

**FARMERSVILLE CITY COUNCIL
REGULAR SESSION AGENDA
July 28, 2015, 6:00 P.M.
Council Chambers, City Hall
205 S. Main Street**

I. PRELIMINARY MATTERS

- Call to Order, Roll Call, Prayer and Pledge of Allegiance
- Welcome guests and visitors: Anyone wanting to speak on any items that are not the subject of a Public Hearing on this agenda is asked to speak at this time, with an individual time limit of 3 minutes. This forum is limited to a total of 30 minutes. Please note that the City Council cannot comment or take any action on this item.
- Announcements relating to items of public interest: Announcements regarding local or regional civic and charitable events, staff recognition, commendation of citizens, traffic issues, upcoming meetings, awards, acknowledgement of meeting attendees, birthdays, and condolences.
 - Open House of the Public Works Building from 8am-noon on August 1st
 - August 9-15, 2015 is proclaimed National Health Center Week

II. REGULAR AGENDA

- A. Consider, discuss and act upon City Financial Reports
- B. Consider, discuss and act upon an engagement letter with BrooksCardiel, PLLC to serve as the City's auditor
- C. Consider, discuss and act upon an agreement with Time Warner Cable to provide telephone service for the Main Street Director
- D. Consider, discuss and act upon a resolution assigning representatives from the Farmersville Community Development Corporation Board (4B) for TexPool Accounts
- E. Consider, discuss and act upon a Change Order for Phase III of the Chaparral Trail project regarding removable bollards
- F. Consider, discuss and act upon amending the Code of Ordinances to include swimming pool backwash
- G. Update on Chaparral Trail projects
- H. Update on street, water and wastewater General Obligation Bond projects
- I. Update on Highway 380 project

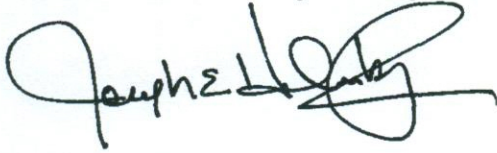
III. BUDGET WORKSHOP

- A. Discuss Proposed Fiscal Year Budget 2015 – 2016

IV. REQUEST FOR CONSIDERATION OF PLACING ITEMS ON FUTURE AGENDAS

V. ADJOURNMENT

Dated this the 24th day of July, 2015.



Joseph E. Helmberger, P.E., Mayor

The City Council reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any matters listed on the agenda, as authorized by the Texas Government Code, including, but not limited to, 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), 551.087 (Economic Development), 418.175-183 (Deliberations about Homeland Security Issues) and as authorized by the Texas Tax Code, including, but not limited to, Section 321.3022 (Sales Tax Information).

Persons with disabilities who plan to attend this meeting and who may need assistance should contact the City Secretary at 972-782-6151 or Fax 972-782-6604 at least two (2) working days prior to the meeting so that appropriate arrangements can be made. Handicap Parking is available in the front and rear parking lot of the building.

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted in the regular posting place of the City Hall building for Farmersville, Texas, in a place and manner convenient and readily accessible to the general public at all times, and said Notice was posted July 24, 2015 by 5:00 P.M. and remained so posted continuously at least 72 hours proceeding the scheduled time of said meeting.



Edie Sims, City Secretary



Proclamation

Naming August 9 - 15, 2015

as

National Health Center Week

WHEREAS, Community health centers play a critical role in providing affordable, high-quality preventive and primary health care to millions of Americans. From urban centers to rural towns, they offer vital services regardless of ability to pay -- services that help patients stay healthy and avoid emergency room visits; and

WHEREAS, during National Health Center Week, we recognize health centers' significant contributions to keeping America healthy, and we offer our continuing support to the dedicated providers who operate them; and

WHEREAS, today, health centers operate thousands of clinics across our country. One in every fifteen people living in the United States depends on their services. They are an important source of jobs in many low-income communities, employing more than 148,000 people nationwide. And with clinical and support staff who are responsive to their communities' needs and cultures, health centers are important partners in our efforts to reduce health disparities. From coast to coast, they coordinate care and build professional, compassionate health care teams focused on improving patient outcomes; and

WHEREAS, Farmersville Family Medical Center provides high-quality, comprehensive primary health care to uninsured and medically underserved people in Farmersville and the surrounding communities; and

WHEREAS, Farmersville Family Medical Center serves as a vital safety net delivering care to 5,793 patients annually, regardless of insurance status or ability to pay, and contributes to the health and overall economy of the community with health services, jobs, leadership and investment; and

WHEREAS, Farmersville Family Medical Center promotes 100% access and zero Health disparities to help achieve primary health care for all people; and This week, we celebrate these valuable services and extend our thanks to the women and men who operate America's health centers.

NOW, THEREFORE, I, Joseph E. Helmberger, P.E., Mayor of the City of Farmersville, do hereby proclaim the week of August 9 – 15, 2015 as

National Health Center Week

in Farmersville and urge our citizens to recognize the important contributions of the Farmersville Family Medical Center in safeguarding health and improving the quality of life for the people of Farmersville. IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Farmersville, Texas to be affixed this 28th day of July, 2015.

Joseph E. Helmberger, P.E.
Mayor of the City of Farmersville



TO: Mayor and Councilmembers

FROM: Ben White, City Manager

DATE: July 28, 2015

SUBJECT: Consider, discuss and act upon City Financial Reports

- Financial Reports are attached for review.

ACTION: Approve or deny reports as presented.

MEMO

To: Benjamin White, City Manager
From: Daphne Hamlin, City Accountant
Date: July 23rd, 2015
Subject: June 2015 Budget Report

The monthly budget report will focus on the analysis of budgetary variances of the revenues and expenditures of each of the major operating funds and project the impact on available fund balance. As a benchmark for comparison, we'll bear in mind that as of the end of June, 9/12 months or 75% of the fiscal year has passed. For revenues and expenditures occurring evenly throughout the year, we expect to have used or collected close the 75% level, and to have 25% remaining budget for the remaining of the year.

Presented in this format are: 1) an executive summary describing current budget issues, 2) budgetary comparison schedules of each major operating fund of the city, and 3) a fiscal year to date activity summary for cash and investments.

Executive Summary

The major operating funds that are part of the annual operating budget of the city are the general, water & wastewater, refuse, and electric funds.

General Fund – (page 3-11)

Total revenues in the general fund are 77.04% collected.

Ad Valorem collections currently received is 93.47%. Expect to receive full amount

Sales Tax current collection rate @ 72.28% slightly lower than projected.

TIRZ funds to-date in the amount of \$52,320.82. A separate account is established and funds transferred from the general fund account.

Licenses/Permits revenues are up drastically. The City has received 122.58% of this year's projected budget which is indicating growth.

Municipal Court Revenues currently collected is 63.17%. Staff is currently reviewing files and is scheduled to complete purge within the next few weeks. After completion staff will concentrate heavily on collecting active warrants.

Total expenditures in the general fund are 65.73% which is below the projected 75% level.

Please keep in mind we are currently transferring funds from the Electrical Fund to support needed items/personnel in the General Fund. City staff has decided to place some of these items on hold until we receive additional data on the newly acquired Electrical System.

Refuse Fund – (pages 26-29)

Total revenues are 56.74% and total expenses are 49.45%. Percentages are off due to budgetary issue. This will be resolved during the 2014-2015 budget revision process.

Water & Wastewater Fund – (pages 12-20)

Total revenues for the Water Fund are 67.13% Total revenues for the Wastewater Fund are 76.69%

Water expenses in Administration are 75.67%. Water Department overall expenditures are 70.28%

Wastewater expenses are 57.35%.

Electric Fund – (pages 21-25)

Total revenues are 58.47%; the expenses are at 68.98% and include budgeted transfers to general fund (\$1,017,740 annual, or \$83,562 per month transfer). Please note a new chart was added to compare budget year 2013-2014 to budget year 2014-2015 in electric sales.

Please note charts reflect the revised 2014-2015 budget.

Cash Summary – (pages 1-2)

The cash summary is attached.

SUMMARY OF CASH BALANCES JUNE 2015

ACCOUNT: FNB (0815)

	Interest Earned	Restricted	Assigned	Account Balance
Clearing Accounts				
General Fund			\$ 556,248.08	
Permit Fund			\$ 2,822.79	
Refuse Fund			\$ 60,601.04	
Water Fund			\$ (492,612.40)	
Wastewater Fund			\$ 285,961.77	
Electric Fund			\$ (255,445.10)	
SRO Support ISD	\$ 7,714.36			
CC Child Safety	\$ 20,144.67			
Debt Service Revenue Payment	\$ 1,950.00			
2012 Bond	\$ 149,793.29			
Law Enf Training	\$ 1,164.11			
Disbursement Fund	\$ (102,134.72)			
Library Donation Fund	\$ 1,762.85			
Court Tech/Sec	\$ 18,575.11			
Grants	\$ (333,844.96)			
CC Bond Farmersville Parkway	\$ 180,000.86			
CC Bond Floyd	\$ (49,667.75)			
Equipment Replacement	\$ 5,322.29			
TOTAL:	\$ 0.80	\$ (99,219.89)	\$ 157,576.18	\$ 58,356.29

Debt Service Accounts				
County Tax Deposit (FNB 0807)(Debt Service)	\$ 14.77	\$ 116,557.23		
Debt Service Reserve (Texpool 0014) (2 months rsv)	\$ 5.12	\$ 107,773.81		
TOTAL:	\$ 19.89	\$ 224,331.04		\$ 224,331.04

Appropriated Surplus Investment Accounts				
Customer meter deposits (Texpool 0008)	\$ 5.12	\$ 107,565.46		
2012 G/O Bond, streets, water, wastewater (Texstar 0120)	\$ 25.70	\$ 261,603.15	-	
TOTAL:	\$ 30.82	\$ 369,168.61	\$ -	\$ 369,168.61

Unassigned Surplus Investment Accounts				
Gen Fund Acct. (Texpool 0004)(Reso. 90 Day Reserve)	\$ 57.71	\$ 668,525.00	\$ 198,175.00	
Refuse Fund Acct. (Texpool 0009)	\$ 6.06	\$ 127,766.84		
Water/WW Fund (Texpool 0003)(Operating 90 day)	\$ 27.97	\$ 591,936.54		
Water/WW Fund (Texpool 00017)(Capital)	\$ 27.10	\$ 752,952.96		
Elec. Fund (Texpool 0005) (Operating)	\$ 2.40	\$ 50,000.00		
Elec. Fund (Texpool 0016)(Capital)	\$ 13.98	\$ 460,220.89		
Elec. Surcharge (Texpool 0015)	\$ 5.75	\$ 120,885.90		
Money Market Acct. (FNB 092)	\$ 21.34		\$ 173,120.82	
TOTAL:	\$ 162.31	\$ 2,772,288.13	\$ 371,295.82	\$ 3,143,583.95

Contractor Managed Accounts Nonspendable				
NTMWD Sewer Plant Maint. Fund		\$ 13,844.00		
TOTAL APPROPRIATED SURPLUS		\$ 13,844.00	\$ -	\$ 13,844.00
TOTAL CASH & INVESTMENT ACCOUNTS		\$ 3,280,411.89	\$ 528,872.00	\$ 3,809,283.89

07/23/2015

SUMMARY OF CASH BALANCES MAY 2015

FEDC 4A Board Investment & Checking Account					
FEDC 4A Checking Account(Independent Bank 3124)	\$	6.07	\$	162,136.79	
FEDC 4A Investment Account (Texpool 0001)	\$	29.17	\$	616,792.46	
FEDC 4A Certificate of Deposit (Independent Bank)	\$	74.32	\$	250,000.00	
TOTAL:	\$	109.56	\$	1,028,929.25	\$ - \$ 1,028,929.25

FCDC 4B Board Investment & Checking Account					
FCDC 4B Checking Account (Independent Bank 3035)	\$	4.76	\$	126,635.52	
FCDC 4B Investment Account (Texpool 0001)	\$	4.01	\$	84,865.54	
TOTAL:	\$	8.77	\$	211,501.06	\$ - \$ 211,501.06

TIRZ Account					
County Tax Deposits (FNB 01276)	\$	52,323.08			
TOTAL:	\$	52,323.08	\$	-	\$ 52,323.08

Note: Salmon color used to indicate an item dedicated to a specific project or need

The Public Funds Investment Act (Sec.2256.008) requires the City's Investment Officer to obtain 10 hrs. of continuing education each period from a source approved by the governing body. Listed below are courses Daphne Hamlin completed to satisfy that requirement:

10-2014 NCTCOG - Public Funds Inv Act.

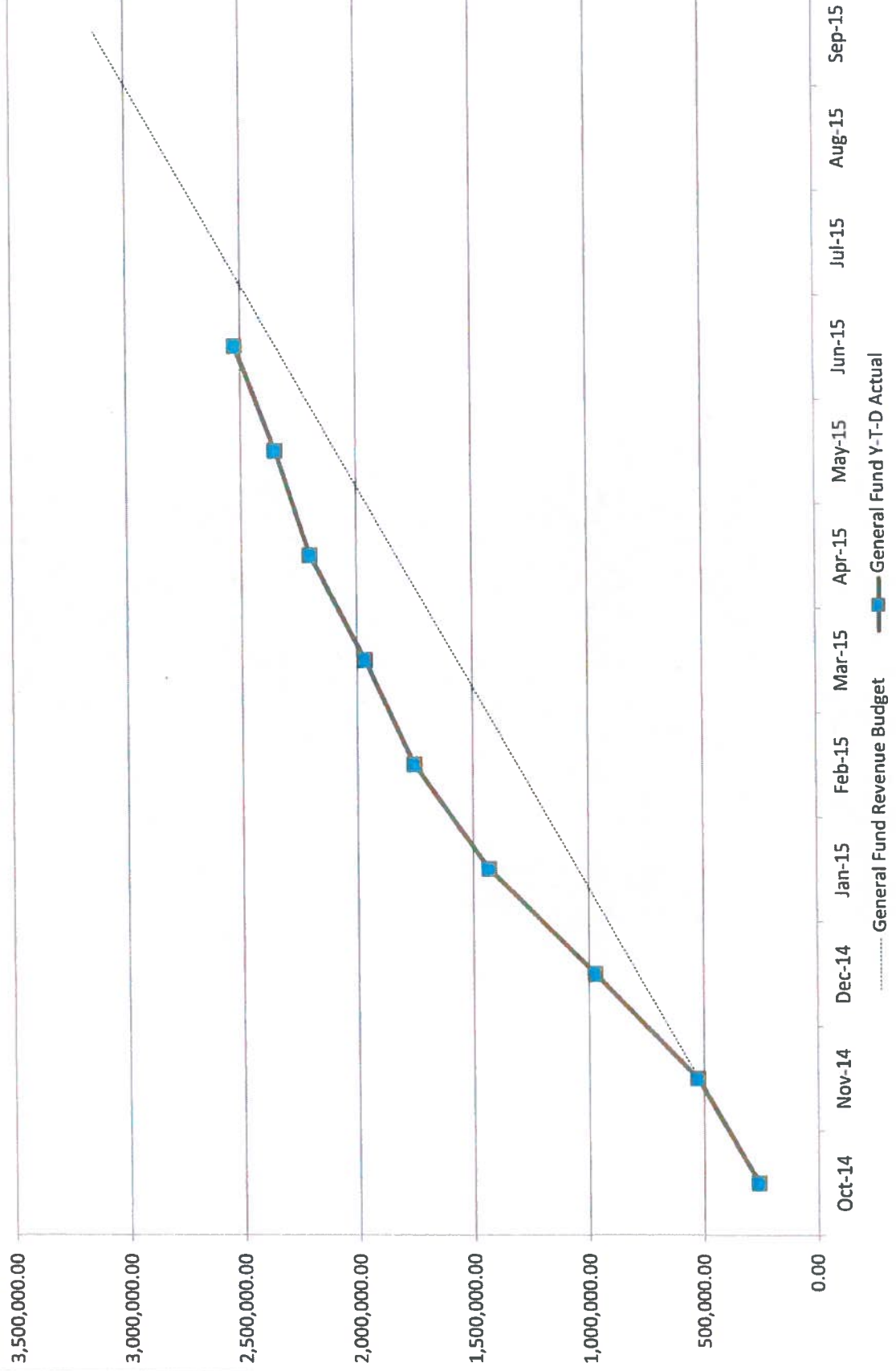
I hereby certify that the City of Farmersville's Investment Portfolio is in compliance with the City's investment strategy as expressed in the City's Investment Policy (Resolution 99-17, and with relevant provisions of the law.


