,057.37	1,801,057.37	(350,000.00)
Velasco Pump Station Improvements	Complete	316,707.00	316,706.61	0.39
Heritage House Renovations	On Hold	375,000.00	-	375,000.00
City Hall Renovations	Awarded contract for construction. Asbestos removal has begun.	998,000.00	542,197.88	455,802.12
	Total Funding Fund 66 - 2020 CO Bond Fund	\$ 7,526,575.76	\$ 6,795,640.31	\$ 730,935.45
Fund 14 - Streets & Drainage Funds				
Road Failure - Avenue D	Complete	\$ 49,000.00	\$ 49,000.00	\$ -
Asphalt Streets 2022-2023	Waiting for County to begin construction	446,041.00	-	446,041.00
Entry Road for Park	Complete	150,000.00	101,665.10	48,334.90
Streets & Drainage Project	Project to be determined	516,611.00	-	516,611.00
2022-2023 Phase 2 Concrete Streets - Construction	Under Construction	2,101,537.36	1,803,477.71	298,059.66
Road Failure - 1420 10th Street	Complete	17,000.00	17,000.00	-
Rebuild Stormwater Pump	Complete	24,269.00	24,268.29	0.71
Repair Alley East 5th at Cherry	Complete	72,120.00	72,119.38	0.62
2022-2023 Phase 2 Concrete Streets - Engineering	Construction Observation	50,000.00	34,056.68	15,943.32
Replace Asphalt Ave C & Quintanna	Complete	30,000.00	30,000.00	-
	Total Funding Fund 14 - Streets & Drainage Fund	\$ 3,456,578.36	\$ 2,131,587.16	\$ 1,324,991.21

Fund 21 - Facilities & Grounds CIP			
City Hall Renovations	Awarded contract for construction. Asbestos has begun.	\$	750,000.00
Museum Facade	On Hold	\$	100,000.00
Temp. Modular Building	Bid for building has been awarded.	-	100,000.00
Fire Station 1 Driveway	To be quoted	-	426,095.00
Prelim Architectural Study Station 1	Preliminary Architectural work has been authorized.	-	10,000.00
Radio Antenna Repairs - Fire	Repair has begun	-	20,000.00
Greens Resurfacing	To be bid	5,057.17	20,000.00
Cart Path Repair	Will begin soon	-	6,607.83
Prelim Architectural Study Club House - Golf	Preliminary Architectural has been presented	-	150,000.00
Jail Facility Renovation	To be bid	-	10,000.00
Replacement of Main Electric Dist. Panel	Construction has begun.	13,258.72	10,000.00
Police Department Parking Lot Improvements	To be quoted	-	16,741.28
Landing Repairs	Complete	-	115,000.00
Service Center Exterior	Complete	-	20,000.00
Riverplace Parking Lot Improvements	Complete	57,502.23	20,000.00
Velasco House Renovations	Complete	32,400.00	7,497.77
Recreation Center Parking Lot Improvements	Complete	73,500.00	27,600.00
Library Window Replacement	On hold	57,770.00	11,500.00
Museum Remodel	Complete	-	12,230.00
	Complete	49,019.74	70,000.00
	Complete	6,019.74	70,000.00
	Complete	4,500.00	(6,019.74)
	Complete	12,500.00	12,500.00
Total Fund 21 - Facilities & Grounds CIP		\$ 2,072,760.00	\$ 295,510.86
			\$ 1,777,249.14

Fund 22 - Vehicle & Equipment Replacement Fund			
Replace 2 Ambulances	Ordered & Received Some Outfitting	\$	600,000.00
Replace Fire Equipment - Grant Funds	Ordered	\$	407,356.69
Equipping new reserve firefighters	To be quoted	121,145.37	\$ 192,643.31
SORT Unit Replacement	Grant funding be sought	-	9,867.63
Knox boxes and mounts	Completed	-	12,000.00
Furnishings/Appliances Fire Station 2	To be quoted	11,975.00	400,000.00
Tee Mower - Golf	Completed	-	3,025.00
Fairway Mower - Golf	Completed	41,780.43	30,000.00
Replace two trucks - Building/Code	Completed	75,356.05	(5,887.43)
Recreation Center Equipment	Completed	80,008.50	-
Vehicle Replacement - Police	Completed	9,640.00	(8.50)
Generator - Police	Waiting on electrical work to be completed	219,066.13	360.00
Body Camera Video Storage	Completed	19,671.20	73,681.87
One Ton Dump Truck	Completed	22,117.20	40,328.80
SCADA for Stormwater Pumps	Completed	78,705.00	(6,117.20)
Zero Turn Mower	Completed	49,500.00	11,295.00
Generators	Completed	17,975.13	10,500.00
	The City awarded generators for Lift Stations 3, 4, & 14. Still have 4 under review	-	24.87
		60,000.00	60,000.00
Total Fund 22 - Vehicle & Equipment Replacement		1,986,010.05	1,154,296.70
			831,713.35

Fund 23 - Technology Fund			
Server Replacement/Network Upgrade - Police	Completed	\$	85,000.00
Access Control Panel	Ordered	-	(7,640.42)
		23,645.47	23,645.47
		\$ 108,645.47	\$ 92,640.42
			\$ 16,005.05

Grant Funded Projects

CDBG MIT 2016 HUD - Sanitary Sewer Collection System SSOI	Construction has begun.	\$ 5,931,625.00	\$ 782,377.22	\$ 5,149,248.78
CDGB MIT Harvey - Wastewater Treatment Plant Improvements	Bids will be received in September	5,991,468.00	386,923.20	5,604,544.80
CDBG - Bar Screen Replacement	Complete	193,271.00	170,328.45	22,942.55
CDBG - Avenue H Sewer Line Replacement	Complete	260,000.00	-	260,000.00
Lift Station #3 Generator	Completing Bid Packet	36,000.00	-	36,000.00
Lift Station #4 Generator	Completing Bid Packet	36,000.00	-	36,000.00
Lift Station #14 Generator	Completing Bid Packet	36,000.00	-	36,000.00
		\$ 12,484,365.00	\$ 1,339,628.87	\$ 11,144,736.13

Other Projects

Incode Migration Project	Content Manger will begin implementation in October.	208,000.00	77,213.25	130,786.75
		\$ 208,000.00	\$ 77,213.25	\$ 130,786.75