Daphne Hamlin, City Investment Officer

07/23/2015

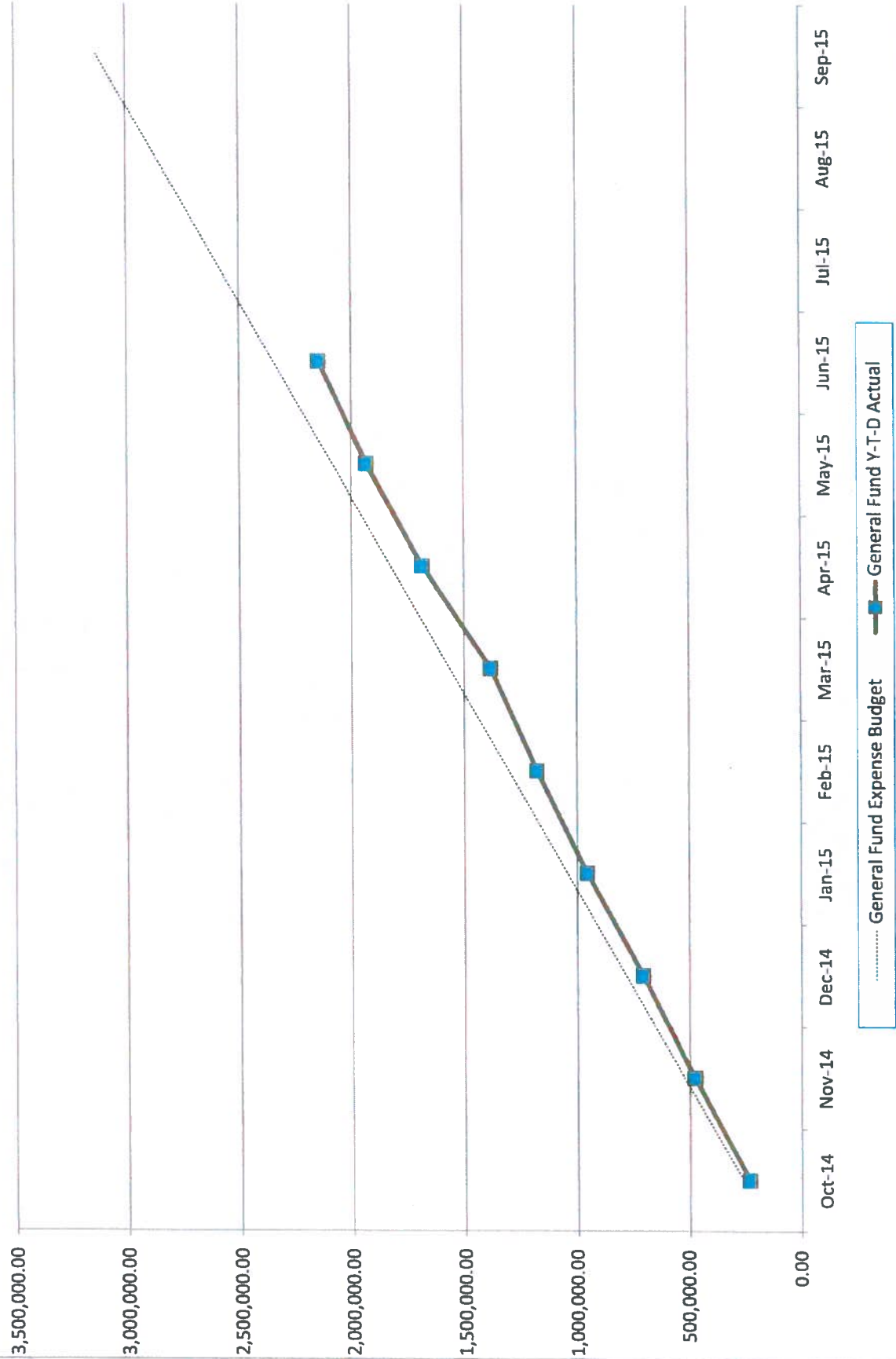
General Fund Revenue Progress

Budget Year 10/2014 thru 9/2015

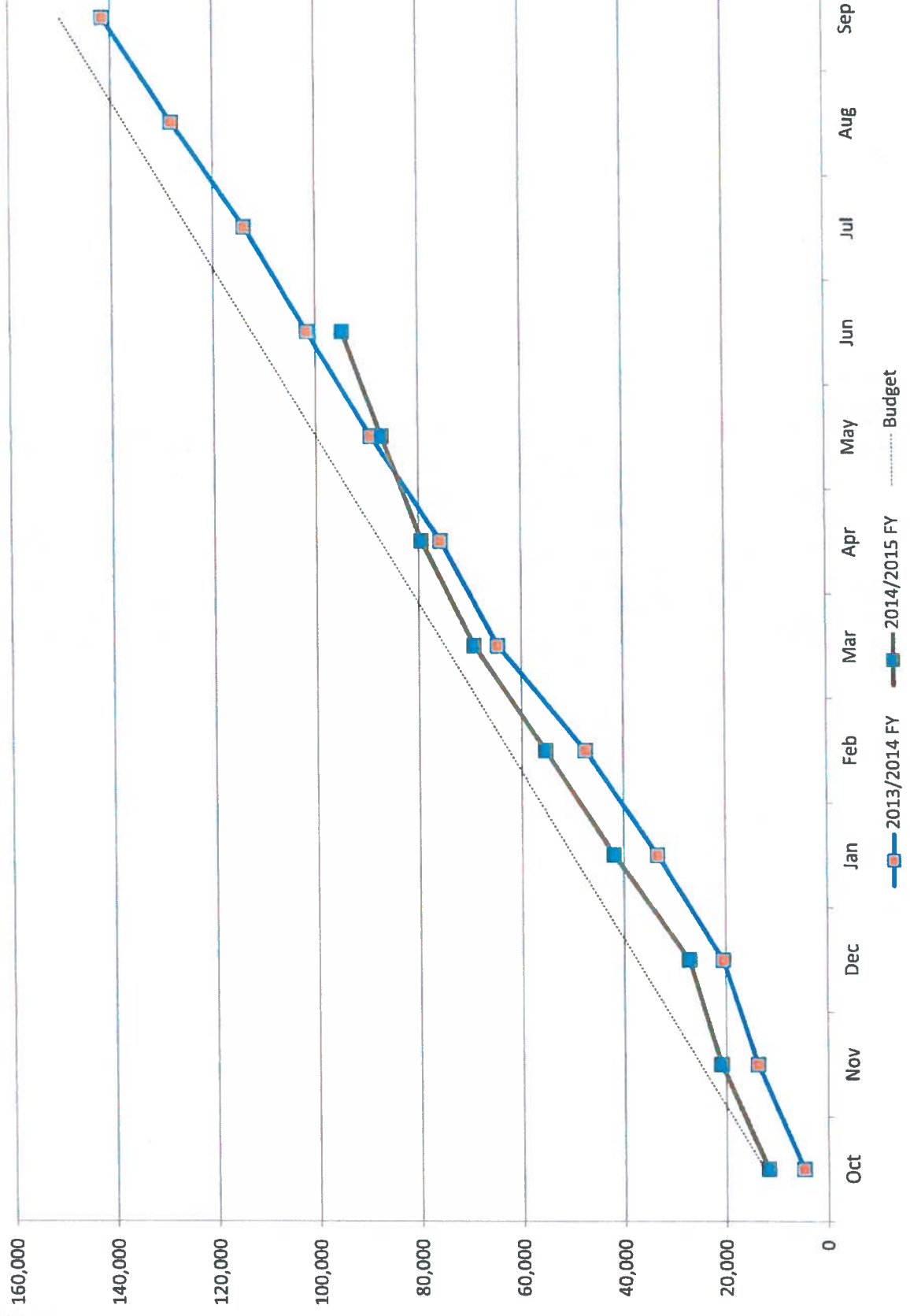


General Fund Expense

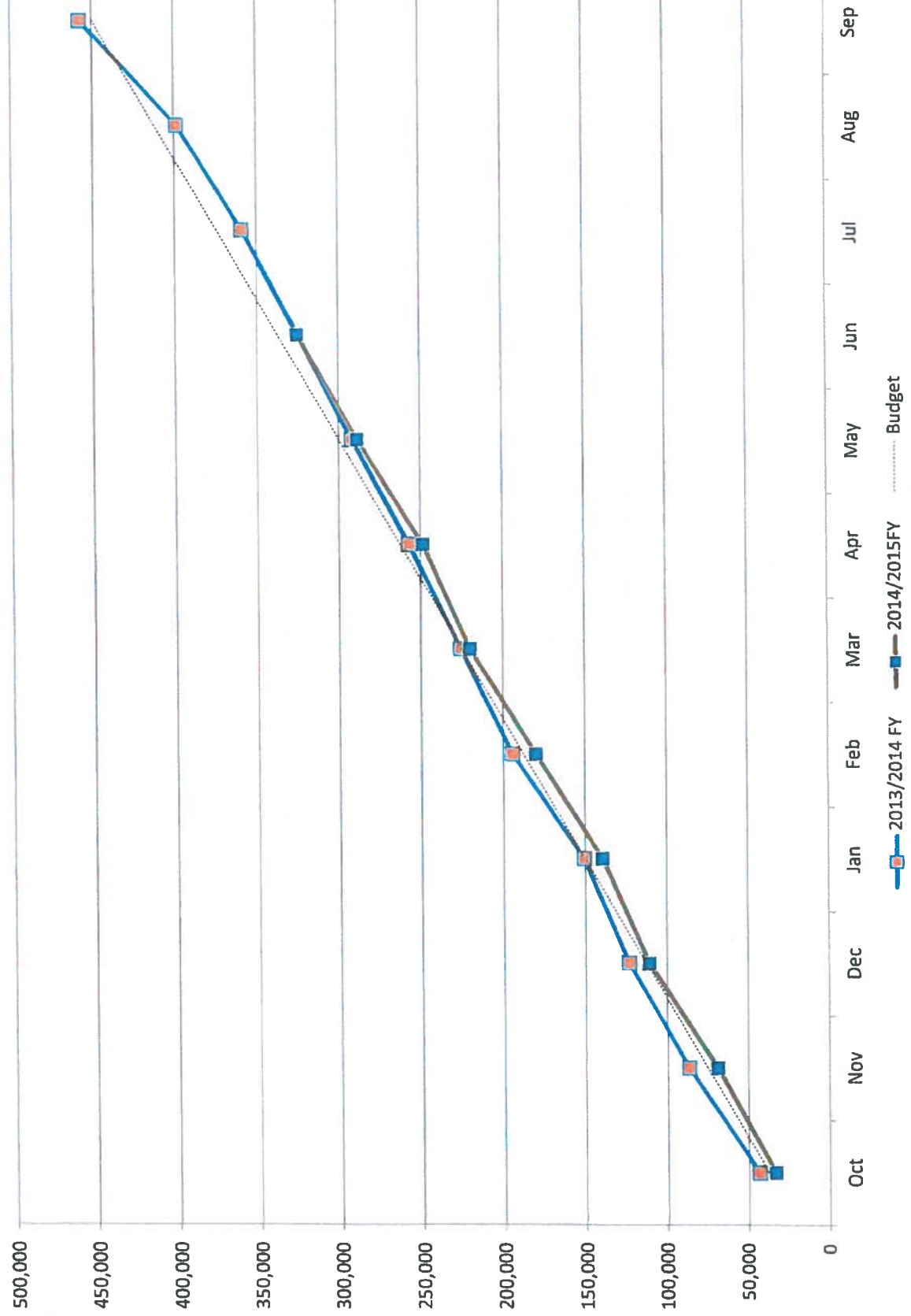
Budget Year 10/2014 thru 9/2015



Municipal Court Revenue Comparison Chart



Sales Tax Chart



CITY OF FARMERSVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: JUNE 30TH, 2015

PAGE: 1

100-GENERAL FUND
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 75.00

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>REVENUE SUMMARY</u>						
00-REVENUE	3,277,790	173,940.12	2,525,331.73	0.00	752,458.27	77.04
TOTAL REVENUES	3,277,790	173,940.12	2,525,331.73	0.00	752,458.27	77.04
<u>EXPENDITURE SUMMARY</u>						
00-TRANSFER OUT						
TRANSFERS	0	0.00	0.00	0.00	0.00	0.00
TOTAL 00-TRANSFER OUT	0	0.00	0.00	0.00	0.00	0.00
11-MAYOR & CITY COUNCIL						
PERSONNEL SERVICES	2,040	170.00	1,530.00	0.00	510.00	75.00
CONTRACTS & PROF. SVCS	150	0.00	0.00	0.00	150.00	0.00
MAINTENANCE	0	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	34,000	1,584.18	19,730.07	0.00	14,269.93	58.03
CAPITAL EXPENDITURES	0	0.00	0.00	0.00	0.00	0.00
TOTAL 11-MAYOR & CITY COUNCIL	36,190	1,754.18	21,260.07	0.00	14,929.93	58.75
12-ADMINISTRATION						
PERSONNEL SERVICES	211,988	21,653.36	182,465.21	0.00	29,522.79	86.07
CONTRACTS & PROF. SVCS	98,550	15,192.46	83,287.47	0.00	15,262.53	84.51
MAINTENANCE	101,240	3,399.39	50,100.03	0.00	51,139.97	49.49
UTILITIES	21,150	904.19	13,062.64	0.00	8,087.36	61.76
SUPPLIES	20,500	1,878.71	16,739.00	0.00	3,761.00	81.65
MISCELLANEOUS	54,045	1,328.68	26,320.87	0.00	27,724.13	48.70
CAPITAL EXPENDITURES	25,177	0.00	0.00	0.00	25,177.00	0.00
TRANSFERS	0	0.00	0.00	0.00	0.00	0.00
TOTAL 12-ADMINISTRATION	532,650	44,356.79	371,975.22	0.00	160,674.78	69.83
14-MUNICIPAL COURT						
PERSONNEL SERVICES	134,255	10,461.75	98,010.56	0.00	36,244.44	73.00
CONTRACTS & PROF. SVCS	25,300	1,250.00	14,909.60	0.00	10,390.40	58.93
MAINTENANCE	16,805	741.17	11,919.19	0.00	4,885.81	70.93
UTILITIES	1,200	103.81	859.30	0.00	340.70	71.61
SUPPLIES	11,000	245.32	3,597.06	0.00	7,402.94	32.70
MISCELLANEOUS	8,200	251.64	6,425.81	0.00	1,774.19	78.36
CAPITAL EXPENDITURES	0	0.00	0.00	0.00	0.00	0.00
TOTAL 14-MUNICIPAL COURT	196,760	13,053.69	135,721.52	0.00	61,038.48	68.98
15-LIBRARY						
PERSONNEL SERVICES	94,671	7,287.28	69,532.27	0.00	25,138.73	73.45
CONTRACTS & PROF. SVCS	250	0.00	0.00	0.00	250.00	0.00
MAINTENANCE	36,260	1,060.00	18,734.40	0.00	17,525.60	51.67
UTILITIES	9,750	400.61	5,399.66	0.00	4,350.34	55.38
SUPPLIES	3,700	385.93	2,654.24	0.00	1,045.76	71.74
MISCELLANEOUS	5,700	942.24	3,856.95	0.00	1,843.05	67.67

CITY OF FARMERSVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: JUNE 30TH, 2015

100-GENERAL FUND
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 75.00

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
CAPITAL EXPENDITURES	15,000	1,357.72	11,000.07	0.00	3,999.93	73.33
TRANSFERS	0	0.00	0.00	0.00	0.00	0.00
TOTAL 15-LIBRARY	165,331	11,433.78	111,177.59	0.00	54,153.41	67.25
16-CIVIC/CENTER						
UTILITIES	16,500	921.22	7,874.74	0.00	8,625.26	47.73
TOTAL 16-CIVIC/CENTER	16,500	921.22	7,874.74	0.00	8,625.26	47.73
21-POLICE DEPT.						
PERSONNEL SERVICES	730,240	55,334.64	513,249.00	0.00	216,991.00	70.28
CONTRACTS & PROF. SVCS	43,400	348.95	34,703.07	0.00	8,696.93	79.96
MISCELLANEOUS	1,000	0.00	34.48	0.00	965.52	3.45
MAINTENANCE	67,982	4,163.72	40,372.92	5,248.68	22,360.40	67.11
UTILITIES	36,580	1,414.51	18,394.64	0.00	18,185.36	50.29
SUPPLIES	62,600	7,635.06	37,633.17	0.00	24,966.83	60.12
MISCELLANEOUS	23,186	0.00	16,724.99	1,068.04	5,392.97	76.74
CAPITAL EXPENDITURES	38,344	197.32	7,122.72	1,858.89	29,362.39	23.42
TRANSFERS	0	0.00	0.00	0.00	0.00	0.00
TOTAL 21-POLICE DEPT.	1,003,332	68,699.56	668,234.99	8,175.61	326,921.40	67.42
22-FIRE DEPT.						
PERSONNEL SERVICES	173,546	7,770.12	88,025.31	0.00	85,520.69	50.72
CONTRACTS & PROF. SVCS	46,914	105.00	30,430.83	0.00	16,483.17	64.87
MISCELLANEOUS	750	0.00	452.79	0.00	297.21	60.37
MAINTENANCE	41,567	512.67	20,379.64	283.52	20,903.84	49.71
UTILITIES	720	30.00	695.88	0.00	24.12	96.65
SUPPLIES	39,000	332.60	29,048.58	0.00	9,951.42	74.48
MISCELLANEOUS	15,850	28.20	9,040.34	0.00	6,809.66	57.04
CAPITAL EXPENDITURES	91,933	0.00	91,895.00	0.00	38.00	99.96
TRANSFERS	0	0.00	0.00	0.00	0.00	0.00
TOTAL 22-FIRE DEPT.	410,280	8,778.59	269,968.37	283.52	140,028.11	65.87
34-STREET SYSTEM						
PERSONNEL SERVICES	125,360	10,879.56	93,886.57	0.00	31,473.43	74.89
CONTRACTS & PROF. SVCS	17,300	2,912.00	5,202.36	0.00	12,097.64	30.07
MISCELLANEOUS	52,000	11,664.02	65,525.93	0.00	13,525.93	126.01
MAINTENANCE	6,500	1,167.00	3,117.34	0.00	3,382.66	47.96
UTILITIES	52,740	450.77	5,365.53	0.00	47,374.47	10.17
SUPPLIES	12,150	369.88	6,120.10	0.00	6,029.90	50.37
MISCELLANEOUS	500	69.00	1,075.06	0.00	575.06	215.01
CAPITAL EXPENDITURES	0	0.00	0.00	0.00	0.00	0.00
TOTAL 34-STREET SYSTEM	266,550	27,512.23	180,292.89	0.00	86,257.11	67.64
60-PUBLIC WORKS BLDG						
PERSONNEL SERVICES	61,040	6,668.85	93,194.34	0.00	32,154.34	152.68
CONTRACTS & PROF. SVCS	16,000	2,769.95	6,575.06	0.00	9,424.94	41.09
MISCELLANEOUS	29,000	553.04	38,626.85	0.00	9,626.85	133.20
MAINTENANCE	113,065	88.50	11,662.38	2,001.00	99,401.62	12.08
UTILITIES	13,020	1,106.76	11,975.87	0.00	1,044.13	91.98
SUPPLIES	3,000	0.00	360.38	0.00	2,639.62	12.01

CITY OF FARMERSVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: JUNE 30TH, 2015

100-GENERAL FUND
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 75.00

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
MISCELLANEOUS	0	0.00	70.61	0.00 (	70.61)	0.00
CAPITAL EXPENDITURES	25,177	0.00	0.00	0.00	25,177.00	0.00
TRANSFERS	0	0.00	0.00	0.00	0.00	0.00
TOTAL 60-PUBLIC WORKS BLDG	260,302	11,187.10	162,465.49	2,001.00	95,835.51	63.18
39-PARKS						
PERSONNEL SERVICES	40,035	3,831.66	27,244.18	0.00	12,790.82	68.05
CONTRACTS & PROF. SVCS	82,750	12,094.12	33,090.67	0.00	49,659.33	39.99
MISCELLANEOUS	22,750	3,846.25	9,634.75	0.00	13,115.25	42.35
MAINTENANCE	16,500	129.62	8,195.08	0.00	8,304.92	49.67
UTILITIES	75,800	2,859.99	26,943.62	0.00	48,856.38	35.55
SUPPLIES	15,000	369.90	2,316.34	0.00	12,683.66	15.44
MISCELLANEOUS	250	0.00	649.98	0.00 (	399.98)	259.99
CAPITAL EXPENDITURES	30,000	0.00	0.00	0.00	30,000.00	0.00
TOTAL 39-PARKS	283,085	23,131.54	108,074.62	0.00	175,010.38	38.18
71-DEBT SERVICE						
DEBT SERVICE	106,810	0.00	106,988.46	0.00 (	178.46)	100.17
TRANSFERS	0	0.00	0.00	0.00	0.00	0.00
TOTAL 71-DEBT SERVICE	106,810	0.00	106,988.46	0.00 (	178.46)	100.17
TOTAL EXPENDITURES	3,277,790	210,828.68	2,144,033.96	10,460.13	1,123,295.91	65.73
REVENUE OVER/ (UNDER) EXPENDITURES	0 (	36,888.56)	381,297.77 (	10,460.13) (	370,837.64)	0.00

CITY OF FARMERSVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: JUNE 30TH, 2015

100-GENERAL FUND

% OF YEAR COMPLETED: 75.00

REVENUES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
00-REVENUE						
100.00.5711.000 AD VALOREM TAX	726,518	3,855.20	679,086.12	0.00	47,431.88	93.47
100.00.5712.000 CC CONV FEE COURT	0	0.00	0.00	0.00	0.00	0.00
100.00.5713.000 DEL. TAX, PEN. & INT.	10,000	583.12	7,746.38	0.00	2,253.62	77.46
100.00.5714.000 CC CONV FEE UTILITY	0	0.00	0.00	0.00	0.00	0.00
100.00.5715.000 TIR2	15,000	0.00	0.00	0.00	15,000.00	0.00
100.00.5721.000 SALES TAX	450,000	36,549.57	325,257.23	0.00	124,742.77	72.28
100.00.5722.000 BEVERAGE TAX	850	0.00	1,972.63	0.00	1,122.63	232.07
100.00.5730.000 FRANCHISE FEES - GARBAGE	0	0.00	0.00	0.00	0.00	0.00
100.00.5731.000 FRANCHISE FEES - GAS	22,000	0.00	29,519.47	0.00	7,519.47	134.18
100.00.5732.000 SKYBEAM	48,000	0.00	38,924.11	0.00	9,075.89	81.09
100.00.5733.000 ELEC. FUND FRANCHISE FEE	5,500	0.00	5,540.60	0.00	40.60	100.74
100.00.5734.000 FRANCHISE FEES - TELE.	5,000	148.66	2,054.98	0.00	2,945.02	41.10
100.00.5735.000 FRANCHISE FEES - CABLE	13,000	0.00	9,233.60	0.00	3,766.40	71.03
100.00.5736.000 FRANCHISE FEES - OTHER	0	0.00	0.00	0.00	0.00	0.00
100.00.5741.000 PERMITS & INSPECTIONS	25,000	3,243.67	30,645.92	0.00	5,645.92	122.58
100.00.5742.000 PLANNING & ZONING FEES	2,000	0.00	1,000.00	0.00	1,000.00	50.00
100.00.5743.000 FEES	100	15.00	60.00	0.00	40.00	60.00
100.00.5744.000 PENALTIES	150,000	7,577.66	94,758.93	0.00	55,241.07	63.17
100.00.5745.000 CNTY FIRE RUNS	110,997	0.00	109,528.11	0.00	1,468.89	98.68
100.00.5746.000 UNION SHED RENTAL	1,000	200.00	600.00	0.00	400.00	60.00
100.00.5747.000 COUNTY LIBRARY FUND	14,800	3,827.04	11,481.12	0.00	3,318.88	77.58
100.00.5748.000 MICRO CHIP PROGRAM	0	0.00	0.00	0.00	0.00	0.00
100.00.5749.000 MUN. CT. BLDG. SECURITY	0	0.00	0.00	0.00	0.00	0.00
100.00.5750.000 MAIN STREET EVENTS	0	0.00	0.00	0.00	0.00	0.00
100.00.5751.000 MUN. CT. TECHNOLOGY FUND	0	0.00	0.00	0.00	0.00	0.00
100.00.5754.000 GRANT PROCEEDS	0	0.00	0.00	0.00	0.00	0.00
100.00.5758.000 T-MOBILE LEASE	15,205	1,395.64	12,560.76	0.00	2,644.24	82.61
100.00.5759.000 GAMING MACHINE LICENSE	9,105	0.00	255.00	0.00	8,850.00	2.80
100.00.5760.000 SRO SUPPORT	0	0.00	0.00	0.00	0.00	0.00
100.00.5762.000 INTEREST EARNED	250	58.51	452.49	0.00	202.49	181.00
100.00.5763.000 FEDC 4A STAFF SUPPORT	600	0.00	0.00	0.00	600.00	0.00
100.00.5764.000 FEDC IMPROVEMENTS	0	0.00	0.00	0.00	0.00	0.00
100.00.5765.000 RENT E. TX. MED CTR.	12,000	0.00	7,000.00	0.00	5,000.00	58.33
100.00.5766.000 FEDC IMPROVEMENT FUND	0	0.00	0.00	0.00	0.00	0.00
100.00.5767.000 OTHER REVENUE	0	0.00	292.65	0.00	292.65	0.00
100.00.5768.000 S W BELL LEASE	5,400	0.00	7,038.53	0.00	1,638.53	130.34
100.00.5769.000 OTHER INCOME	25,000	864.94	17,665.14	0.00	7,334.86	70.66
100.00.5770.000 C.C. CHILD SAFETY	0	0.00	0.00	0.00	0.00	0.00
100.00.5771.000 ATHLETIC COMPLEX	0	0.00	0.00	0.00	0.00	0.00
100.00.5772.000 PUBLIC WORKS REVENUE	12,233	480.20	13,736.45	0.00	1,503.45	112.29
100.00.5773.000 REVENUE RESCUE	3,400	688.00	5,302.20	0.00	1,902.20	155.95
100.00.5774.000 ALARM FEE	2,500	0.00	600.00	0.00	1,900.00	24.00
100.00.5775.000 TEXAS FOREST SERVICE GRA	0	0.00	0.00	0.00	0.00	0.00
100.00.5776.000 LIBRARY GRANT TIF	0	0.00	0.00	0.00	0.00	0.00
100.00.5777.000 BRICK CAMPAIGN	0	0.00	0.00	0.00	0.00	0.00
100.00.5778.000 PARK DEDICATION FEE	0	0.00	0.00	0.00	0.00	0.00
100.00.5790.000 COURT BOY CORRECTION	0	0.00	0.00	0.00	0.00	0.00

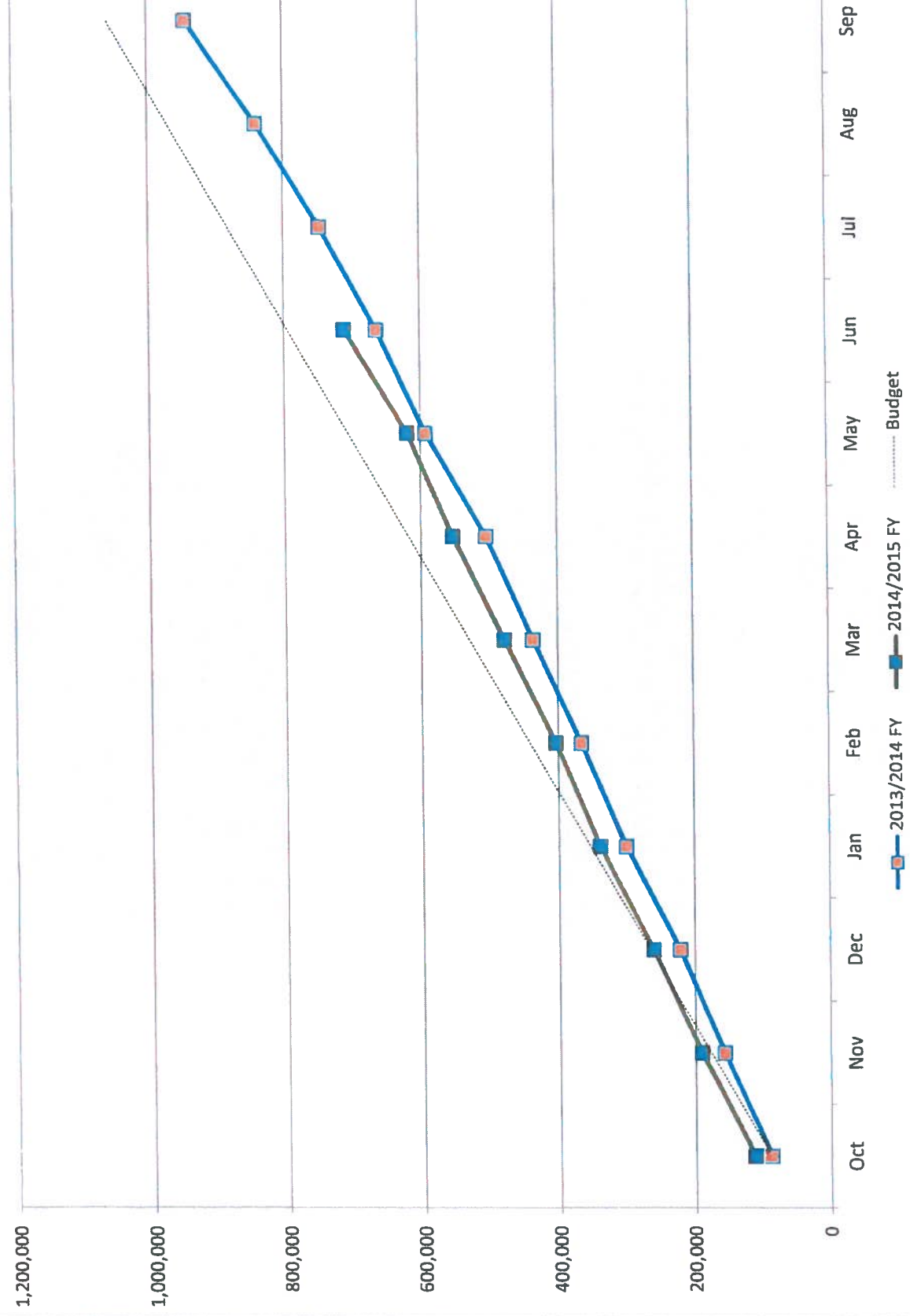
CITY OF FARMERSVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: JUNE 30TH, 2015

100-GENERAL FUND

% OF YEAR COMPLETED: 75.00

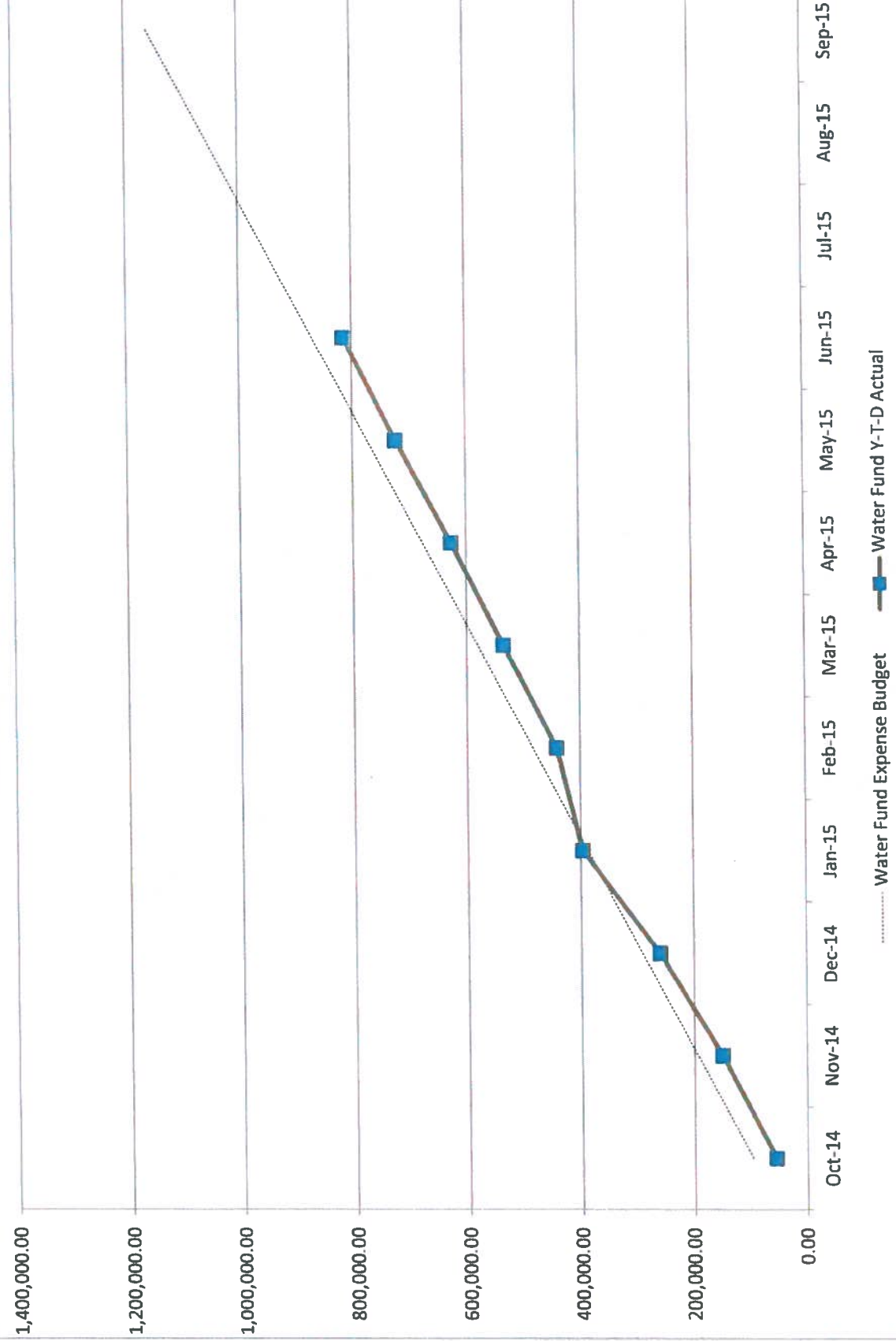
REVENUES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
100.00.5791.000 4B SUPPORT REVENUE	0	0.00	0.00	0.00	0.00	0.00
100.00.5792.000 ADM.SUPPORT CHARGES	20,710	1,725.83	15,532.47	0.00	5,177.53	75.00
100.00.5793.000 RENT RECEIVED	3,600	300.00	2,700.00	0.00	900.00	75.00
100.00.5794.000 CIVIC RENT	5,500	400.00	3,162.50	0.00	2,337.50	57.50
100.00.5795.000 4B SALARY	59,809	0.00	59,380.62	0.00	428.38	99.28
100.00.5796.000 KCS RAILWAY MOWING	0	0.00	0.00	0.00	0.00	0.00
100.00.5797.000 MARKETING	23,000	0.00	24,000.00	0.00	1,000.00	104.35
100.00.5798.000 STEP PROGRAM	0	0.00	0.00	0.00	0.00	0.00
100.00.5799.000 CAPITAL LEASE REFUNDING	0	0.00	0.00	0.00	0.00	0.00
100.00.5939.000 FORESTRY SVC GRANT	0	0.00	0.00	0.00	0.00	0.00
100.00.5991.000 TRANSFERS IN-OTHER FUNDS	1,344,325	112,027.08	1,008,243.72	0.00	336,081.28	75.00
100.00.5992.000 SALE OF FIXED ASSETS	0	0.00	0.00	0.00	0.00	0.00
100.00.5994.000 LEASE PURCHASE PROCEEDS	0	0.00	0.00	0.00	0.00	0.00
100.00.5995.000 TRANSFERS-RESERVE	135,388	0.00	0.00	0.00	135,388.00	0.00
100.00.5998.000 TRANS.IN- GEN.FND.SURPLU	0	0.00	0.00	0.00	0.00	0.00
100.00.5999.000 TRANS.IN-PARK IMP.SURPLU	0	0.00	0.00	0.00	0.00	0.00
TOTAL 00-REVENUE	3,277,790	173,940.12	2,525,331.73	0.00	752,458.27	77.04
TOTAL REVENUE	3,277,790	173,940.12	2,525,331.73	0.00	752,458.27	77.04

Water Revenue Comparison Chart



Water Fund Expense

Budget Year 10/2014 thru 9/2015



CITY OF FARMERSVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: JUNE 30TH, 2015

PAGE: 3

700-WATER FUND
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 75.00

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>REVENUE SUMMARY</u>						
00-REVENUE	1,060,153	92,184.38	711,687.98	0.00	348,465.02	67.13
TOTAL REVENUES	1,060,153	92,184.38	711,687.98	0.00	348,465.02	67.13
<u>EXPENDITURE SUMMARY</u>						
00-TRANSFER OUT						
TRANSFERS	0	0.00	0.00	0.00	0.00	0.00
TOTAL 00-TRANSFER OUT	0	0.00	0.00	0.00	0.00	0.00
12-ADMINISTRATION						
PERSONNEL SERVICES	71,835	4,793.25	52,236.41	0.00	19,598.59	72.72
CONTRACTS & PROF. SVCS	300	0.00	0.00	0.00	300.00	0.00
MAINTENANCE	12,344	1,211.95	19,094.76	0.00	6,750.76	154.69
UTILITIES	20,000	921.84	3,689.93	0.00	16,310.07	18.45
SUPPLIES	500	429.42	866.42	74.93	441.35	188.27
MISCELLANEOUS	2,400	450.78	5,296.50	0.00	2,896.50	220.69
TOTAL 12-ADMINISTRATION	107,379	7,807.24	81,184.02	74.93	26,120.05	75.67
52-STORM WATER SYSTEM						
PERSONNEL SERVICES	0	0.00	0.00	0.00	0.00	0.00
CONTRACTS & PROF. SVCS	0	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0	0.00	0.00	0.00	0.00	0.00
UTILITIES	0	0.00	0.00	0.00	0.00	0.00
SUPPLIES	0	0.00	0.00	0.00	0.00	0.00
MISCELLANEOUS	0	0.00	0.00	0.00	0.00	0.00
CAPITAL EXPENDITURES	0	0.00	0.00	0.00	0.00	0.00
TOTAL 52-STORM WATER SYSTEM	0	0.00	0.00	0.00	0.00	0.00
35-WATER DEPT.						
PERSONNEL SERVICES	168,947	17,530.89	147,413.36	0.00	21,533.64	87.25
CONTRACTS & PROF. SVCS	55,655	3,403.57	46,192.80	0.00	9,462.20	83.00
MISCELLANEOUS	79,000	1,057.31	21,370.39	1.00	57,628.61	27.05
MAINTENANCE	5,000	144.00	2,379.59	0.00	2,620.41	47.59
UTILITIES	26,250	1,889.44	17,427.41	0.00	8,822.59	66.39
SUPPLIES	587,765	48,516.72	390,792.96	0.00	196,972.04	66.49
MISCELLANEOUS	8,000	16.62	5,187.97	0.00	2,812.03	64.85
CAPITAL EXPENDITURES	0	1,203.12	11,718.36	0.00	11,718.36	0.00
TRANSFERS	121,874	10,156.16	91,405.44	0.00	30,468.56	75.00
TOTAL 35-WATER DEPT.	1,052,491	83,917.83	733,888.28	1.00	318,601.72	69.73
TOTAL EXPENDITURES	1,159,870	91,725.07	815,072.30	75.93	344,721.77	70.28
REVENUE OVER/(UNDER) EXPENDITURES	(99,717)	459.31	103,384.32	75.93	3,743.25	103.75

CITY OF FARMERSVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: JUNE 30TH, 2015

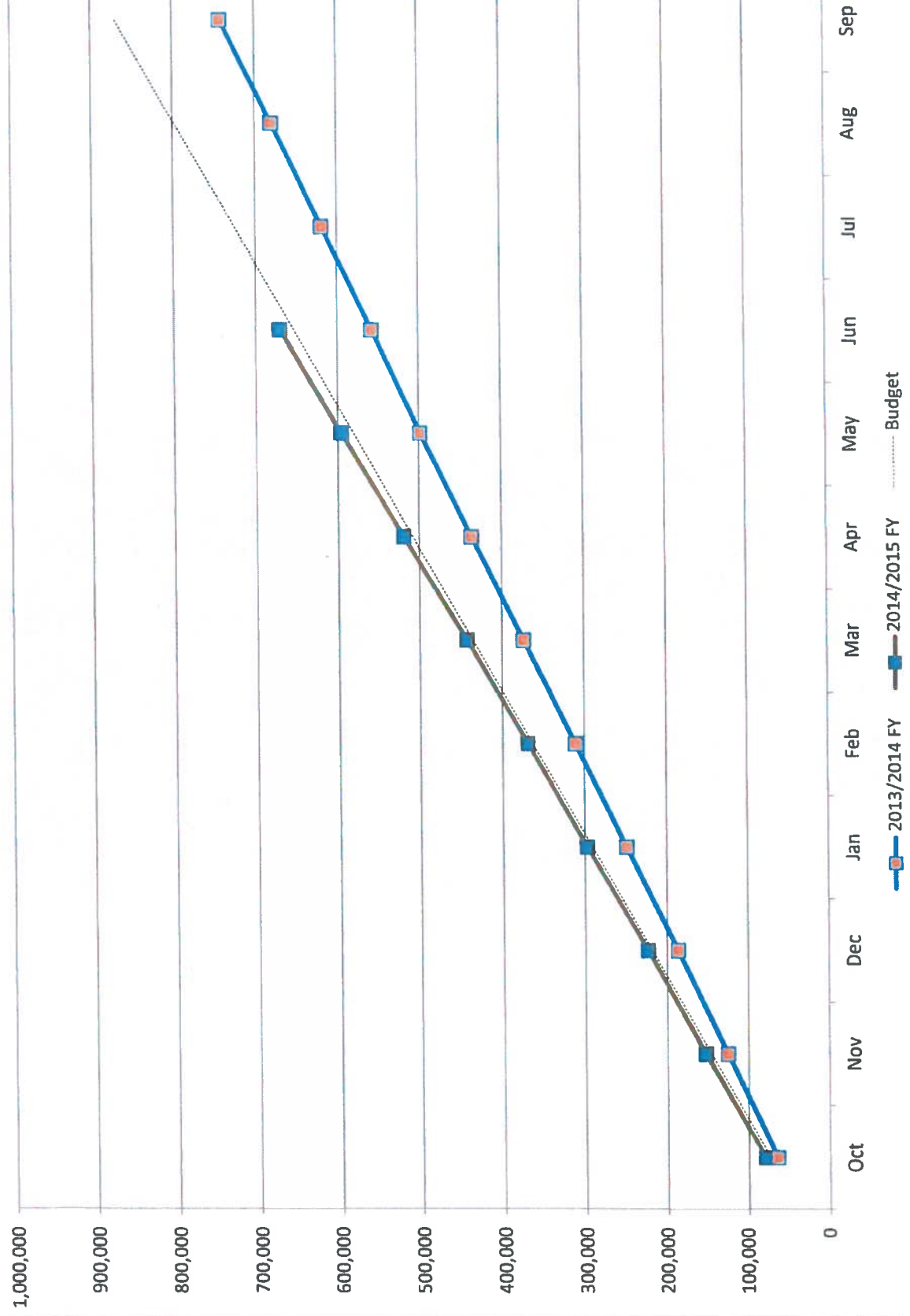
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700-WATER FUND

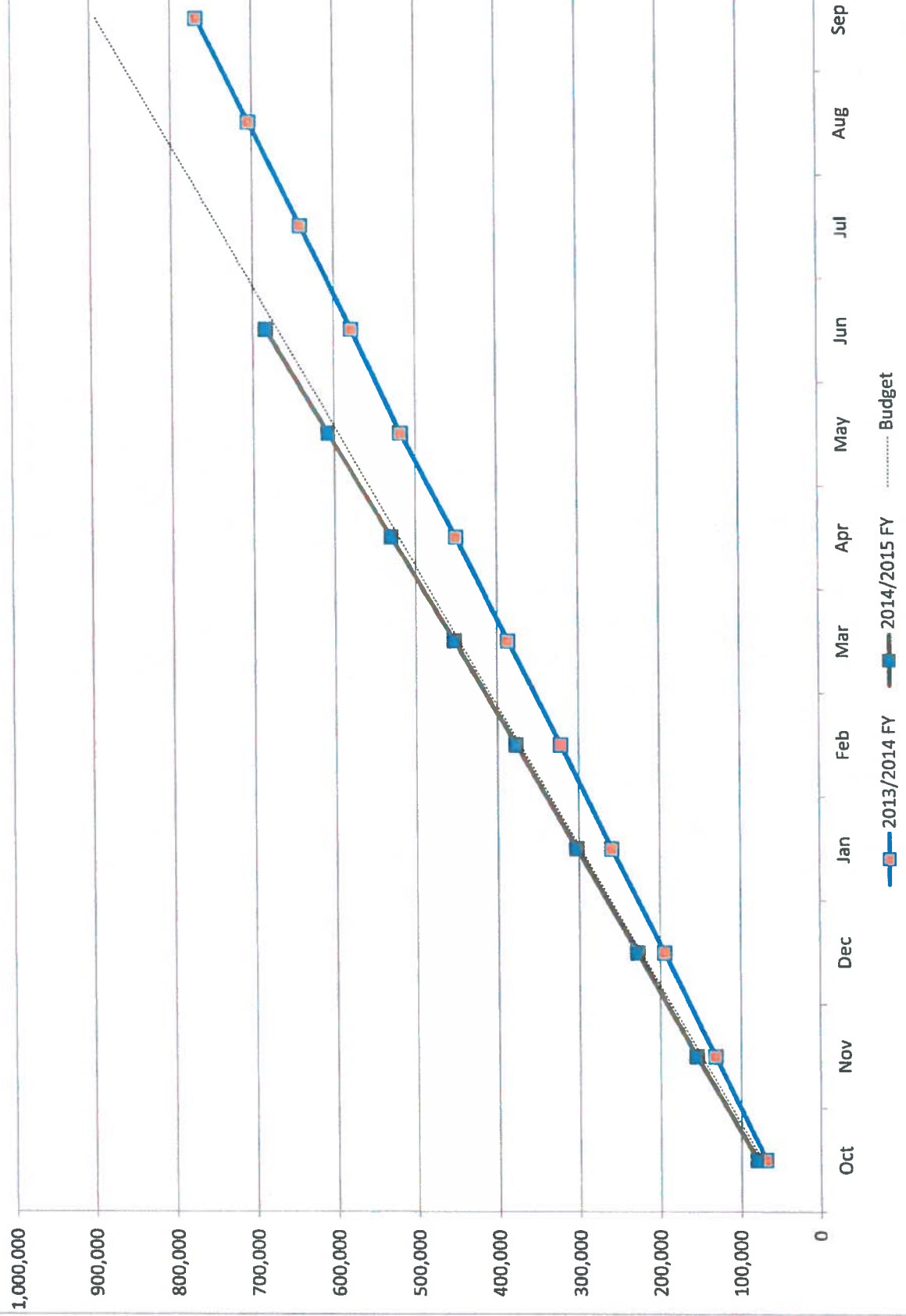
OF YEAR COMPLETED: 75.00

REVENUES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
00-REVENUE						
700.00.5714.000 CC CONV. FEE	0	0.00	0.00	0.00	0.00	0.00
700.00.5743.000 CONNECT FEE	3,500	180.00	1,670.00	0.00	1,830.00	47.71
700.00.5744.000 PENALTIES	18,000	873.53	9,286.73	0.00	8,713.27	51.59
700.00.5745.000 AGREEMENTS AND CONTRACTS	99,000	13,519.59	95,276.98	0.00	3,723.02	96.24
700.00.5746.000 IMPACT FEE	4,055	0.00	0.00	0.00	4,055.00	0.00
700.00.5751.000 CITY WATER SALES	930,898	77,578.17	604,095.19	0.00	326,802.81	64.89
700.00.5753.000 WATER TAP FEES	3,700	0.00	600.00	0.00	3,100.00	16.22
700.00.5762.000 INTEREST EARNED	500	33.09	474.08	0.00	25.92	94.82
700.00.5767.000 OTHER REVENUE	0	0.00	285.00	0.00	285.00	0.00
700.00.5769.000 OTHER REVENUE	500	0.00	0.00	0.00	500.00	0.00
TOTAL 00-REVENUE	1,060,153	92,184.38	711,687.98	0.00	348,465.02	67.13
TOTAL REVENUE	1,060,153	92,184.38	711,687.98	0.00	348,465.02	67.13

City Sewer Sales

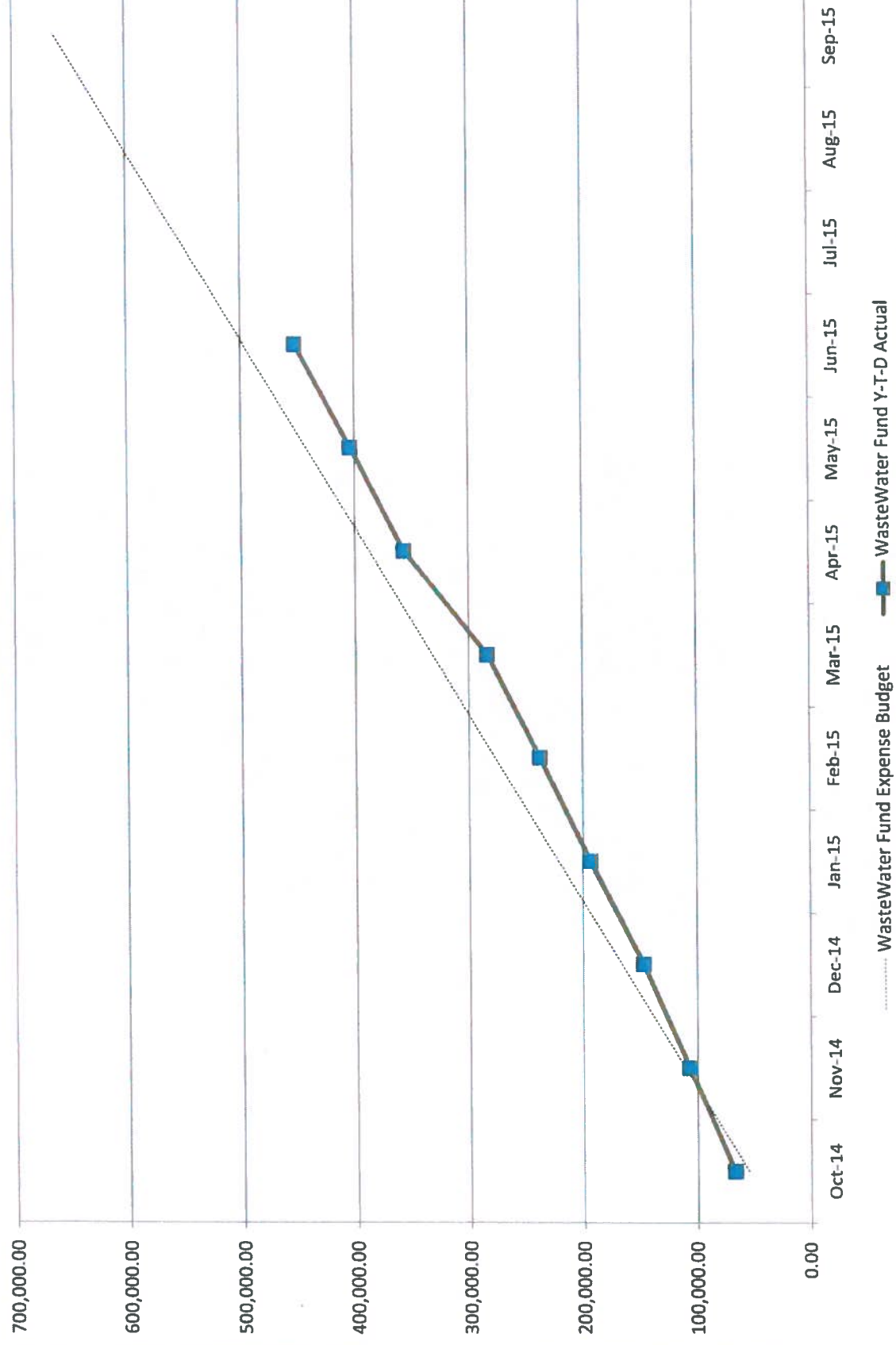


Wastewater Revenue Comparison Chart



Wastewater Fund Expense

Budget Year 10/2014 thru 9/2015



CITY OF FARMERSVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: JUNE 30TH, 2015

705-WASTEWATER
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 75.00

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>REVENUE SUMMARY</u>						
00-REVENUE	892,310	76,362.67	684,303.91	0.00	208,006.09	76.69
TOTAL REVENUES	892,310	76,362.67	684,303.91	0.00	208,006.09	76.69
<u>EXPENDITURE SUMMARY</u>						
12-ADMINISTRATION						
PERSONNEL SERVICES	46,724	1,270.53	12,710.47	0.00	34,013.53	27.20
TOTAL 12-ADMINISTRATION	46,724	1,270.53	12,710.47	0.00	34,013.53	27.20
36-WASTEWATER SYSTEM						
PERSONNEL SERVICES	119,350	4,786.45	48,611.00	0.00	70,739.00	40.73
CONTRACTS & PROF. SVCS	11,500	2,697.48	8,394.31	0.00	3,105.69	72.99
MISCELLANEOUS	18,500	0.00	11,110.19	1.00	7,388.81	60.06
MAINTENANCE	309,253	26,527.00	231,558.94	0.00	77,694.06	74.88
UTILITIES	11,000	798.86	6,977.26	0.00	4,022.74	63.43
SUPPLIES	11,000	369.88	5,166.43	0.00	5,833.57	46.97
MISCELLANEOUS	15,500	0.00	39.00	0.00	15,461.00	0.25
DEBT SERVICE	20,710	0.00	0.00	0.00	20,710.00	0.00
CAPITAL EXPENDITURES	80,000	0.00	18,954.15	0.00	61,045.85	23.69
TRANSFERS	144,601	12,050.10	108,450.90	0.00	36,150.10	75.00
TOTAL 36-WASTEWATER SYSTEM	741,414	47,229.77	439,262.18	1.00	302,150.82	59.25
TOTAL EXPENDITURES	788,138	48,500.30	451,972.65	1.00	336,164.35	57.35
REVENUE OVER/ (UNDER) EXPENDITURES	104,172	27,862.37	232,331.26 (	1.00) (	128,158.26)	223.03

CITY OF FARMERSVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: JUNE 30TH, 2015

PAGE: 2

705-WASTEWATER

% OF YEAR COMPLETED: 75.00

REVENUES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
00-REVENUE						
705.00.5741.000 SEWER SALES	870,990	75,026.41	670,670.26	0.00	200,319.74	77.00
705.00.5743.000 FEES	0	0.00	0.00	0.00	0.00	0.00
705.00.5744.000 PENALTIES	16,880	1,309.16	12,306.55	0.00	4,573.45	72.91
705.00.5745.000 AGREEMENTS AND CONTRACTS	0	0.00	0.00	0.00	0.00	0.00
705.00.5746.000 IMPACT FEE	4,440	0.00	0.00	0.00	4,440.00	0.00
705.00.5753.000 SEWER TAP FEE	0	0.00	1,300.00	0.00	1,300.00	0.00
705.00.5762.000 INTEREST EARNED	0	27.10	27.10	0.00	27.10	0.00
705.00.5767.000 OTHER REVENUE	0	0.00	0.00	0.00	0.00	0.00
705.00.5768.000 SEWER BACKUP SERVICES	0	0.00	0.00	0.00	0.00	0.00
705.00.5995.000 TRANSFER IN RESERVES	0	0.00	0.00	0.00	0.00	0.00
TOTAL 00-REVENUE	892,310	76,362.67	684,303.91	0.00	208,006.09	76.69

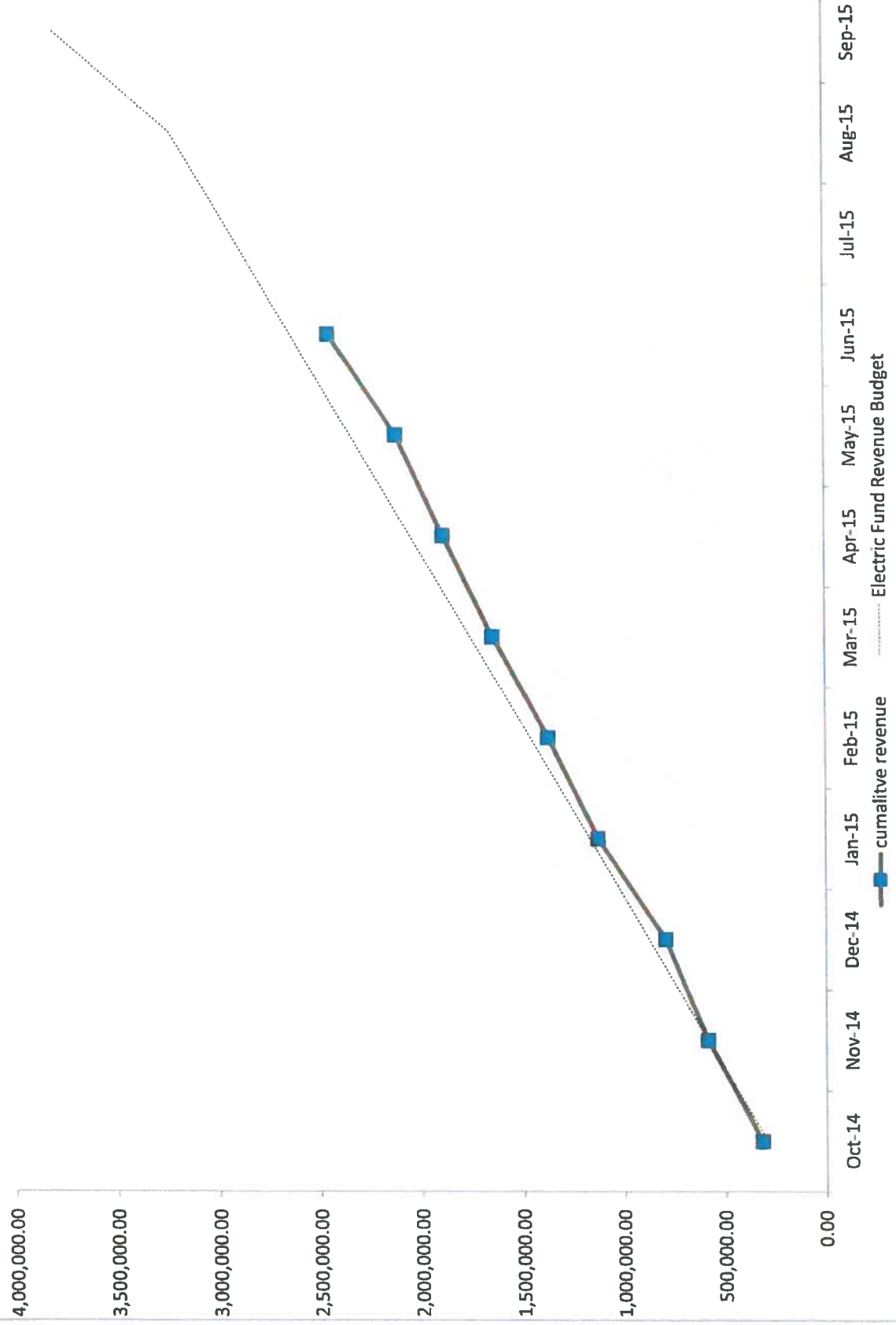
TOTAL REVENUE

208,006.09

76.69

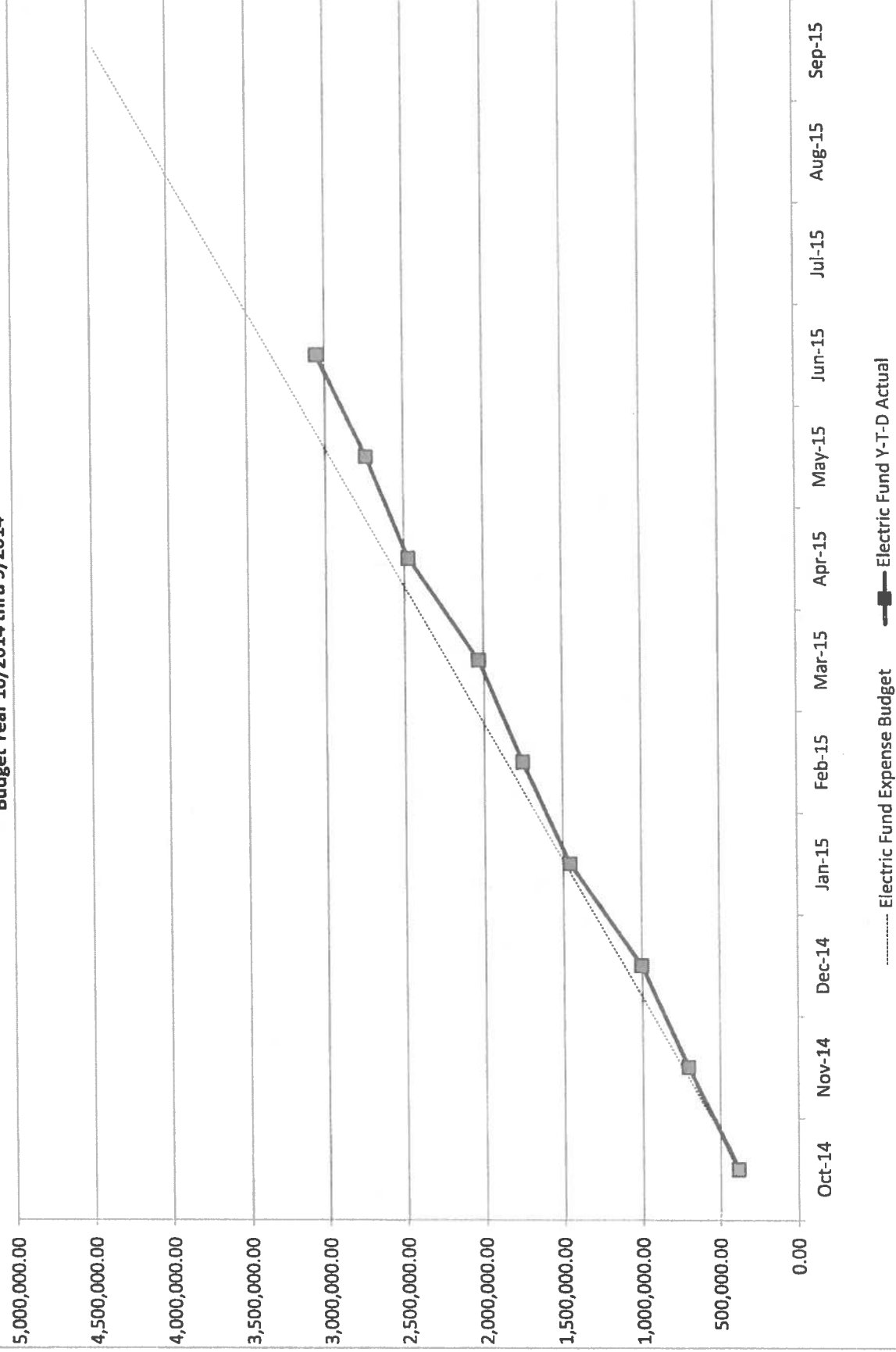
Electric Fund Revenue Progress

Budget Year 10/2014 thru 9/2015



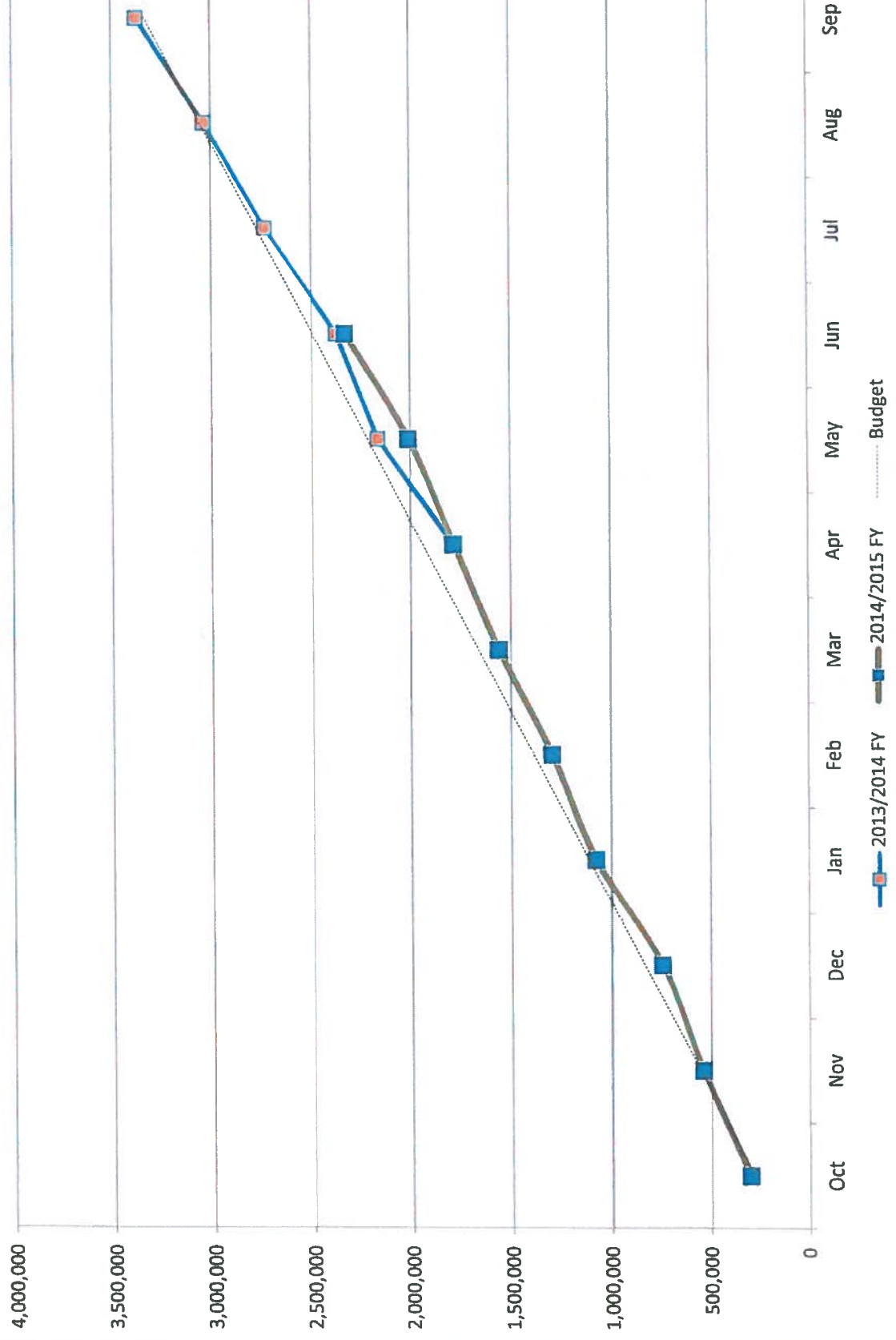
Electric Fund Expense

Budget Year 10/2014 thru 9/2015



City Electric Sales Comparison

Sales began May 2014



CITY OF FARMERSVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: JUNE 30TH, 2015

PAGE: 1

715-ELECTRIC FUND
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 75.00

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>REVENUE SUMMARY</u>						
00-REVENUE	4,347,171	470,424.86	2,541,742.82	0.00	1,805,428.18	58.47
TOTAL REVENUES	4,347,171	470,424.86	2,541,742.82	0.00	1,805,428.18	58.47
<u>EXPENDITURE SUMMARY</u>						
12-ADMINISTRATION						
PERSONNEL SERVICES	92,130	3,704.11	37,502.64	0.00	54,627.36	40.71
TOTAL 12-ADMINISTRATION	92,130	3,704.11	37,502.64	0.00	54,627.36	40.71
37-ELECTRIC DEPT.						
PERSONNEL SERVICES	377,689	33,386.49	281,957.55	0.00	95,731.45	74.65
CONTRACTS & PROF. SVCS	77,800	1,476.66	39,838.37	0.00	37,961.63	51.21
MISCELLANEOUS	144,500	15,235.11	82,351.66	357.44	61,790.90	57.24
MAINTENANCE	21,150	557.08	8,151.42	0.00	12,998.58	38.54
UTILITIES	3,840	120.00	5,248.26	0.00 (	1,408.26)	136.67
SUPPLIES	2,038,682	145,464.07	1,215,292.25	0.00	823,389.75	59.61
MISCELLANEOUS	12,000	439.29	2,842.70	0.00	9,157.30	23.69
DEBT SERVICE	127,091	0.00	123,737.50	0.00	3,353.50	97.36
CAPITAL EXPENDITURES	551,635	30,288.76	330,090.23	174,151.42	47,393.35	91.41
TRANSFERS	1,017,750	83,562.50	752,062.50	0.00	265,687.50	73.89
TOTAL 37-ELECTRIC DEPT.	4,372,137	310,529.96	2,841,572.44	174,508.86	1,356,055.70	68.98
TOTAL EXPENDITURES	4,464,267	314,234.07	2,879,075.08	174,508.86	1,410,683.06	68.40
REVENUE OVER/(UNDER) EXPENDITURES	(117,096)	156,190.79 (	337,332.26) (	174,508.86)	394,745.12	437.11

CITY OF FARMERSVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: JUNE 30TH, 2015

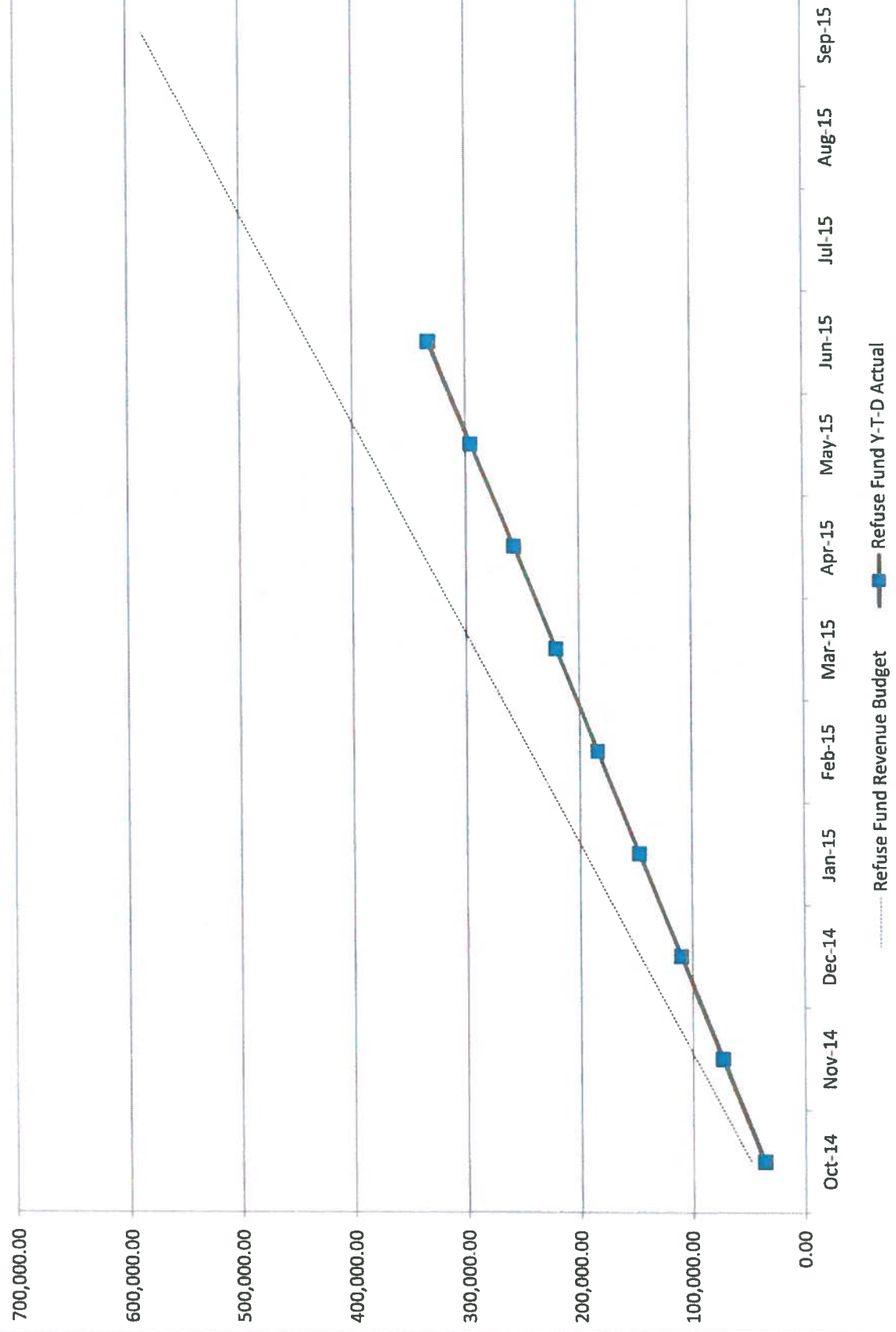
715-ELECTRIC FUND

% OF YEAR COMPLETED: 75.00

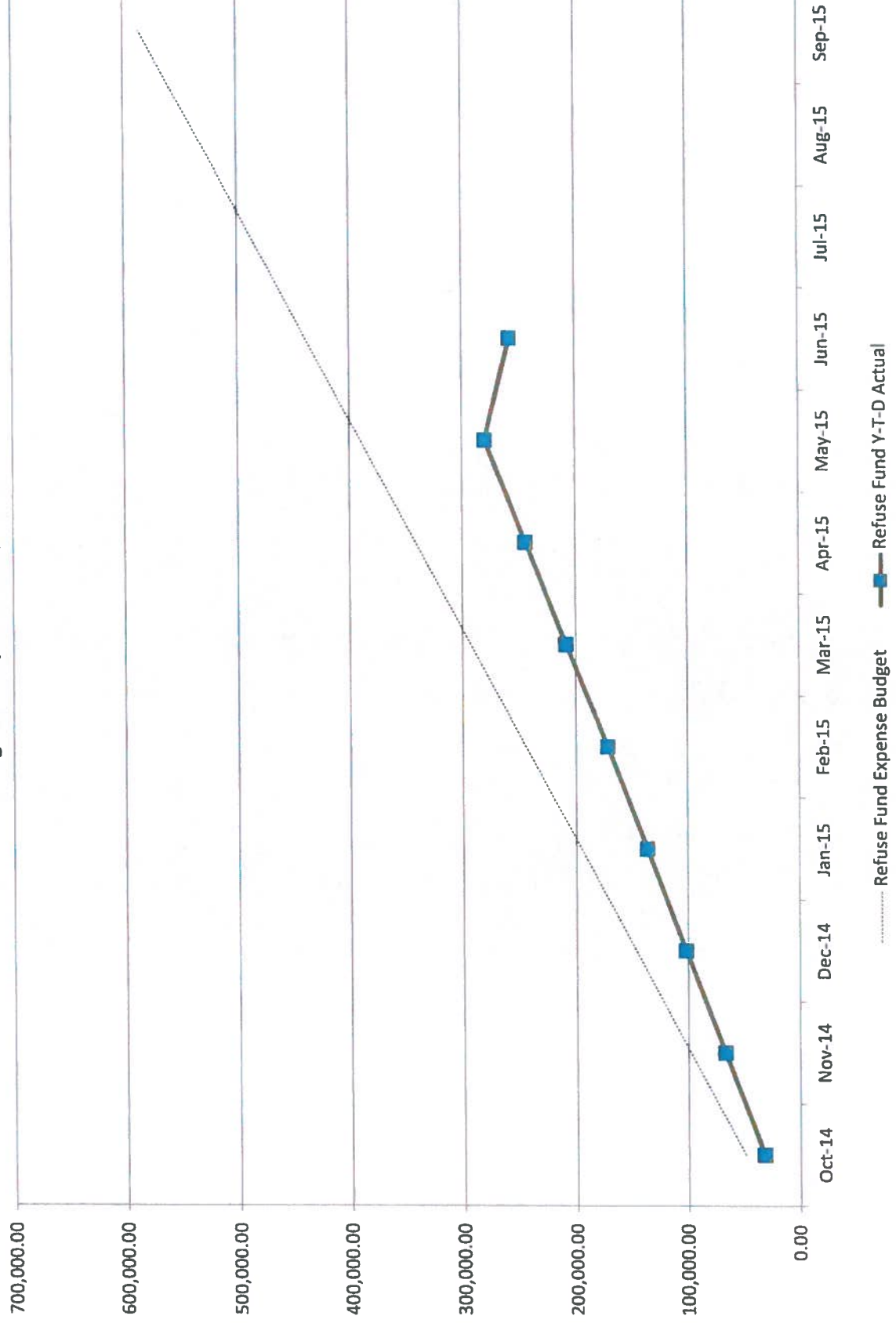
REVENUES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
00-REVENUE						
715.00.5743.000 FEES	3,000	655.00	4,992.50	0.00 (	1,992.50)	166.42
715.00.5744.000 PENALTIES	15,000	2,844.77	36,102.72	0.00 (	21,102.72)	240.68
715.00.5745.000 AGREEMENTS AND CONTRACTS	0	126,339.00	0.00	0.00	0.00	0.00
715.00.5751.000 ELECTRICITY SALES	3,574,921	321,067.16	2,330,201.62	0.00	1,244,719.38	65.18
715.00.5755.000 SURCHARGE	150,000	13,968.44	98,777.52	0.00	51,222.48	65.85
715.00.5757.000 PCA (POWER COST ADJ)	324,000	5,528.36	51,230.68	0.00	272,769.32	15.81
715.00.5762.000 INTEREST	250	22.13	138.50	0.00	111.50	55.40
715.00.5767.000 OTHER REVENUE	0	0.00	20,299.28	0.00 (	20,299.28)	0.00
715.00.5799.000 4A SUPPORT	0	0.00	0.00	0.00	0.00	0.00
715.00.5995.000 TRANSFER IN ELEC NOTE	0	0.00	0.00	0.00	0.00	0.00
715.00.5998.000 TRANSFER IN RESERVES	280,000	0.00	0.00	0.00	280,000.00	0.00
TOTAL 00-REVENUE	4,347,171	470,424.86	2,541,742.82	0.00	1,805,428.18	58.47
TOTAL REVENUE	4,347,171	470,424.86	2,541,742.82	0.00	1,805,428.18	58.47

Refuse Fund Revenue Progress

Budget Year 10/2014 thru 9/2015



Refuse Fund Expense Budget Year 10/2014 thru 9/2015



CITY OF FARMERSVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: JUNE 30TH, 2015

PAGE: 1

720-REFUSE FUND
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 75.00

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>REVENUE SUMMARY</u>						
00-REVENUE	585,748	37,204.12	332,352.59	0.00	253,395.41	56.74
TOTAL REVENUES	585,748	37,204.12	332,352.59	0.00	253,395.41	56.74
<u>EXPENDITURE SUMMARY</u>						
32-REFUSE DEPT.						
PERSONNEL SERVICES	0	0.00	0.00	0.00	0.00	0.00
CONTRACTS & PROF. SVCS	467,620	3,568.09	231,509.40	0.00	236,110.60	49.51
MISCELLANEOUS	75,100	6,258.33	56,324.97	0.00	18,775.03	75.00
MAINTENANCE	0	0.00	0.00	0.00	0.00	0.00
UTILITIES	2,400	200.00	1,800.00	0.00	600.00	75.00
MISCELLANEOUS	5,000	0.00	0.00	0.00	5,000.00	0.00
CAPITAL EXPENDITURES	0	0.00	0.00	0.00	0.00	0.00
TRANSFERS	35,628	0.00	0.00	0.00	35,628.00	0.00
TOTAL 32-REFUSE DEPT.	585,748	10,026.42	289,634.37	0.00	296,113.63	49.45
35-WATER DEPT.						
SUPPLIES	0	0.00	0.00	0.00	0.00	0.00
TOTAL 35-WATER DEPT.	0	0.00	0.00	0.00	0.00	0.00
TOTAL EXPENDITURES	585,748	10,026.42	289,634.37	0.00	296,113.63	49.45
REVENUE OVER/(UNDER) EXPENDITURES	0	27,177.70	42,718.22	0.00 (	42,718.22)	0.00

CITY OF FARMERSVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: JUNE 30TH, 2015

720-REFUSE FUND

% OF YEAR COMPLETED: 75.00

REVENUES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
00-REVENUE						
720.00.5743.000 FEES	0	0.00	0.00	0.00	0.00	0.00
720.00.5744.000 PENALTIES	7,500	479.24	4,730.37	0.00	2,769.63	63.07
720.00.5745.000 AGREEMENTS AND CONTRACTS	0	0.00	0.00	0.00	0.00	0.00
720.00.5751.000 RESIDENTIAL TRASH COLL	273,900	21,438.16	191,627.69	0.00	82,272.31	69.96
720.00.5752.000 COMMERCIAL TRASH COLLECT	291,453	15,263.16	135,710.82	0.00	155,742.18	46.56
720.00.5755.000 RECYCLE	4,970	17.50	156.10	0.00	4,813.90	3.14
720.00.5762.000 INTEREST EARNED	125	6.06	42.61	0.00	82.39	34.09
720.00.5767.000 OTHER REVENUE	0	0.00	0.00	0.00	0.00	0.00
720.00.5768.000 BRUSH AND CHIPPING AND P	0	0.00	85.00	0.00 (	85.00)	0.00
720.00.5770.000 HHW	7,800	0.00	0.00	0.00	7,800.00	0.00
TOTAL 00-REVENUE	585,748	37,204.12	332,352.59	0.00	253,395.41	56.74
TOTAL REVENUE	585,748	37,204.12	332,352.59	0.00	253,395.41	56.74



TO: Mayor and Councilmembers

FROM: Ben White, City Manager

DATE: July 28, 2015

SUBJECT: Consider, discuss and act upon an engagement letter with BrooksCardiel, PLLC to serve as the City's auditor

- An engagement letter is attached for review.

ACTION: Approve or disapprove the engagement letter as presented.



AUDIT ENGAGEMENT LETTER

July 15, 2014

City of Farmersville, Texas
205 S. Main
Farmersville, Texas 75442

Dear Joseph E. Helmberger, PE:

The following represents our understanding of the services we will provide the City of Farmersville, Texas (the "City").

You have requested that we audit the financial statements of the governmental activities, the business-type activities, the discretely presented component units, each major fund, and the aggregate remaining fund information of the City, as of September 30, 2015-2019 and for the years then ended and the related notes to the financial statements, which collectively comprise the City's basic financial statements as listed in the table of contents. We are pleased to confirm our acceptance and our understanding of this audit engagement by means of this letter. Our audit will be conducted with the objective of our expressing an opinion on each opinion unit.

Accounting principles generally accepted in the United States of America require that supplementary information, such as management's discussion and analysis and budgetary comparison information be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the required supplementary information (RSI) in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist primarily of inquiries of management regarding their methods of measurement and presentation, and comparing the information for consistency with management's responses to our inquiries. We will not express an opinion or provide any form of assurance on the RSI. The following RSI is required by accounting principles generally accepted in the United States of America. This RSI will be subjected to certain limited procedures but will not be audited:

TMRS Schedule of Funding Progress



TO: Mayor and Councilmembers

FROM: Ben White, City Manager

DATE: July 28, 2015

SUBJECT: Consider, discuss and act upon an agreement with Time Warner Cable to provide telephone service for the Main Street Director

- An agreement is attached for review.

ACTION: Approve or disapprove the agreement as presented.

Account Executive: Laurie Krum
 Phone: (469) 464-4293 ext:
 Cell Phone: (214) 918-1866
 Fax: (704) 945-5476
 Email: laurie.krum@twcable.com

Order # 5816028

Customer Information: Customer Code															
Business Name			City of Farmersville			Customer Type:			New Customer						
Federal Tax ID			Tax Exempt Status			Tax Exempt Certificate #									
*****0524			Federal;State;Local												
Billing Address															
Attention To:						Account Number									
205 S Main St Farmersville TX 75442						8260130180109020									
Billing Contact			Billing Contact Phone			Billing Contact Email Address									
Edie Sims			(972) 782-6151			e.sims@ci.farmersville.tx.us									
Authorized Contact			Authorized Contact Phone			Authorized Contact Email Address									
Ben White			(972) 782-6151			b.white@ci.farmersville.tx.us									
Technical Contact			Technical Contact Phone			Technical Contact Email Address									
Tony Linton						tlcne65@gmail.com									
Business Class Phone Service Order Information 205 S Main St Farmersville TX 75442															
Current LEC			LEC BTN			Porting Required									
AT&T			(972) 784-6846			Yes									
Business Class Phone Line Information For 205 S Main St Farmersville TX 75442															
Product Line & Type	Number & Caller ID Display	Porting	HG	Hunt Group Type	SEQ	VM	SVM#	GVM#	AA	BGF	Call ID Priv	MP	Global Calling Plan	E-911 Location	Directory Listing YPHV & Listing Details
Phone BCP Unlimited Local & LD WTN	(972) 784-6846 CITY OF FARMERS	Port				No			No		No		No	BLDG205 STEN/A FLN/A	City of Farmersville
Product Line & Type: (BTN) Billing Telephone Number, (WTN) Working Telephone Number Features: (HG) Hunt Group, (SEQ) Hunt Group Sequence, (VM) Voice Mail, (SVM#) Shared Voice Mail, (GVM#) Group Voice Mail, (AA) Auto Attendant, (BGF) Business Group Feature Package, (MP) Mobility Package Outbound Call Block*: (900) 900 Numbers, (INT) International, (900INT) 900 and International, (ACB) All Charges Blocked: 411, 900.976.INTL, OS/DA, (OBR) Outbound Restricted: Allows only 611 and 911 Inbound Call Block*: (COL) Collect, (TP) Third Party, (CTP) Collect and Third Party, (IBR) Inbound Restricted *Customer's election of call blocking can minimize potential exposure to fraud or unnecessary charges. Dir Listing: (YPHV) Yellow Page Heading Verbiage															

TWC Business Class offers inbound and outbound blocking options to help protect your account from unauthorized use. TWC recommends the use of International Blocking for all customers who do not make international calls. The table below summarizes the options selected for your order. If you have any questions or would like to change the blocking options, please contact your TWC Account Representative.

Call Blocking Options for: 205 S Main St Farmersville TX 75442

Phone Number	Inbound Call Blocks	Outbound Call Blocks
(972) 784-6846	Collect and Third Party (CTP)	INT and 900

Intercept Message Information For: 205 S Main St Farmersville TX 75442

Phone Number	Referral Number	Interval	Start Date
(972) 784-6846			

Custom Ring For: 205 S Main St Farmersville TX 75442

Number	Custom Ring #1	Directory Listing #1	Custom Ring #2	Directory Listing #2	Custom Ring #3	Directory Listing #3	Custom Ring #4	Directory Listing #4
(972) 784-6846								

Current Services and Monthly charges At 205 S Main St , Farmersville TX 75442

Description	Quantity	Sales Price	Monthly Recurring Total
5 Static IP	1	\$10.00	\$10.00
BUSINESS CLASS PHONE	1	\$29.99	\$29.99
BUSINESS CLASS PHONE	1	\$29.99	\$29.99
BUSINESS CLASS PHONE	1	\$29.99	\$29.99
BUSINESS CLASS PHONE	1	\$29.99	\$29.99
BUSINESS CLASS PHONE	1	\$24.95	\$24.95
BUSINESS CLASS PHONE	1	\$24.95	\$24.95
BUSINESS CLASS PHONE	1	\$24.95	\$24.95
WIDEBAND INTERNET 35MX5M	1	\$70.00	\$70.00
*Total			\$274.81

*Prices do not include taxes and fees.

New and Revised Services and Monthly Charges At 205 S Main St , Farmersville TX 75442				
Description	Quantity	Sales Price	Monthly Recurring Total	Contract Term
Business Class Phone Unlim Local & Long Dist Promotion	1	\$29.99	\$29.99	36 Months
*Total			\$29.99	

*Prices do not include taxes and fees.

One Time fees At 205 S Main St , Farmersville TX 75442			
Description	Quantity	Sales Price	Total
One-Time Installation Charge	1	\$150.00	\$150.00
Total			\$150.00

*Prices do not include taxes and fees.

Special Terms**Electronic Signature Disclosure**

By signing and accepting below you are acknowledging that you have read and agree to the terms and conditions outlined in this document.

Authorized Signature for Time Warner Cable Enterprises LLC

Printed Name and Title

Date Signed

Authorized Signature for Customer

Printed Name and Title

Date Signed



Business Class Phone & Business Class Trunk Service Notice and Acknowledgement Regarding E911

Customer understands and acknowledges that the Time Warner Cable Business Class Phone & Business Class Trunk (SIP or PRI) voice-enabled customer premise equipment is electrically powered and, in the event of a power outage or Time Warner Cable network failure, Enhanced 9-1-1 ("E911") services may not be available.

The Time Warner Cable Business Class Services Agreement prohibits moving your Time Warner Cable voice-enabled customer premise equipment to a new service address. Customer understands and acknowledges that if this equipment is moved to another location, E911 services may not operate properly and emergency operators may be unable to accurately identify the caller's address in an emergency. The E911 location specified on the Time Warner Cable Business Class Service Order will be provided to emergency operators for emergency calls made from the telephone numbers associated with this Service Order. To move your service to another location, you must call Time Warner Cable.

Customer agrees to specifically advise every end user of the Time Warner Cable Business Class Phone or Trunk service, prominently and using the language provided above, of the circumstances under which E911 service may not be available through Time Warner Cable Business Class Phone or Trunk service and to distribute Safety Stickers, to be supplied by Time Warner Cable, to all end users of the Time Warner Cable Business Class Phone or Trunk service and instruct each end user to place a Safety Sticker on or near any telephone or other equipment used in conjunction with the service.

Customer must ensure that all alarm, security, medical and/or other monitoring systems and services are tested to validate proper operation after Business Class Phone or Trunk service is installed.

By signing my name below, I acknowledge that I have received and understand this Notice and Acknowledgement and agree to the obligations described above.

X

(Authorized Customer Signature)

(Date Signed)



**Business Class Phone
Letter of Agency**

Company Name:
Billing Address:

By checking the following items, I designate Time Warner Cable to be the service provider for the telephone number(s) listed on the attached Service Order:

I choose Time Warner Cable to provide local telephone service for the telephone number(s) listed on the attached Service Order.

I choose Time Warner Cable to provide domestic and international long distance service for the telephone number(s) listed on the attached Service Order.

I am at least 18 years of age and I am authorized to designate the preferred provider for these services and telephone number(s). I understand that I may choose only one provider for each telephone service and number identified herein. By signing my name below, I acknowledge that I have read and understand these statements and authorize Time Warner Cable to act as my agent for these preferred carrier designations.

Electronic Signature Disclosure

(Authorized Customer Signature)

(Date Signed)

(Printed Name)

(Title)

Note: To complete your order, you must confirm your selection of Time Warner Cable as your service provider by checking the boxes next to each statement. Should you have any questions, please call your Time Warner Cable Business Class account representative.



TO: Mayor and Councilmembers

FROM: City Manager Ben White

DATE: July 28, 2015

SUBJECT: Consider, discuss and act upon a resolution assigning representatives from the Farmersville Community Development Corporation Board (4B) for TexPool Accounts

- A resolution is attached for review

ACTION: Approve or deny the resolution as presented.



Resolution
Authorizing Participation in the TexPool Investment Pools
And Designating Authorized Representatives

WHEREAS, Farmersville Community Development Corporation 4B
("Participant") is a local government or state agency of the State of Texas and is empowered to delegate to the public funds investment pools the authority to invest funds and to act as custodian of investments purchased with local investment funds; and

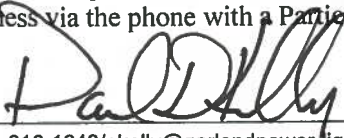


WHEREAS, it is in the best interest of the Participant to invest local funds in investments that provide for the preservation and safety of principal, liquidity, and yield consistent with the Public Funds Investment Act; and

WHEREAS, the Texas Local Government Investment Pools ("TexPool/TexPool Prime"), public funds investment pools, were created on behalf of entities whose investment objectives in order of priority are preservation and safety of principal, liquidity, and yield consistent with the Public Funds Investment Act.

NOW THEREFORE, be it resolved as follows:

- A. That Participant shall enter into a Participation Agreement to establish an account in it's name in **TexPool/TexPool Prime**, for the purpose of transmitting local funds for investment in **TexPool/TexPool Prime**.
- B. That the individuals, whose signatures appear in this Resolution, are authorized representatives of the Participant and are each hereby authorized to transmit funds for investment in **TexPool/TexPool Prime** and are each further authorized to withdraw funds from time to time, to issue letters of instruction, and to take all other actions deemed necessary or appropriate for the investment of local funds.

List of the authorized representatives of the Participant. These individuals will be issued P.I.N. numbers to transact business via the phone with a Participant Service Representative.

1. Name: Paul Kelly  Title: President
Phone/Fax/Email: 972-816-1643/pkelly@garlandpowerlight.org
Signature: _____
2. Name: Donna Williams Title: Treasurer
Phone/Fax/Email: 972-965-4848/dkwtoler@yahoo.com
Signature:  _____
3. Name: Daphne Hamlin Title: Finance Director
Phone/Fax/Email: 972-782-6151/d.hamlin@farmersvilletx.com
Signature:  _____
4. Name: _____ Title: _____
Phone/Fax/Email: _____
Signature: _____

5. Name: _____ Title: _____
Phone/Fax/Email: _____
Signature: _____

List the name of the Authorized Representative provided above that will have primary responsibility for performing transactions and receiving confirmations and monthly statements under the Participation Agreement.

Name: Daphne Hamlin

In addition and at the option of the Participant, one additional authorized representative can be designated to perform inquiry only of selected information. This limited representative cannot make deposits or withdrawals. If the Participant desires to designate a representative with inquiry rights only, complete the following information.

6. Name _____ Title _____
Phone/Fax/Email: _____

C. That this resolution and its authorization shall continue in full force and effect until amended or revoked by the Participant, and until **TexPool/TexPool Prime** receives a copy of any such amendment or revocation.

This resolution is hereby introduced and adopted by the Participant at its regular/special meeting held on the ____ Day of _____, 20 ____.

Document is to be signed by your Board President, Mayor or County Judge and attested by your Board Secretary, City Secretary or County Clerk.

NAME OF PARTICIPANT: Farmersville Community Development Corp 4B

SIGNED: _____
Signature
Joseph E. Helmberger
Printed Name
Mayor
Title

ATTEST: _____
Signature
Edie Sims
Printed Name
City Secretary
Title

Daphne Hamlin

From: Adah Leah Wolf
Sent: Thursday, June 11, 2015 5:30 PM
To: Daphne Hamlin
Subject: Texpool signatures for 4B
Attachments: AVG Certification.txt

At the last 4B meeting they decided they want their pres (Paul Kelly) and their Treasurer (Donna Williams) to be on the TexPool signature list

Thanks

A.L.

Adah Leah Wolf, Manager
Farmersville Main Street Program
205 S. Main St.
Farmersville, TX 75442
972-784-6846
FAX 972-782-6604
www.farmersvilletx.com



TO: Mayor and Councilmembers

FROM: City Manager Ben White

DATE: July 28, 2015

SUBJECT: Consider, discuss and act upon a Change Order for Phase III of the Chaparral Trail project regarding removable bollards

- A Change Order will be provided at the Council meeting.
- The bollards should all be installed by that time.

ACTION: Approve or deny the Change Order as presented.



TO: Mayor and Councilmembers

FROM: City Manager Ben White

DATE: July 28, 2015

SUBJECT: Consider, discuss and act upon amending the Code of Ordinances to include swimming pool backwash

- Ordinance information from other cities is attached for review.
- City Manager Ben White will discuss this topic further.

ACTION: Council to act as deemed necessary.

City of Farmersville

Sec. 32-182. - Definitions.

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

Public swimming pool means any swimming pool, other than a private residential swimming pool, intended to be used collectively by numbers of persons for swimming or bathing and operated by any person, whether he is the owner, lessee, operator, licensee or concessionaire, regardless of whether a fee is charged for such use.

Semipublic swimming pool means any swimming pool which is privately owned and open only to an identifiable class of persons including, but not limited to, motel guests, apartment residents, association members and club members.

Swimming pool means a receptacle for water or an artificial pool of water having a depth at any point of more than two feet and intended for the purpose of immersion or partial immersion therein of human beings and includes:

- (1) Private swimming pools;
- (2) Public and semipublic swimming pools;
- (3) Spas and hot tubs; and
- (4) Above-ground, on-ground, or in-ground swimming pools.

(Code 2004, § 4.146)

Sec. 32-183. - Permit required.

It shall be unlawful for any person to construct, install, enlarge, or alter any swimming pool in the city unless a building permit has first been obtained from the city.

(Code 2004, § 4.146.1)

Sec. 32-184. - Condition and design.

- (a) Swimming pools shall be maintained in a safe, clean, sanitary, secure, and structurally and mechanically sound manner.
- (b) Swimming pool walls and floors shall be constructed of any impervious material which will provide a tight tank with white or light colored finish and easily cleaned surfaces. The floor or bottom surface of the pool shall have a nonskid finish which is as smooth as possible.
- (c) Swimming pools shall be designed to withstand the water pressure from within, and to resist the pressure of the earth when the pool is empty, to a pressure of 2,200 pounds per square foot.
- (d) Two or more means of egress in the form of steps or ladders shall be provided for all swimming pools. At least one such means of egress shall be located on a side of the pool at both the deep end and shallow end of the pool. Treads of steps and ladders shall be constructed of nonslip material and at least three inches wide for their full length. Steps and ladders shall have a handrail on both sides.

(Code 2004, § 4.146.2)

Sec. 32-185. - Enclosure design.

- (a) Every outdoor swimming pool shall be completely enclosed by a fence or wall not less than four feet in height.
 - (1) Four inches in diameter to pass under the fence or wall.

- (2) If the fence or wall is constructed with horizontal and vertical members, and the distance between the tops of the horizontal members is at least 45 inches, the openings may not allow a sphere four inches in diameter to pass through the fence or wall.
 - (3) If the fence or wall is constructed with horizontal and vertical members, and the distance between the tops of the horizontal members is less than 45 inches, the openings may not allow a sphere 1¾ inches in diameter to pass through the enclosure.
 - (4) If the fence or wall is constructed with diagonal members and no vertical members, such as a lattice fence, the openings may not allow a sphere 1¾ inches in diameter to pass through the fence or wall.
 - (5) If the fence or wall is constructed with chain link metal fencing material, the openings may not allow a sphere 1¾ inches in diameter to pass through the fence or wall.
 - (6) Decorative designs or cutouts on, or in, a fence or wall may not contain any openings greater than 1¾ inches measured in any direction.
 - (7) Temporary or permanent equipment or structures may not be constructed or placed in a manner that will make them readily available for climbing over a swimming pool fence or wall.
- (b) All gates or doors shall be equipped with a self-closing and self-latching device. The latching device shall be located on the pool side, and comply with the requirements of the building codes adopted by the city.
- (c) Prior to the excavation for an in-ground swimming pool, a temporary fence shall be installed and maintained until completion of a permanent fence. A permanent fence will suffice for a temporary fence during construction.

(Code 2004, § 4.146.3)

Sec. 32-186. - Public and semipublic swimming pools.

(a) *Permit required; suspension of permit.*

- (1) A person shall not operate a public or semipublic swimming pool without a permit.
- (2) The city may suspend a permit to operate a swimming pool if:
 - a. The condition of the pool is hazardous to the health or safety of the swimmers or the general public;
 - b. The owner fails to keep all pool equipment and devices working properly.
- (3) The suspension of a permit as the result of a violation of a provision of this article shall continue until the cause of suspension is corrected.

(b) *Safety equipment required.*

- (1) Every public or semipublic swimming pool shall be equipped with the following:
 - a. One unit of safety equipment;
 - b. Depth markers visible on the horizontal deck and vertical walls. The number must be at least four inches in height with unit measurement adjacent to the number (i.e., ft., feet);
 - c. A buoyed line separating the shallow from the deep portion of a swimming pool at the break point depth;
 - d. An accessible telephone available at all times while the pool is in use; and
 - e. Where no life guard is on duty, a warning sign shall be in plain view and shall state "Warning No Lifeguard On Duty" with clearly legible letters at least four inches high. The sign shall also state "Children Should Not Use The Pool Without An Adult In Attendance."

- (2) The following shall be defined as one unit of safety equipment and readily available for use at any public or semipublic swimming pool at all times:
- a. A life pole or shepherd's crook capable of reaching each part of the swimming pool; and
 - b. A ring buoy with at least 60 feet of floating rope.

(Code 2004, § 4.146.4)

Sec. 32-187. - Water quality.

- (a) *Acidity; alkalinity.* The water in a swimming pool must be maintained so the pH of the water is between 7.2 and 7.8.
- (b) *Clarity.* The water in any swimming pool must be sufficiently clear to permit a distinct view of the main drain from any area outside the pool.
- (c) *Disinfectant.* Any pool disinfectant capable of killing bacteria and algae, but not harmful to humans, shall be added to the swimming pool water through a continuous feed machine. If chlorine is used, a residual level shall be maintained of one part per million of chlorine, not to exceed three parts per million. Hot tubs and spas must maintain two parts per million, not to exceed five parts per million.
- (d) *Algae.* All swimming pools must be kept free from algae.
- (e) *Circulation.* The recirculation system of any pool must be in operation at all times.
- (f) *Level.* Fresh water must be added to any pool at a rate that will keep the water at a level sufficient to allow skimming devices or overflow gutters to work properly.
- (g) *Cleaning.* The walls, floors, equipment and appurtenant facilities of any swimming pool shall be maintained in clean and sanitary condition at all times.

(Code 2004, § 4.146.5)

Sec. 32-188. - Filling neglected pools.

- (a) The owner of any swimming pool that is not maintained as a swimming pool in accordance with this article shall drain all water from the swimming pool and render it incapable of holding water and fill the swimming pool with dirt or sand.
- (b) A swimming pool that remains drained of water for 60 days is presumed to be no longer maintained.

(Code 2004, § 4.146.6; Ord. No. 2000-08, 3-28-2000)

Secs. 32-189—32-215. - Reserved.

City of McKinney

Sec. 130-191. - Allowable discharges.

Discharge from the following sources shall not be considered a source of pollutants to the storm sewer system, the waters of the state, or waters of the United States when properly managed to ensure that no potential pollutants are present, unless determined to cause a violation of the provisions of the Clean Water Act or this article:

- (1) Water line flushing, excluding discharges of hyper-chlorinated water, unless the water is first de-chlorinated 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) De-chlorinated swimming pool discharges that do not violate Texas Surface Water Quality Standards;
- (14) Street wash water excluding street sweeper waste water;
- (15) Discharges or flows from emergency firefighting activities (firefighting activities do not include washing of trucks, run-off 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;
- (19) Other similar occasional incidental non-stormwater discharges such as spray park water, unless the TCEQ develops permits or regulations addressing these discharges; and
- (20) Any other non-stormwater discharges that are specifically exempted in writing by the city and which are not a source of pollutants to the municipal separate storm sewer system or the waters of the state.

(Ord. No. 2014-09-063, § 2, 9-2-2014)

City of Anna

Section 2. Adoption of Department of State Health Services Texas Food Establishment Rules

- (a) This Article hereby incorporates as if set forth in full herein for all purposes Texas Administrative Code Title 25. Health Services, Part 1. Department of State Health Services, Chapter 229. Food and Drug, Subchapter K. Texas Food Establishments, Sections 229.161 through 229.170, and Sections 229.173 through 229.175, as may be amended by the Texas Department of State Health Services, save and except the amendments set forth below. Copies of the Texas Food Establishment Rules are on file in the office of the Anna City Secretary being marked and designated as the Texas Food Establishment Rules, published by the Texas Board of Health, General Sanitation Division. The City amends the Texas Food Establishment Rules as follows:

- (1) Section 229.162 (83) is amended such that the "regulatory authority" referenced therein is the City of Anna, Texas, including its duly authorized agents; and
- (2) Section 229.163(c) is amended to add the following subsection:

"13. A sign shall be prominently displayed in view of each rest room lavatory used by food service employees that states: 'Employees must thoroughly wash hands before returning to work after using the rest room.'"

Section 3. Penalty

Any violation of any of the terms of this Article, whether denominated in this Article as unlawful or not, shall be deemed a misdemeanor. Any person convicted of any such violation shall be fined in an amount not to exceed \$2,000 for each incidence of violation. Each violation is considered a separate offense and will be punished separately.

(Ord. No. 420-2008, adopted 12/9/2008)

Article 36. Reserved

Article 37. PUBLIC POOLS AND SPAS RULES

Section 1. Purpose

The purpose of these rules is to, among other things, safeguard public safety by requiring safe public pools and spas. These rules are found to be in the interest of good public health, engineering and safety practices.

Section 2. Adoption of Department of State Health Services Standards for Public Pools and Spas

- (a) The Texas Department of State Health Services Standards for Public Pools and Spas, adopted by the Texas Board of Health in Texas Administrative Code, Title 25 (Health Services), Part 1 (Department of State Health Services), Chapter 265 (General Sanitation), Subchapter L (Standards for Public Pools and Spas), (collectively referenced in this Article as the "Texas Department of Health Pool Rules"), which establish regulations for the design, construction, operation, repair and maintenance of all public pools and spas, are hereby adopted, save and

except the amendments set forth below. The Texas Department of Health Pool Rules, save and except the amendments set forth below, are made a part of this Article as if fully set forth herein. Copies of the Texas Department of Health Pool Rules are on file in the office of the Anna City Secretary being marked and designated as the Texas Department of Health Pool Rules, published by the Texas Board of Health, General Sanitation Division. Anna amends the Texas Department of Health Pool Rules as follows:

- (1) Section 265.182 (112) is amended such that the "regulatory authority" referenced therein is the City of Anna, Texas, including its duly authorized agents.
- (2) Section 265.186. (Decks, Entry/Exit, Diving Facilities and Other Deck equipment at Post-10/1/99 and Pre-10/1/99 Pools and Spas) is amended as follows:

(a)(14) Deck(s) shall be sloped to effectively drain to perimeter areas or to deck drains. Drainage shall remove pool and spa splash water, deck cleaning water and rainwater without leaving standing water deeper than one-eighth (1/8) inch. Drains removing all water on deck(s) shall be routed to the storm sewer system or as otherwise approved by current local Plumbing Code, as amended. Water from deck drainage shall not be mixed with pool or spa water.

- (3) Section 265.187 (Circulation Systems for Post-10/1/99 and Pre-10/1/99 Pools and Spas) is amended as follows:

(a) Suction outlet covers or grates for post-10/1/99 and pre-10/1/99 pools and spas. Suction outlet covers or grates must be provided for post-10/1/99 and pre-10/1/99 pools and spas in accordance with Section 265.190(c) of this title relating to Suction Outlets and Return Inlets in Post-10/1/99 and Pre-10/1/99 Pools and Spas). If the owner or operator of a post-10/1/99 or pre-10/1/99 pool or spa knows or should have known in the exercise of ordinary care that a suction outlet cover or grate is missing, broken, or loose, the pool or spa must be closed immediately and the pump(s) must be shut off. The pool or spa must remain closed until a proper repair or replacement has been accomplished. Repair must be inspected by the local regulatory authority before the pool or spa is allowed to reopen.

- (4) Section 265.188 (Filters) is amended as follows:

(h) Backwashing for post-10/1/99 and pre-10/1/99 pools and spas. All backwash systems shall be discharged to the sanitary sewer system through an approved p-trap unless prior approval for alternate disposal is obtained from the local regulatory authority. See also Section 265.196.

- (5) Section 265.190 Suction Outlets and Return Inlets at Post-10/1/99 and Pre-10/1/99 Pools and Spas is amended as follows:

(e) Upgrading suction outlet systems on pre-10/1/99 pools and spas.

(1) In a pre-10/1/99 pool or spa, suction outlets that are four feet deep or less, as measured from the normal water level to the suction outlet, must have for each suction system:

(A) dual hydraulically balanced suction outlets with approved covers as described in subsection (c)(1) or approved grates as described in subsection (c)(4) of this section with a distance between the suction outlet fittings no less than three feet, inside edge of the cover or grate to inside edge of the cover or grate, and no more than 20 feet, and either an AVS or SVRD as described in subsection (d)(3) of this section;

(C) dual hydraulically-balanced, suction outlets with a distance between the suction outlet fittings no less than three feet, inside edge of the cover or grate to the inside edge of the cover or grate, and no more than 20 feet, each with a minimal diagonal measurement of 24 inches and a flow velocity through the open area of the grate that does not exceed 1.5 feet per second.

(3) In a pre-10/1/99 pool or spa, suction outlets that are more than four feet deep, as measured from the normal water level to the suction outlets, must have, for each suction system;

(A) two or more hydraulically-balanced suction outlets with a distance between the suction outlet fittings no less than three feet, inside edge of the cover or grate to inside edge of the cover or grate, and no more than 20 feet, each with a minimum diagonal measurement of 24 inches and a flow velocity through the open area of the grate that does not exceed 1.5 feet per second.

(6) Section 265.196. Waste Water Disposal at Post-10/1/99 and Pre-10/1/99 Pools and Spas is amended as follows:

(7) (a) Filter backwash disposal for post-10/1/99 and pre-10/1/99 pools and spas. Filter backwash water and pool or spa drainage water from post-10/1/99 and pre-10/1/99 pools and spas shall be discharged or disposed of in accordance with the International Plumbing Code as adopted by the local regulatory authority.

(8) Section 265.199 (Specific Safety Features) is amended as follows:

(c) Depth markers for post-10/1/99 pools. Post-10/1/99 pools shall have markers showing depth and unit of measurement for depth, complying with the following:

(2) Depth and unit markers number and unit markers on decks shall be slip-resistant tile, flush mounted, placed within 24 inches of the water's edge, and positioned to be read while standing on the deck facing the water.

Spray paint, painted on and vinyl lettering units of measurements are prohibited.

(A) Three consecutive inspections performed by the local regulatory authority note a deficiency in the vinyl lettering. A deficiency shall include, but is not limited to, a vinyl letter which is damaged, missing or illegible;

(B) If the local regulatory authority reasonably deems that there is a safety hazard, whereby installing the slip-resistant, flush mounted tiles, would abate, correct or prevent the hazard;

(C) Renovations to the pool area, including amenity center, pools(s), spas or pool enclosure exceeding thirty percent (30%) of the square footage of the pool area;

(D) Failure of property owner, or its designee, to obtain an approved Certificate of Occupancy; or

(E) Violation(s) of any provision of this Article.

(f) Signs for post-10/1/99 and pre-10/1/99 pools shall comply with the following sign requirements:

(1) Post-10/1/99 and pre-10/1/99 pools shall comply with the following sign requirements:

(C) For pools where no lifeguard service is required, a warning sign shall be placed in plain view and shall state "WARNING-NO LIFEGUARD ON DUTY" with clearly legible letters at least 4 inches high. In addition, the sign shall also state in letters at least 2 inches high "CHILDREN SHOULD NOT USE POOL WITHOUT ADULT SUPERVISION". The sign shall also state "ADULTS SHOULD NOT SWIM ALONE", "NO GLASS IN POOL AREA", "SWIMMERS MUST SHOWER BEFORE ENTERING POOL/SPA" and "NO ANIMALS IN POOL AREA". The additional signage required in this subsection may be included on the sign described in paragraph (2) of this subsection. The language on the sign may impose stricter adult supervision requirements for children using the pool.

(D) When a required telephone is not readily visible from a post-10/1/99 or pre-10/1/99 pool or spa, directions shall be posted regarding its location as stated in subsection (i) of this section. When the required telephone or electronic means does not have immediate dial tone operation, clear instructions regarding the exact operation shall be legibly provided on a sign and located at the telephone. The

local regulatory authority shall approve the wording of all required signs.

(j) Telephones at post-10/1/99 and pre-10/1/99 pools and spas. Post-10/1/99 and pre-10/1/99 pools and spas shall have a telephone or other electronic means approved by the local regulatory authority capable of immediately summoning emergency service readily accessible within 100 feet from the pool or spa water. The telephone or other approved electronic means shall be located at the same address as the pool(s) and spa(s). Any electronic means of summoning emergency service will qualify as a telephone if clear instructions for its use are provided by signage. A telephone that is answered by an on-site office does not meet the requirements of this subsection. A sign in plain view of the pool or spa shall state in letters at least four inches high: "IN CASE OF EMERGENCY CALL 911 (or other appropriate emergency number or action)." A sign shall be placed at the telephone or other approved electronic means of summoning emergency service stating the address of the pool. The following shall also apply to telephones for post 10/1/99 and pre-10/1/99 pools and spas:

(5) Regardless of where the telephone is located or whether the gate(s) or door(s) are locked, a sign must be installed inside the pool yard or spa yard in plain view of the pool or spa and state in at least four (4) inch high letters: "IN CASE OF EMERGENCY, DIAL 911" (or other appropriate emergency number or action). If the telephone is not readily visible from the pool or spa, the sign inside the pool yard shall include a concise description of the location of the telephone.

(9) Section 265.200 (Pool Yard Enclosures) is amended as follows:

(b) Enclosures for post-10/1/99 or pre-10/1/99 Class C pools and spas and Class D pools at Class C facility that are subject to Health and Safety Code, Chapter 757.

(1) The pool yard or spa yard enclosure for a post-10/1/99 or pre-10/1/99 pool or spa is recommended to have a minimum perpendicular height of at least 72 inches as measured from the ground surface on the outside fence.

(c) Enclosures for all other post-10/1/99 or pre-10/1/99 Class C pools and spas and Class D pools at Class C facilities.

(1)(A) The enclosure is recommended to have a minimum perpendicular height of at least 72 inches as measured from the ground surface on the outside of the fence.

(10) Section 265.201 (Dressing and Sanitary Facilities at Post-10/1/99 and Pre-10/1/99 Pools and Spas) is amended as follows:

(f)(3) Shower(s) and lavatory(s) water temperature shall be controlled by anti-scald devices. The water heater and thermostatically-controlled mixing valves shall be inaccessible to users and shall be capable of providing two gallons per minute of water, not to exceed 110 degrees Fahrenheit with a minimum of 90 degrees Fahrenheit water to each shower head. A shower can be located on the deck of the pool if proper wastewater disposal is provided as approved by the local regulatory authority. Construction of the shower drain shall be in accordance with the local Plumbing Code, as amended, and shall be constructed to minimize the entrance of storm water. The shower need not be enclosed in Class C Pools.

(g) Sanitary facilities serving post-10/1/99 pools or spas in hotels, motels or condominiums. Post-10/1/99 Class C and D pools and spas located in a hotel, motel or condominium complex are not required to have the following facilities

(3) Deleted.

(5) Deleted.

(7) Deleted.

(11) Section 265.203 Operation and Management of Post-10/1/99 and Pre-10/1/99 pool and Spas is amended as follows:

(a) Required operator certification and training for certain types of post-10/1/99 and pre-10/1/99 pools and spas. Post-10/1/99 and pre-10/1/99 Class A or B pools and Class D pools operated in conjunction with a Class A or B pool, as well as post-10/1/99 and pre-10/1/99 Class C or D pools and spas located at Class C facilities, shall be maintained under the supervision and direction of a properly trained and certified operator who is responsible for the sanitation, safety, and proper maintenance of the pool or spa, and for maintaining all physical and mechanical equipment and records. Training and certification can be obtained by completion of one of the following courses or their equivalent:

(1) the NRPA, "Aquatic Facility Operator" (A.F.O.);

(2) the NSPF, "Certified Pool-Spa Operator" (C.P.O.);

(3) YMCA, "Pool Operator on Location" (P.O.O.L.);

(4) the NSPI, "Professional Pool & Spa Operator" (P.P.S.O.); or

(5) the ASPSA, "Licensed Aquatic Facility Technician" (L.A.F.T.).

(12) Section 265.204 (Water Quality at Post-10/1/99 and Pre-10/1/99 Pools and Spas) is amended as follows:

(c) Testing Frequency for post-10/1/99 and pre-10/1/99 pools and spas. When a post-10/1/99 or pre-10/1/99 Class A or B pool is open for use

or when a post-10/1/99 or pre-10/1/99 Class D pool operated in conjunction with a Class A or B pool or spa is open for use, a test for disinfectant level and pH shall be conducted at least every 2 hours to assure compliance with subsection (a) of this section relating to required water quality parameters. In lieu of the above testing frequency, if a system is used to automatically control disinfectant and pH, testing for disinfectant level and pH shall be made once per day. If necessary, tests shall be conducted more frequently to assure proper disinfectant level and pH. When a class C or D pool or spa located at a Class C facility is open for use, it shall be required that tests for disinfectant level, and pH be made two or more times per day to assure compliance with subsection (a) of this section relating to water quality parameters. In lieu of this testing frequency, if an automatic system is used to control disinfection and pH, it shall be required that testing for disinfection and pH be made at least once per day. To assure proper disinfection and pH, tests shall be conducted more frequently if necessary. If inspections by regulatory authorities indicate non-compliance with subsection (a) If this section relating to water quality parameters, then the local regulatory authority may require that these tests be done at an appropriate frequency and may require recording in accordance with subsection (e) of this section.

(d) Other required tests for post-10/1/99 and pre-10/1/99 pools and spas. Test(s) for total chlorine, cyanuric acid, alkalinity and hardness at post-10/1/99 and pre-10/1/99 pools and spas shall be conducted as necessary to assure proper chemical control. A test for cyanuric acid shall be conducted a minimum of one time during the operating season.

(f) Microbiological quality standards. Microbiological examination may be requested when deemed necessary by Anna. These samples shall be examined in accordance with the procedures described in the latest edition of Standard Methods for the Examination of Water and Wastewater, or as amended, (APHA, AWWA, and WPCF). All related fees shall be paid by the owner/ operator of the pool or spa.

(13) Section 265.205 (Spa Construction, Operation, and Maintenance) is amended as follows:

(f) Other safety related requirements for post-10/1/99 and pre-10/1/99 spas. Post-10/1/99 and pre-10/1/99 spas shall comply with the following.

(4)(B) There shall be a minimum of two deck depth markers per spa, regardless of spa size or shape. There shall also be an International No Diving Symbol in slip resistant tile, flush mounted every 25 feet around new and existing spas. In no event shall there be less than two International No Diving Symbols located at each new and existing spa. (4)(F) Deck depth markers in

or on the deck surfaces shall be slip resistant tile, flush mounted.

(7) Signs. Signs for post-10/1/99 and pre-10/1/99 spas shall be securely mounted and readily visible to the spa user from inside the spa enclosure. Signage shall state the following:

(F) "ALCOHOL SHOULD NOT BE CONSUMED PRIOR TO OR WHILE USING SPA"

(14) Section 265.208 (Enforcement) is amended as follows:

(a) If inspections by the local regulatory authority determine that a person has caused, suffered, allowed or permitted a violation of Health and Safety Code 341.064 or any of these rules, the department or local regulatory authority may, among other things, in accordance with Health and Safety Code 341.092, assess civil penalties, seek injunctive relief in district court, or both. If inspections by the local regulatory authority determine that the operation or maintenance of the pool, spa, or facility constitutes a serious health or safety hazard for the user, the local regulatory authority may request voluntary immediate closure, perform involuntary closure, seek injunctive relief in district court, and/or use any other enforcement methods and/or remedies available. The local regulatory authority may take any and all appropriate legal remedies available to it including, but not limited to, immediately posting the pool closed. Whenever a pool voluntarily closes or is required to cease operation at any time, all access to the pool shall be restricted and a notice shall be posted at every entrance notifying the public that the pool is closed until further notice. Whenever a pool closes by mandate of the local regulatory authority or is required to cease operation, all access to the pool shall be restricted and a notice shall be posted at every entrance notifying the public that the pool is closed until further notice. Whenever a pool is involuntarily closed, operation can only be resumed when evidence is presented that all deficiencies that caused closure have been corrected and if explicitly authorized by the local regulatory authority. Such evidence may be in the form of a re-inspection by the local regulatory authority, or by other evidence acceptable to the local regulatory authority.

(f) The City Manager, or his/her designee, shall be responsible for the enforcement of the terms of this Article.

Section 3. Offenses

A person, firm, corporation or business entity commits an offense if:

- (a) They violate any provision of this Article;
- (b) They violate any of the posted signs as required by this Article;

City of Frisco

CHAPTER 34 ENVIRONMENT*

ARTICLE IX. STORMWATER DISCHARGE

ARTICLE IX. STORMWATER DISCHARGE

Sec. 34-330 General provisions

(a) Purposes. The purposes and objectives of this article are as follows:

- (1) To maintain and improve the quality of surface water and groundwater within the City of Frisco, the North Central Texas Region, and the State of Texas.
- (2) To prevent the discharge of contaminated stormwater runoff from industrial, commercial, residential, and construction sites into the municipal separate storm sewer system (MS4) and natural waters within the City of Frisco.
- (3) To promote public awareness of the hazards involved in the improper discharge of hazardous substances, petroleum products, household hazardous waste, industrial waste, sediment from construction sites, pesticides, herbicides, fertilizers, and other contaminants into the storm sewers and natural waters of the city.
- (4) To encourage recycling of used motor oil and safe disposal of other hazardous consumer products.
- (5) To facilitate compliance with state and federal standards and permits by owners and operators of industrial and construction sites within the city.
- (6) To enable the city to comply with all federal and state laws and regulations applicable to stormwater discharges.

(b) Administration. Except as otherwise provided herein, the director of engineering services (DES), the director of public works (DPW), and code enforcement administrator (CEA) shall administer, implement, and enforce the provisions of this article. Any powers granted to or duties imposed upon these people may be delegated to other city personnel.

(c) Abbreviations. The following abbreviations when used in this article shall have the designated meanings:

BMP Best Management Practices

BTEX Benzene, Toluene, Ethyl benzene, and Xylene

- (d) Definitions. Unless a provision explicitly states otherwise, the following terms and phrases, as used in this article, shall have the meanings hereinafter designated:
- (1) Agricultural stormwater runoff. Any stormwater runoff from orchards, cultivated crops, pastures, range lands, and other nonpoint source agricultural activities, but not discharges from concentrated animal feeding operations as defined in 40 CFR Section 122.23 or discharges from concentrated aquatic animal production facilities as defined in 40 CFR Section 122.24.
 - (2) Best management practices (BMP). Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
 - (3) City. The City of Frisco, Texas, or the City Council of Frisco.
 - (4) City inspector(s) shall refer the DES, DPW or CEA who go on-site to determine if the provisions of this article are being met.
 - (5) Director of engineering services DES. The person appointed to the position of DES by the city manager to provide engineering and technical services, or his/her duly authorized representative.
 - (6) Coal pile runoff. The rainfall runoff from or through any coal storage pile.
 - (7) Code enforcement administrator (CEA). The person appointed by the city manager to enforce city codes or his/her duly authorized representative.
 - (8) Commencement of construction. The disturbance of soils associated with clearing, grading, or excavating activities or other construction activities.
 - (9) Commercial. Pertaining to any business, trade, industry, or other activity engaged in for profit.
 - (10) Director of public works (DPW). The person appointed by the city manager to manage field operations and provide environmental education, or his/her duly authorized representative.
 - (11) Discharge. Any addition or introduction of any pollutant, stormwater, or any other substance whatsoever into the municipal separate storm sewer system (MS4) or into waters of the United States.
 - (12) Discharger. Any person, who causes, allows, permits, or is otherwise responsible for, a discharge, including, without limitation, any operator of a construction site or industrial facility.
 - (13) Domestic sewage. Human excrement, gray water (from home clothes washing, bathing, showers, dishwashing, and food preparation), other wastewater from household

drains, and waterborne waste normally discharged from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories, and institutions, that is free from industrial waste.

(14) Environmental Protection Agency (EPA). The United States Environmental Protection Agency, the regional office thereof, any federal department, agency, or commission that may succeed to the authority of the EPA, and any duly authorized official of EPA or such successor agency.

(15) Extremely hazardous substance. Any substance listed in the Appendices to 40 CFR Part 355, Emergency Planning and Notification.

(16) Facility. Any building, structure, installation, process, or activity from which there is or may be a discharge of a pollutant.

(17) Fertilizer. A solid or nonsolid substance or compound that contains an essential plant nutrient element in a form available to plants and is used primarily for its essential plant nutrient element content in promoting or stimulating growth of a plant or improving the quality of a crop, or a mixture of two or more fertilizers. The term does not include the excreta of an animal, plant remains, or a mixture of those substances, for which no claim of essential plant nutrients is made.

(18) Final stabilization. The status when all soil disturbing activities at a site have been completed, and a uniform perennial vegetative cover with a density of 70 percent of the cover for unpaved areas and areas not covered by permanent structures has been established, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed.

(19) Fire department. The Fire Department of the City of Frisco, or any duly authorized representative thereof.

(20) Fire protection water. Any water, and any substances or materials contained therein, used by any person other than the fire department to control or extinguish a fire.

(21) Garbage. Putrescible animal and vegetable waste materials from the handling, preparation, cooking, or consumption of food, including waste materials from markets, storage facilities, and the handling and sale of produce and other food products.

(22) Harmful quantity. The amount of any substance that will cause pollution of water in the state.

(23) Hazardous household waste (HHW). Any material generated in a household (including single and multiple residences, hotels and motels, bunk houses, ranger stations, crew quarters, camp grounds, picnic grounds, and day use recreational areas) by a consumer which, except for the exclusion provided in 40 CFR sec. 261.4(b)(1), would be classified as a hazardous waste under 40 CFR Part 261.

(24) Hazardous substance. Any substance listed in Table 302.4 of 40 CFR Part 302.

- (25) Hazardous waste. Any substance identified or listed as a hazardous waste by the EPA pursuant to 40 CFR Part 261.
- (26) Hazardous waste treatment, disposal and recovery facility. All contiguous land, and structures, other appurtenances and improvements on the land, used for the treatment, disposal, or recovery of hazardous waste.
- (27) Herbicide. A substance or mixture of substances used to destroy a plant or to inhibit plant growth.
- (28) Industrial waste. Any waterborne liquid or solid substance that results from any process of industry, manufacturing, mining, production, trade, or business.
- (29) Motor vehicle fuel. Any vehicle crankcase oil, antifreeze, transmission fluid, brake fluid, differential lubricant, gasoline, diesel fuel, gasoline/alcohol blend, and any other fluid used in a motor vehicle.
- (30) Municipal landfill (or landfill). An area of land or an excavation in which municipal solid waste is placed for permanent disposal, and which is not a land treatment facility, a surface impoundment, an injection well, or a pile (as these terms are defined in regulations promulgated by the Texas Water Commission).
- (31) Municipal separate storm sewer system (MS4). The system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) owned and operated by the city and designed or used for collecting or conveying stormwater, and which is not used for collecting or conveying sewage.
- (32) Municipal solid waste. Solid waste resulting from or incidental to municipal, community, commercial, institutional, or recreational activities, and includes garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and other solid waste other than industrial waste.
- (33) NPDES general permit for stormwater discharges associated with industrial activity (or industrial general permit). The industrial general permit issued by EPA on August 27, 1992, and published in Volume 57 of the Federal Register at page 41304 on September 9, 1992, and any subsequent modifications or amendments thereto.
- (34) NPDES general permit for stormwater discharges from construction sites (or construction general permit). The construction general permit issued by EPA on August 27, 1992, and published in Volume 57 of the Federal Register at page 41217 on September 9, 1992, and any subsequent modifications or amendments thereto.
- (35) NPDES permit. A permit issued by EPA (or by the state under authority delegated pursuant to 33 USC sec. 1342(b)), as amended, that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

- (36) Nonpoint source. Any source of any discharge of a pollutant that is not a “point source.”
- (37) Notice of intent (NOI). The notice of intent that is required by either the industrial general permit or the construction general permit.
- (38) Notice of termination (NOT). The notice of termination that is required by either the industrial general permit or the construction general permit.
- (39) Oil. Any kind of oil in any form, including, but not limited to, petroleum, fuel oil, crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure, sludge, oil refuse, and oil mixed with waste.
- (40) Operator. The person or persons who, either individually or taken together, meet the following two criteria: (1) they have operational control over the facility specifications (including the ability to make modifications in specifications); and (2) they have the day-to-day operational control over those activities at the facility necessary to ensure compliance with pollution prevention requirements and any permit conditions.
- (41) Owner. The person who owns a facility, part of property.
- (42) Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, and local governmental entities.
- (43) Pesticide. A substance or mixture of substances intended to prevent, destroy, repel, or mitigate any pest, or any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant (as these terms are defined in V.T.C.A., Agriculture Code sec. 76.001, as amended).
- (44) Petroleum product. A petroleum product that is obtained from distilling and processing crude oil and that is capable of being used as a fuel for the propulsion of a motor vehicle or aircraft, including motor gasoline, gasohol, other alcohol blended fuels, aviation gasoline, kerosene, distillate fuel oil, and #1 and #2 diesel. The term does not include naphtha-type jet fuel, kerosene-type jet fuel, or a petroleum product destined for use in chemical manufacturing or feedstock of that manufacturing.
- (45) Petroleum storage tank (PST). Any one or combination of above ground or underground storage tanks that contain petroleum products and any connecting underground pipes.
- (46) Point source. Any discernable, 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.

(47) Pollutant. Dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water. The term “pollutant” does not include tail water or runoff water from irrigation or rainwater runoff from cultivated or uncultivated range land, pasture land, and farm land.

(48) Pollution. The alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water in the state that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property, or to the public health, safety or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

(49) Qualified personnel. Persons who possess the appropriate competence, skills and ability (as demonstrated by sufficient education, training, experience, and/or, when applicable, any required certification or licensing) to perform a specific activity in a timely and complete manner consistent with the applicable regulatory requirements and generally-accepted industry standards for such activity.

(50) Registered landscape architect (RLA). A person who has been duly licensed and registered to practice landscape architecture by the Texas Board of Architectural Examiners.

(51) Registered professional engineer (RPE). A person who has been duly licensed and registered by the Texas Board of Registration for Professional Engineers to engage in the practice of engineering in the State of Texas.

(52) Release. Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the municipal separate storm sewer system (MS4) or the waters of the United States.

(53) Reportable quantity (RQ). For any “hazardous substance,” the quantity established and listed in Table 302.4 of 40 CFR Part 302, as amended; for any “extremely hazardous substance,” the quantity established in 40 CFR Part 355, as amended, and listed in Appendix A thereto.

(54) Rubbish. Nonputrescible solid waste, excluding ashes, that consist of: (A) combustible waste materials, including paper, rags, cartons, wood, excelsior, furniture, rubber, plastics, yard trimmings, leaves, and similar materials; and (B) noncombustible waste materials, including glass, crockery, tin cans, aluminum cans, metal furniture, and similar materials that do not burn at ordinary incinerator temperatures (1,600 to 1,800 degrees Fahrenheit).

(55) Sanitary sewer (or sewer). The system of pipes, conduits, and other conveyances which carry industrial waste and domestic sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, to the city sewage treatment plant (and to which stormwater, surface water, and groundwater are not intentionally admitted).

- (56) Septic tank waste. Any domestic sewage from holding tanks such as vessels, chemical toilets, campers, trailers and septic tanks.
- (57) Service station. Any retail establishment engaged in the business of selling fuel for motor vehicles that is dispensed from stationary storage tanks.
- (58) Sewage (or sanitary sewage). The domestic sewage and/or industrial waste that is discharged into the city sanitary sewer system and passes through the sanitary sewer system to the city sewage treatment plant for treatment.
- (59) Site. The land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.
- (60) Solid waste. Any garbage, rubbish, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including, solid, liquid, semi-solid, or contained gaseous material resulting from industrial, municipal, commercial, mining, and agricultural operations, and from community and institutional activities.
- (61) State. The State of Texas.
- (62) Stormwater. Stormwater runoff, snow melt runoff, and surface runoff and drainage.
- (63) Stormwater discharge associated with industrial activity. The discharge from any conveyance which is used for collecting and conveying stormwater and which is directly related to manufacturing, processing, or raw materials storage areas at an industrial plant which is within one of the categories of facilities listed in 40 CFR sec. 122.26(b)(14), as amended, and which is not excluded from EPA's definition of the same term.
- (64) Stormwater pollution prevention plan (SWPPP). A plan required by either the construction general permit or the industrial general permit and which describes and ensures the implementation of practices that are to be used to reduce the pollutants in stormwater discharges associated with construction or other industrial activity at the facility.
- (65) Uncontaminated. Not containing a harmful quantity of any substance.
- (66) Used oil (or used motor oil). Any oil that has been refined from crude oil or synthetic oil that, as a result of use, storage, or handling, has become unsuitable for its original purpose because of impurities or the loss of original properties, but that may be suitable for further use and is recyclable in compliance with state and federal law.
- (67) Water in the state (or water). Any groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Gulf of Mexico, inside the territorial limits of the state, and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or non-navigable, and including the beds and banks of all watercourses and bodies of surface water, that are wholly or partially inside or bordering the state or inside the jurisdiction of the state.

(68) Water quality standard. The designation of a body or segment of surface water in the state for desirable uses and the narrative and numerical criteria deemed by the state to be necessary to protect those uses, as specified in Texas Administrative Code, tit. 31 ch. 307, as amended.

(69) Waters of the United States. All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide; all interstate waters, including interstate wetlands; all other waters the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce; all impoundments of waters otherwise defined as waters of the United States under this definition; all tributaries of waters identified in this definition; all wetlands adjacent to waters identified in this definition; and any waters within the federal definition of “waters of the United States” at 40 CFR sec. 122.2, as amended; but not including any waste treatment systems, treatment ponds, or lagoons designed to meet the requirements of the Federal Clean Water Act.

(70) Wetland. An area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

(71) Yard waste. Leaves, grass clippings, yard and garden debris, and brush that results from landscaping maintenance and land-clearing operations.

(Ordinance 11-11-52, sec. 2, ex. A, adopted 11/15/11)

ARTICLE IX. STORMWATER DISCHARGE

Sec. 34-331 General prohibition

(a) No person shall introduce or cause to be introduced into the municipal separate storm sewer system (MS4) any discharge that is not composed entirely of stormwater.

(b) It is an affirmative defense to any enforcement action for violation of subsection (a) of this section that the discharge was composed entirely of one or more of the following categories of discharges: (As found in the permit)

(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. Runoff from irrigation systems using potable water is prohibited by Ordinance No. 09-04-21, Water Management Plan.;

(3) Discharges from potable water sources;

- (4) Diverted stream flows;
- (5) Rising groundwaters and springs;
- (6) Uncontaminated groundwater infiltration;
- (7) Uncontaminated pumped groundwater;
- (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;
- (14) Street wash water;
- (15) Discharges or flows from fire-fighting activities (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 nonstormwater discharges listed in 40 CFR 122.26(d)(2)(iv)(B)(1), as amended;
- (17) Nonstormwater discharges that are specifically listed in the TPDES multi sector general permit (MSGP) or the TPDES construction general permit (CGP);
- (18) A discharge from a temporary car wash sponsored by a civic group school religious or nonprofit organization where only soap and water are used and where efforts are made to minimize pollutants in the discharge; and
- (19) Other similar occasional incidental nonstormwater discharges, unless the TCEQ develops permits or regulations addressing these discharges.

(c) No affirmative defense shall be available under subsection (b) of this section if the discharge or flow in question has been determined by the DES to be a source of a pollutant or pollutants to the waters of the United States or to the MS4, written notice of such determination has been provided to the discharger, and the discharge has occurred more than 14 calendar days beyond such notice. The correctness of the DES's determination that a discharge is a source of a pollutant or pollutants may be reviewed in any administrative or judicial enforcement proceeding.

(Ordinance 11-11-52, sec. 2, ex. A, adopted 11/15/11)

ARTICLE IX. STORMWATER DISCHARGE

Sec. 34-332 Specific prohibitions and requirements

(a) The specific prohibitions and requirements in this section are not necessarily inclusive of all the discharges prohibited by the general prohibition in section 34-331.

(b) No person shall introduce or cause to be introduced into the MS4 any discharge that causes or contributes to causing the city to violate a water quality standard, the city's NPDES permit, or any state-issued discharge permit for discharges from its MS4.

(c) No person shall dump, spill, leak, pump, pour, emit, empty, discharge, leach, dispose, or otherwise introduce or cause, allow, or permit to be introduced any of the following substances into the MS4:

- (1) Any industrial waste;
- (2) Any used motor oil;
- (3) Any hazardous waste, including hazardous household waste;
- (4) Any domestic sewage or septic tank waste, grease trap waste, or grit trap waste;
- (5) Any release from a petroleum storage tank (PST), or any leachate or runoff from soil contaminated by a leaking PST, or any discharge of pumped, confined, or treated wastewater from the remediation of any such PST release, unless the discharge satisfies all of the following criteria:
 - a. Compliance with all state and federal standards and requirements; and
 - b. No discharge containing a harmful quantity of any pollutant.

(d) No person shall intentionally dump, spill, leak, pump, pour, emit, empty, discharge, leach, dispose, or introduce any of the following substances into the MS4 and all persons shall to the maximum extent practicable under prevailing circumstances employ control measures to prevent the following substances from entering into the MS4:

- (1) Any motor oil, antifreeze, or any other motor vehicle fluid;
- (2) Any garbage, rubbish or yard waste;
- (3) Any wastewater from a commercial carwash facility; from any vehicle washing, cleaning, or maintenance at any new or used automobile or other vehicle dealership, rental agency, body shop, repair shop, or maintenance facility; or from any washing, cleaning, or maintenance of any business or commercial or public service vehicle, including a truck, bus, or heavy equipment, by a business or public entity;
- (4) Any wastewater from the washing, cleaning, de-icing, or other maintenance of aircraft;
- (5) Any wastewater from a commercial mobile power washer or from the washing or other

cleaning of a building exterior that contains any soap, detergent, degreaser, solvent, or any other harmful cleaning substance;

(6) Any wastewater from floor, rug or carpet cleaning;

(7) Any wastewater from the wash-down or other cleaning of pavement that contains any harmful quantity of soap, detergent, solvent, degreaser, emulsifier, dispersant, or any other harmful cleaning substance; or any wastewater from the wash-down or other cleaning of any pavement where any spill, leak, or other release of oil, motor fuel, or other petroleum or hazardous substance has occurred, unless all harmful quantities of such released material have been previously removed;

(8) Any effluent from a cooling tower, condenser, compressor, emissions scrubber, emissions filter, or the blow down from a boiler;

(9) Any ready-mixed concrete, mortar, ceramic, or asphalt base material or hydro mulch material, or from the cleaning of commercial vehicles or equipment containing, or used in transporting or applying, such material;

(10) Any runoff or wash-down water from any animal pen, kennel, or fowl or livestock containment area;

(11) Any filter backwash from a swimming pool, fountain or spa;

(12) Any swimming pool water containing any harmful quantity of chlorine, muriatic acid or other chemical used in the treatment or disinfection of the swimming pool water or in pool cleaning;

(13) Any discharge from water line disinfection by super chlorination or other means if it contains any harmful quantity of chlorine or any other chemical used in line disinfection;

(14) Any fire protection water containing oil or hazardous substances or materials that the fire code in this Code of Ordinances requires to be contained and treated prior to discharge, unless treatment adequate to remove pollutants occurs prior to discharge. (This prohibition does not apply to discharges or flow from fire-fighting by the fire department.);

(15) Any water from a water curtain in a spray room used for painting vehicles or equipment;

(16) Any contaminated runoff from a vehicle wrecking yard;

(17) Any substance or material that will damage, block or clog the MS4.

(e) No person shall introduce or cause to be introduced into the MS4 any harmful quantity of sediment, silt, earth, soil, or other material associated with clearing, grading, excavation or other construction activities, or associated with landfilling or other placement or disposal of soil, rock, or other earth materials, in excess of what could be retained on-site or captured by employing sediment and erosion control measures to the maximum extent practicable under prevailing circumstances.

- (f) No person shall connect a line conveying sanitary sewage, domestic or industrial, to the MS4, or allow such a connection to continue.
- (g) No person shall cause or allow any pavement wash water from a service station to be discharged into the MS4 unless such wash water has passed through a properly functioning and maintained, grease, oil, and sand interceptor before discharge into the MS4.
- (h) Pesticides, herbicides and fertilizers. No person shall dump, spill, leak, pump, pour, emit, empty, discharge, leach, dispose, or otherwise introduce or cause, allow, or permit to be introduced harmful levels of pesticides, herbicides and fertilizers into the MS4. All persons shall to the maximum extent practicable under prevailing circumstances employ control measures to minimize pesticides, herbicides and fertilizers from entering the MS4. This includes the following:
- (1) Applying products according to manufacture recommendations.
 - (2) Applying products according to all state and federal laws.
 - (3) Proper storage and disposal.

(Ordinance 11-11-52, sec. 2, ex. A, adopted 11/15/11)

ARTICLE IX. STORMWATER DISCHARGE

Sec. 34-333 Release and reporting and cleanup

- (a) The person in charge of any facility, vehicle, or other source of any spilling, leaking, pumping, pouring, emitting, emptying, discharging, escaping, leaching, dumping, disposing, or any other release of any of the following quantities of any of the following substances that may flow, leach, enter, or otherwise be introduced into the MS4 or waters of the United States, shall immediately telephone and notify the DES concerning the incident:
- (1) An amount equal to or in excess of a reportable quantity of any hazardous substance, as established under 40 CFR Part 302, as amended;
 - (2) An amount equal to or in excess of a reportable quantity of any extremely hazardous substance, as established under 40 CFR Part 355, as amended;
 - (3) An amount of oil that either: (a) violates applicable water quality standards; or (b) causes a film or sheen upon or discoloration of the surface of the water or an adjoining shoreline or causes a sludge or emulsion to be deposited beneath the surface of the water or upon an adjoining shoreline; or
 - (4) Any harmful quantity of any pollutant.
- (b) The immediate notification required by subsection (a) shall include the following information:
- (1) The identity or chemical name of the substance released, and whether the substance is

an extremely hazardous substance;

- (2) The exact location of the release, including any known name of the waters involved or threatened and any other environmental media affected;
- (3) The time and duration (thus far) of the release;
- (4) An estimate of the quantity and concentration (if known) of the substance released;
- (5) The source of the release;
- (6) Any known or anticipated health risks associated with the release and, where appropriate, advice regarding medical attention that may be necessary for exposed individuals;
- (7) Any precautions that should be taken as a result of the release;
- (8) Any steps that have been taken to contain and/or clean up the released material and minimize its impacts; and
- (9) The names and telephone numbers of the person or persons to be contacted for further information.

(c) Within 14 calendar days following such release, the responsible person in charge of the facility, vehicle, or other source of the release shall, unless waived by the DES, submit a written report containing each of the items of information specified above in subsection (b), as well as the following additional information:

- (1) The ultimate duration, concentration, and quantity of the release;
- (2) All actions taken to respond to, contain, and clean up the released substances, and all precautions taken to minimize the impacts;
- (3) Any known or anticipated acute or chronic health risks associated with the release;
- (4) Where appropriate, advice regarding medical attention necessary for exposed individuals;
- (5) The identity of any governmental/private sector representatives responding to the release; and
- (6) The measures taken or to be taken by the responsible person(s) to prevent similar future occurrences.

(d) The notifications required by subsections (b) and (c) above shall not relieve the responsible person of any expense, loss, damage, or other liability which may be incurred as a result of the release, including any liability for damage to the city, to natural resources, or to any other person or property; nor shall such notification relieve the responsible person of any fine, penalty, or other liability which may be imposed pursuant to this article or to state or federal law.

(e) Any person responsible for any release as described in subsection (a) above shall comply with all state, federal, and any other local law requiring reporting, cleanup, containment, and any other appropriate remedial action in response to the release.

(f) Any person responsible for a release described in subsection (a) above shall reimburse the city for any cost incurred by the city in responding to the release.

(Ordinance 11-11-52, sec. 2, ex. A, adopted 11/15/11)

ARTICLE IX. STORMWATER DISCHARGE

Sec. 34-334 Stormwater discharges from construction activities

(a) General requirements.

(1) All operators of construction sites shall use best management practices to control and reduce the discharge, to the MS4 and to waters of the United States, of sediment, silt, earth, soil, and other material associated with the clearing, grading, excavation, and other construction activities to the maximum extent practicable under the circumstances. Such best management practices may include, but not be limited to the following measures:

- a. Ensuring that existing vegetation is preserved where possible and that disturbed portions of the site are stabilized as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased. Stabilization measures may include: Temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures;
- b. Use of structural practices to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from the site to the extent feasible;
- c. Minimization of the tracking of sediments off-site by vehicles, the generation of dust, and the escape of other windblown waste from the site;
- d. Prevention of the discharge of building materials, including cement, lime, concrete, and mortar, to the MS4 or waters of the United States;
- e. Providing general good housekeeping measures to prevent and contain spills of paints, solvents, fuels, septic waste, and other hazardous chemicals and pollutants associated with construction, and to assure proper cleanup and disposal of any such spills in compliance with state, federal and local requirements;
- f. Implementation of proper waste disposal and waste management techniques, including covering waste materials and minimizing ground contact with hazardous chemicals and trash;

g. Timely maintenance of vegetation, erosion and sediment control measures, and other best management practices in good and effective operating condition; and

h. Installation of structural measures during the construction process to control pollutants in stormwater discharges that will occur after construction operations have been completed. Structural measures should be placed on upland soils to the degree attainable. Such installed structural measures may include, but not be limited to the following: Stormwater detention structures (including wet ponds); stormwater retention structures; flow attenuation by use of open vegetative swales and natural depressions; other velocity dissipation devices; infiltration of runoff on-site; and sequential systems which combine several practices. Operators of construction sites are only responsible for the installation and maintenance of stormwater management measures prior to final stabilization of the site, and are not responsible for maintenance after stormwater discharges associated with construction activity have terminated.

(2) Qualified personnel (provided by the operator of the construction site) shall inspect disturbed areas of any construction site that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, structural control measures, and locations where vehicles enter or exit the site, at least once every seven calendar days and within 24 hours of the end of a storm that is 0.5 inches or greater. All erosion and sediment control measures and other identified best management practices shall be observed in order to ensure that they are operating correctly and are effective in preventing significant impacts to receiving waters and the MS4. Based on the results of the inspection, best management practices shall be revised as appropriate, and as soon as is practicable.

(3) The DES may require any plans and specifications that are prepared for the construction of site improvements to illustrate and describe the best management practices required by subsection (a)(1) above, that will be implemented at the construction site. The city may deny approval of any building permit, grading permit, or any other city approval necessary to commence or continue construction, or to assume occupancy, on the grounds that the management practices described in the plans or observed upon a site inspection by the DES are determined not to control and reduce the discharge of sediment, silt, earth, soil, and other materials associated with clearing, grading, excavation, and other construction activities to the maximum extent practicable under the circumstances.

(4) Any owner of a site of construction activity, whether or not he/she is an operator, is jointly and severally responsible for compliance with the requirements in subsection (a).

(5) Any contractor or subcontractor on a site of construction activity, who is not an owner or operator, but who is responsible under his/her contract or subcontract for implementing a best management practices control measure, is jointly and severally responsible for any willful or negligent failure on his/her part to adequately implement that control measure if such failure causes or contributes to causing the city to violate a water quality standard, the city's NPDES permit, or any state-issued discharge permit for discharges from its MS4.

(b) Five-acre disturbances.

(1) All operators of sites of construction activity, including clearing, grading, and excavation activities, that result in the disturbance of five or more acres of total land area, or that are part of a common plan of development or sale within which five or more acres of total land area are disturbed, or who are required to obtain an NPDES permit for stormwater discharges associated with construction activity, shall comply with the following requirements (in addition to those in subsection (a)):

a. Any operator who intends to obtain coverage for stormwater discharges from a construction site under the NPDES general permit for stormwater discharges from construction sites (“the construction general permit”) shall submit a signed copy of its notice of intent (NOI) to the DES at least two days prior to the commencement of construction activities. If the construction activity is already underway upon the effective date of this article, the NOI shall be submitted within 30 days. For stormwater discharges from construction sites where the operator changes, an NOI shall be submitted at least two days prior to when the operator commences work at the site.

b. A stormwater pollution prevention plan (SWPPP) shall be prepared and implemented in accordance with the requirements of the construction general permit or any individual or group NPDES permit issued for stormwater discharges from the construction site, and with any additional requirement imposed by or under this article and any other city ordinance.

c. The SWPPP shall be completed prior to the submittal of the NOI to the DES and, for new construction, prior to the commencement of construction activities. The SWPPP shall be updated and modified as appropriate and as required by the construction general permit and this article.

d. A copy of any NOI that is required by subsection (b)(1)a., shall be submitted to the city in conjunction with any application for a building permit, grading permit, site development plan approval, and any other city approval necessary to commence or continue construction at the site.

e. The DES may require any operator who is required by subsection (b)(1)b. to prepare a SWPPP to submit the SWPPP, and any modifications thereto, to the DES for review. Such submittal and review of the SWPPP may be required by the DES prior to commencement of or during construction activities at the site.

f. Upon the DES’s review of the SWPPP and any site inspection that he/she may conduct, the city may deny approval of any building permit, grading permit, or any other city approval necessary to commence or continue construction, or to assume occupancy, on the grounds that the SWPPP does not comply with the requirements of the construction general permit, any individual or group NPDES permit issued for stormwater discharge from the construction site, or any additional requirement imposed by or under this article. Also, if at any time the DES determines that the SWPPP is not being fully implemented, the city may similarly deny approval of any building permit, grading permit, subdivision plat, site development plan or any other city approval necessary to commence or continue construction, or to assume occupancy, at the site.

I certify under penalty of law that I understand the terms and conditions of the National Pollutant Discharge Elimination System (NPDES) permit that authorizes the stormwater discharges associated with industrial activity from the construction site identified as part of this certification, with the Stormwater Ordinance of the City of Frisco, and with those provisions of the stormwater pollution prevention plan (SWPPP) for the construction site for which I am responsible.

h. The certification must include the name and title of the person providing the signature; the name, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.

i. The SWPPP, and the certifications of contractors and subcontractors required by subsection (b)(1)g., and with any modifications attached, shall be retained at the construction site from the date of commencement of construction through the date of final stabilization.

j. The operator shall make the SWPPP and any modification thereto available to the DES upon request (as well as to EPA and state inspectors).

k. The DES may notify the operator at any time that the SWPPP does not meet the requirements of the construction general permit, any applicable individual or group NPDES permit issued for stormwater discharges from the construction site, or any additional requirement imposed by or under this article. Such notification shall identify those provisions of the permit or ordinance which are not being met by the SWPPP, and identify which provisions of the SWPPP require modifications in order to meet such requirements. Within seven days of such notification from the DES (or as otherwise provided by the DES), the operator shall make the required changes to the SWPPP and shall submit to the DES a written certification that the requested changes have been made.

1. The operator shall amend the SWPPP whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to the MS4 or to the waters of the United States, and which has not otherwise been addressed in the SWPPP, or if the SWPPP proves to be ineffective in eliminating or significantly minimizing pollutants, or in otherwise achieving the general objective of controlling pollutants in stormwater discharges associated with construction activity. In addition, the SWPPP shall be amended to identify any new contractor and/or subcontractor that will implement a measure in the SWPPP.

m. Qualified personnel (provided by the operator of the construction site) shall inspect disturbed areas of the construction site that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, structural control

measures, and locations where vehicles enter or exit the site, at least once every 14 calendar days and within 24 hours of the end of the storm that is 0.5 inches or greater. Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of, or the potential for, pollutants entering the drainage system. Erosion and sediment control measures identified in the SWPPP shall be observed to ensure that they are operating correctly. Where discharge locations or points are accessible, they shall be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to receiving waters or the MS4. Locations where vehicles enter or exit the site shall be inspected for evidence of off-site sediment tracking.

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 SWPPP 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. The inspections may occur on either schedule, provided that the SWPPP 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 SWPPP (e.g., end of “dry” season and beginning of “wet” season).

n. Based on the results of the inspections required by subsection (b)(1)m., the site description and/or the pollution prevention measures identified in the SWPPP shall be revised as appropriate, but in no case later than seven calendar days following the inspection. Such modifications shall provide for timely implementation of any changes to the SWPPP within seven calendar days following the inspection.

o. A report summarizing the scope of any inspection required by subsection (b)(1)m., and the name(s) and qualifications of personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the SWPPP, and actions taken in accordance with subsection (b)(1)n. above, shall be made and retained as part of the SWPPP for at least three years from the date that the site is finally stabilized. Such report shall identify any incidence of noncompliance. Where a report does not identify any incidence of noncompliance, the report shall contain a certification that the facility is in compliance with the SWPPP, the facility’s NPDES permit, and this article. The report shall be certified and signed by the person responsible for making it.

p. The operator shall retain copies of any SWPPP and all reports required by this article or by the NPDES permit for the site, and records of all data used to complete the NOI, for a period of at least three years from the date that the site is finally stabilized.

q. Where a site has been finally stabilized and all stormwater discharges from construction activities that are authorized by this article and by the NPDES permit for

those construction activities are eliminated, or where the operator of all stormwater discharges at a facility changes, the operator of the construction site shall submit to the DES a notice of termination (NOT) in accordance with the construction general permit.

r. Upon final stabilization of the construction site, the owner (or the duly authorized representative thereof) shall submit written certification to the DES that the site has been finally stabilized. (See definition of final stabilization in this article.) The city may withhold an occupancy or use permit for any premises constructed on the site until such certification of final stabilization has been filed and the DES has determined, following any appropriate inspection, that final stabilization has, in fact, occurred and that any required permanent structural controls have been completed.

(Ordinance 11-11-52, sec. 2, ex. A, adopted 11/15/11)

ARTICLE IX. STORMWATER DISCHARGE

Sec. 34-335 Compliance monitoring

(a) Right of entry; inspection and sampling. City inspectors shall have the right to enter the premises of any person reasonably suspected by the city of discharging pollutants into the municipal separate storm sewer system (MS4) or to waters of the United States to determine if the discharger is complying with all requirements of this article, and with any state or federal discharge permit, limitation or requirement. Dischargers shall allow the city inspectors ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and for the performance of any additional duties. Dischargers shall make available to the city inspector, upon request, any SWPPPs, modifications thereto, self-inspection reports, monitoring records, compliance evaluations, notices of intent, and any other records, reports, and other documents related to compliance with this article and with any state or federal discharge permit.

(1) Where a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the city inspector will be permitted to enter without unreasonable delay for the purposes of performing his/her responsibilities.

(2) The city inspector shall have the right to set up on the discharger's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the discharger's operations.

(3) When pollutants have been discharged the DES may require any discharger to the MS4 or waters of the United States to conduct specified sampling, testing, analysis, and other monitoring of its stormwater discharges, and may specify the frequency and parameters of any such required monitoring.

(4) The DES may require that discharger to install monitoring equipment as necessary at the discharger's expense. The facility's sampling and monitoring equipment shall be

maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

(5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the discharger at the written or verbal request of the city inspector and shall not be replaced. The costs of clearing such access shall be borne by the discharger.

(6) Unreasonable delays in allowing the city inspector access to the discharger's premises shall be a violation of this article.

(b) Search warrants. If the city inspector has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this article or any state or federal discharge permit, limitation or requirement, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the city designed to verify compliance with this article or any order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the city inspector may seek issuance of a search warrant from any court of competent jurisdiction.

(Ordinance 11-11-52, sec. 2, ex. A, adopted 11/15/11)

ARTICLE IX. STORMWATER DISCHARGE

Sec. 34-336 Publication

Publication of dischargers in significant noncompliance. The DES may periodically publish, in a daily newspaper generally distributed within the city, a list of owners and operators of discharges to the MS4 or waters of the United States from sites of construction and industrial activity which, during the previous three months, were in significant noncompliance with the requirements of this article. The term "significant noncompliance" shall mean:

- (1) Introducing or causing to be introduced into the waters of the United States any discharge that violates a water quality standard;
- (2) Introducing or causing to be introduced into the MS4 any discharge that causes or contributes to causing the city to violate a water quality standard, the city's NPDES permit, or any state-issued discharge permit for discharges from the city's MS4;
- (3) Any connection of a line conveying sanitary sewage, domestic or industrial, to the MS4, or allowing any such connection to continue;
- (4) Any discharge of pollutants to the MS4 or waters of the United States that has caused an imminent or substantial endangerment to the health or welfare of persons or to the environment, or has resulted in the DES's exercise of his/her emergency authority to halt or prevent such a discharge;

- (5) Any violation that has resulted in injunctive relief, civil penalties, or criminal fine being imposed as a judicial remedy under section 34-339 of this article;
- (6) Any other violation(s) which the DES determines to be chronic or especially dangerous to the public or to the environment; or
- (7) Any failure to comply with a compliance schedule, whether imposed by the city or by a court.

(Ordinance 11-11-52, sec. 2, ex. A, adopted 11/15/11)

ARTICLE IX. STORMWATER DISCHARGE

Sec. 34-337 Administrative enforcement remedies

- (a) Warning notice. When the DES finds that any person has violated, or continues to violate, any provision of this article, or any order issued hereunder, the DES may serve upon that person a written warning notice, specifying the particular violation believed to have occurred and requesting the discharger to immediately investigate the matter and to seek a resolution whereby any offending discharge will cease. Investigation and/or resolution of the matter in response to the warning notice in no way relieves the alleged violator of liability for any violations occurring before or after receipt of the warning notice. Nothing in this subsection shall limit the authority of the DES to take any action, including emergency action or any other enforcement action, without first issuing a warning notice.
- (b) Notification of violation. When the DES finds that any person has violated, or continues to violate, any provision of this article, or any order issued hereunder, the CEA may serve upon that person a written notice of violation. Within ten days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention of reoccurrence thereof, to include specific required actions, shall be submitted by the alleged violator to the CEA. If the alleged violator denies that any violation occurred and/or contends that no corrective action is necessary, an explanation of the basis of any such denial or contention shall be submitted to the CEA within ten days of receipt of the notice. Submission of an explanation and/or plan in no way relieves the alleged violator of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the CEA to take any action, including emergency action or any other enforcement action, without first issuing a notice of violation.
- (c) Consent orders. The CEA may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any person responsible for noncompliance with any provision in this article or any order issued hereunder. Such documents may include specific action to be taken by the person to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to subsections (e), (f) and (g) this section and shall be judicially enforceable.
- (d) Show cause hearing. The CEA may order any person who has violated, or continues to violate, any provision of this article, or any order issued hereunder, to appear before the CEA and show cause why a proposed enforcement action should not be taken. Notice shall be served on the alleged violator

specifying the time and place for the hearing, the proposed enforcement action, the reasons for such action, and a request that the alleged violator show cause why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten days prior to the hearing. Such notice may be served on any authorized representative of the alleged violator. The hearing shall be conducted pursuant to the rights and procedures specified in section 34-338(a)(7) of this article. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the alleged violator.

(e) Compliance orders. When the CEA finds that any person has violated, or continues to violate, any provision of this article, or any order issued hereunder, the CEA may issue an order to the violator directing that the violator come into compliance within a specified time limit. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the MS4 and waters of the United States. A compliance order may not extend the deadline for compliance established by a state or federal standard or requirement, nor does a compliance order relieve the person of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the violator.

(f) Remediation, abatement and restoration orders. When the CEA finds that a person has violated, or continues to violate, any provision of this article, or any order issued hereunder, and that such violation has adversely affected the MS4, the waters of the United States or any other aspect of the environment, the CEA may issue an order to the violator directing him/her to undertake and implement any appropriate action to remediate and/or abate any adverse effects of the violation upon the MS4, the waters of the United States, or any other aspect of the environment, and/or to restore any part of the MS4, the waters of the United States, or any other aspect of the environment that has been harmed. Such remedial, abatement, and restoration action may include, but not be limited to: Monitoring, assessment, and evaluation of the adverse effects and determination of the appropriate remedial, abatement, and/or restoration action; confinement, removal, cleanup, treatment and disposal of any discharged or released pollution or contamination; prevention, minimization, and/or mitigation of any damage to the public health, welfare, or the environment that may result from the violation; restoration or replacement of city property or natural resources damaged by the violation. The order may direct that the remediation, abatement, and/or restoration be accomplished on a specified compliance schedule and/or be completed within a specified period of time. An order issued under this subsection does not relieve the violator of liability for any violation, including any continuing violation. Issuance of an order under this subsection shall not be a bar against, or a prerequisite for, taking any other action against any responsible party.

(g) Emergency cease and desist orders. When the CEA finds that any person has violated, or continues to violate, any provision of this article, or any order issued hereunder, or that the person's past violations are likely to recur, and that the person's violation(s) have caused or contributed to an actual or threatened discharge to the MS4 or waters of the United States which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the CEA may issue an order to the violator directing it immediately to cease and desist all such violations and directing the violator to:

- (1) Immediately comply with all ordinance requirements; and
- (2) Take such appropriate preventive action as may be needed to properly address a

continuing or threatened violation, including immediately halting operations and/or terminating the discharge.

Any person notified of an emergency order directed to it under this subsection shall immediately comply and stop or eliminate its endangering discharge. In the event of a discharger's failure to immediately comply voluntarily with the emergency order, the CEA may take such steps as deemed necessary to prevent or minimize harm to the MS4 or waters of the United States, and/or endangerment to persons or to the environment, including immediate termination of a facility's water supply, sewer connection, or other municipal utility services. The CEA may allow the person to recommence its discharge when it has demonstrated to the satisfaction of the CEA that the period of endangerment has passed, unless further termination proceedings are initiated against the discharger under this article. A person that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful discharge and the measures taken to prevent any future occurrence, to the CEA within two days of receipt of the emergency order. Issuance of an emergency cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the violator.

(h) "Red tags". Whenever the CEA finds that any operator of a construction site has violated, or continues to violate, any provision of this article, or any order issued thereunder, the CEA may order that a "red tag" be issued to the operator, posted at the construction site, and distributed to all city departments and divisions whose decisions affect any activity at the site. Unless express written exception is made by the CEA, the "red tag" shall prohibit any further construction activity at the site and shall bar any further inspection or approval by the city associated with a building permit, grading permit, subdivision plat approval, site development plan approval, or any other city approval necessary to commence or continue construction or to assume occupancy at the site. Issuance of a "red tag" order shall not be a bar against, or a prerequisite for, taking any other action against the violator.

(Ordinance 11-11-52, sec. 2, ex. A, adopted 11/15/11)

ARTICLE IX. STORMWATER DISCHARGE

Sec. 34-338 Right to reconsideration, hearing and appeal

(a) Reconsideration and hearing.

(1) Any person subject to a compliance order under [section 34-337\(e\)](#), a remediation, abatement, or restoration order under [section 34-337\(f\)](#), an emergency cease and desist order under [section 34-337\(g\)](#), or a red tag order under [section 34-337\(h\)](#) of this article may petition the CEA to reconsider the basis for his/her order within 30 days of the affected person's notice of issuance of such an order.

(2) Failure to submit a timely written petition for reconsideration shall be deemed to be a waiver of any further right to administrative reconsideration or review of the order.

(3) In its petition, the petitioning party must indicate the provisions of the order objected to, the reasons for the objection(s), any facts that are contested, the evidence that supports the

petitioner's view of the facts, any alternative terms of an order that the petitioner would accept, and whether the petitioning party requests a hearing on its petition.

(4) The effect of any compliance order under [section 34-337\(e\)](#), remediation, abatement, or restoration order under [section 34-337\(f\)](#), and any red tag order under [section 34-337\(h\)](#) shall be stayed pending the CEA's reconsideration of the petition, and any hearing thereon, unless the CEA expressly makes a written determination to the contrary. The effectiveness of any emergency cease and desist order under [section 34-337\(g\)](#) shall not be stayed pending the CEA's reconsideration, or any hearing thereon, unless the CEA expressly and in writing stays his/her emergency order.

(5) Within ten days of the submittal of a petition for reconsideration, the CEA shall either: (1) grant the petition and withdraw or modify the order accordingly; (2) deny the petition, without hearing if no material issue of fact is raised; or (3) if a hearing has been requested and a material issue of fact has been raised, set a hearing on the petition.

(6) Written notice of any hearing set by the CEA pursuant to subsection (a)(5) above, shall be served on the petitioning party personally or by registered or certified mail (return receipt requested) at least ten days prior to the hearing. Such notice may be served on any authorized representative of the petitioning party.

(7) The CEA may himself/herself conduct the hearing and take evidence, or he/she may designate any employee of the city or any specially-designated attorney or engineer to:

- a. Issue in the name of the city notices of hearing requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearing;
- b. Take evidence;
- c. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the CEA for action thereon.

At any hearing held pursuant to this subsection, testimony taken shall be under oath and recorded. Any party is entitled to present his/her case or defense by oral or documentary evidence and to conduct such cross-examination as may be required for a full and true disclosure of the facts. A transcript will be made available to any party to the hearing upon payment of the usual charges thereof.

(8) After the CEA has reviewed the evidence, he/she shall either: (1) grant the petition; (2) deny the petition; or (3) grant the petition in part and deny it in part. The CEA may modify his/her order as is appropriate based upon the evidence and arguments presented at the hearing and his/her action on the petition. Further orders and directives as are necessary and appropriate may be issued.

(b) Appeal.

(1) Any person whose petition for reconsideration by the CEA has not been granted in its

entirety and who remains adversely affected by the CEA's order, or who is subject to an order of the CEA issued following a show cause hearing under section 34-337(d), may appeal the action of the CEA to the city council by filing a written appeal with the city council within ten days of the person's notice of the CEA's adverse action on the petition for reconsideration, or within ten days of the person's notice of the issuance of the order following the show cause hearing, as the case may be.

(2) Failure to submit a timely written appeal to the city council shall be deemed to be a waiver of further administrative review.

(3) In its written appeal to the city council, the appealing party shall indicate the particular provisions of the order objected to, the particular determinations of the CEA that are contested, the reasons that the CEA's order and/or determinations are contested, and any alternative order that the appealing party would accept.

(4) The effect of the CEA's order, as issued or modified, shall not be stayed pending the appeal to the city council, unless the city council expressly so states.

(5) Within 30 days of the submittal of a written appeal to the city council, the city council shall hear and consider the appeal in open meeting. The appellant shall be notified at least three days in advance of the date and time of the city council meeting at which the appeal will be heard and considered.

(6) The appellant shall have the right to public appearance before the city council to present oral and written statements in support of his/her appeal. If the city council wishes to consider testimony of witnesses or other evidence beyond that in the record of any hearing before the CEA the city council may remand the matter to the CEA for the taking of additional testimony or other evidence.

(7) Upon consideration of any written and oral statements made to the city council, as well as the record made before the CEA, the city council shall act on the appeal by affirming, vacating, or modifying the order of the CEA, and/or by remanding the matter to the CEA for further action.

(8) Following final action by the city council on the appeal, any adversely affected party may challenge such action by the city council in an appropriate court of competent jurisdiction.

(Ordinance 11-11-52, sec. 2, ex. A, adopted 11/15/11)

ARTICLE IX. STORMWATER DISCHARGE

Sec. 34-339 Judicial enforcement remedies

(a) Civil remedies.

(1) Whenever it appears that a person has violated, or continues to violate, any provision of this article that relates to:

- a. The preservation of public safety, relating to the materials or methods used in construction of any structure or improvement of real property;
- b. The preservation of public health or to the fire safety of a building or other structure or improvement;
- c. The establishment of criteria for land subdivision or construction of buildings, including street design;
- d. Dangerous damaged or deteriorated structures or improvements;
- e. Conditions caused by accumulations of refuse, vegetation, or other matter that creates breeding and living places for insects and rodents; or
- f. Point source effluent limitations or the discharge of a pollutant, other than from a nonpoint source, into the MS4.

The city may invoke V.T.C.A., Local Government Code secs. 54.011-54.017, as amended, and petition the state district court or the county court at law of Collin or Denton County, through the city attorney, for either the injunctive relief specified in subsection (a)(2), or the civil penalties specified in subsection (a)(3) below, or both the specified injunctive relief and civil penalties.

(2) Pursuant to V.T.C.A., Local Government Code sec. 54.016, as amended, the city may obtain against the owner or the operator of a facility a temporary or permanent injunction, as appropriate, that:

- a. Prohibits any conduct that violates any provision of this article that relates to any matter specified in subsections (a)(1)a-f. above; or
- b. Compels the specific performance of any action that is necessary for compliance with any provision of this article that relates to any matter specified in subsections (a)(1)a-f. above.

(3) Pursuant to V.T.C.A., Local Government Code sec. 54.017, as amended, the city may recover a civil penalty of not more than \$1,000.00 per day for each violation of any provision of this article that relates to any matter specified in subsections (a)(1)a-e. above, and a civil penalty of not more than \$5,000.00 per day for each violation of any provision of this article that relates to any matter specified in subsection (a)(1)f. above, if the city proves that:

- a. The defendant was actually notified of the provisions of the ordinance; and
- b. After the defendant received notice of the ordinance provisions, the defendant committed acts in violation of the ordinance or failed to take action necessary for compliance with the ordinance.

(b) Criminal penalties.

(1) Any person, who has violated any provision of this article, or any order issued hereunder, shall be strictly liable for such violation regardless of the presence or absence of a culpable mental state, except as expressly provided herein, and shall, upon conviction, be subject to a fine of not more than \$2,000.00 per violation, per day, or any greater fine authorized by state statute.

(2) Any person who has knowingly made any false statement, representation, or certification in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this article, or any order issued hereunder, or who has falsified, tampered with, or knowingly rendered inaccurate any monitoring device or method required under this article shall, upon conviction, be subject to a fine of not more than \$2,000.00 per violation, per day, or any greater fine authorized by state statute.

(3) In determining the amount of any fine imposed hereunder, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the violation, corrective actions by the violator, the compliance history of the violator, the knowledge, intent, negligence, or other state of mind of the violator, and any other factor as justice requires.

(c) Civil suit under the Texas Water Code. Whenever it appears that a violation or threat of violation of any provision of V.T.C.A., Water Code sec. 26.121, as amended, or any rule, permit, or order of the Texas Water Commission, has occurred or is occurring within the jurisdiction of the City of Frisco, exclusive of its extraterritorial jurisdiction, the city, in the same manner as the Texas Water Commission, may have a suit instituted in a state district court through its city attorney for the injunctive relief or civil penalties or both authorized in V.T.C.A., Water Code sec. 26.123(a), as amended, against the person who committed or is committing or threatening to commit the violation. This power is exercised pursuant to V.T.C.A., Water Code sec. 26.124, as amended. In any suit brought by the city under this subsection (c), the Texas Water Commission is a necessary and indispensable party.

(d) Remedies nonexclusive. The remedies provided for in this article are not exclusive of any other remedies that the city may have under state or federal law or other city ordinances. The city may take any, all, or any combination of these actions against a violator. The city is empowered to take more than one enforcement action against any violator. These actions may be taken concurrently.

(Ordinance 11-11-52, sec. 2, ex. A, adopted 11/15/11)

ARTICLE IX. STORMWATER DISCHARGE

Sec. 34-340 Supplemental enforcement action

(a) Performance bonds. The CEA may, by written notice, order any owner or operator of a source of stormwater discharge associated with construction or industrial activity to file a satisfactory bond, payable to the city, in a sum not to exceed a value determined by the CEA to be necessary to achieve

consistent compliance with this article, any order issued hereunder, any required best management practice, and/or any SWPPP provision, and/or to achieve final stabilization of the site. The city may deny approval of any building permit, grading permit, subdivision plat, site development plan, or any other city permit or approval necessary to commence or continue construction or any industrial activity at the site, or to assume occupancy, until such a performance bond has been filed.

(b) Liability insurance. The CEA may, by written notice, order any owner or operator of a source of stormwater discharge associated with construction or industrial activity to submit proof that it has obtained liability insurance, or other financial assurance, in an amount not to exceed a value determined by the CEA, that is sufficient to remediate, restore, and abate any damage to the MS4, the waters of the United States, or any other aspect of the environment that is caused by the discharge.

(c) Public nuisances. A violation of any provision of this article, or any order issued hereunder, is hereby declared a public nuisance and shall be corrected or abated as directed by the CEA. Any person(s) creating a public nuisance shall be subject to the provisions of the City Code governing such nuisances, including reimbursing the city for any costs incurred in removing, abating, or remedying said nuisance.

(Ordinance 11-11-52, sec. 2, ex. A, adopted 11/15/11)

ARTICLE IX. STORMWATER DISCHARGE

Secs. 34-341–34-365 Reserved



TO: Mayor and Councilmembers

FROM: City Manager Ben White

DATE: July 28, 2015

SUBJECT: Update on Chaparral Trail projects

- An update is attached for review.

ACTION: Approve or disapprove the update as presented.

Chaparral Trail Project Update

Description	Total Project Estimate	City's Share	Estimated Construction Begin Date	Estimated Construction Completion Date	Comments and Status
Chaparral Trail Grant Collin County Open Space (Phase III)	\$300,000	\$150,000 (4B, \$60K 2013) (4B, \$60K 2014) (CoF, \$30K 2014)	Feb-15	Aug-15	Activity left to complete: bollards, railing, kiosks, sign backing, crossings, drainage, sign blades. Complete activity: Onion Shed parking lot, benches, trash cans, decomposed granite, bridge, crack sealing.



TO: Mayor and Councilmembers

FROM: City Manager Ben White

DATE: July 28, 2015

SUBJECT: Update on street, water and wastewater General Obligation Bond projects

- An update is attached for review.

ACTION: No action is required.

Street GO Bond Project Status

Project Number	Project Name	Current Budget	Actual Bond CTD	Status	Estimated Construction Start Date	Estimated Construction End Date
Street Projects						
1	Sycamore Street Panel Replacement (Hwy 78 to Jackson)	156,119	156,119	Complete	Apr-13	Aug-14
2	Orange Street Overlay (380 to Old Josephine, Partially County Funded)	59,589	59,589	Complete	Oct-14	Nov-14
3	CR557 Overlay (US 380 to SH 78), Majority County Funded	265	265	Complete	Oct-12	Jul-13
4	Westgate Overlay (Hwy 78 to Wilcoxson)	203,627	203,627	Complete	Dec-13	May-14
5	Hamilton Overlay (McKinney to Yucca)	342,243	342,243	Complete	May-14	Sep-14
6	Hamilton Street Overlay (Yucca to Gaddy)			Complete	May-14	Sep-14
7	Central Overlay (College to Prospect)	103,607	103,607	Complete	Apr-14	May-14
8	Beech Street Overlay (Main to Beene)	247,718	247,718	Complete	Aug-14	Oct-14
9	Windom Overlay (Maple to McKinney)	48,053	48,053	Complete	Nov-14	Nov-14
10	South Washington Overlay (Farmersville Parkway to Sid Nelson)	145,410	59,532	Construction	Mar-15	Aug-15
11	Sid Nelson Overlay (South Washington to Hamilton)	240,963	688	Contract	Aug-15	Aug-15
12	Hamilton Street (380 to Farmersville Parkway)	1,384,000	22,209	Engineering	Nov-15	Apr-16
13	Santa Fe Reconstruct (Johnson to Main)	92,001	35,814	Construction	Mar-15	Aug-15
14	Locust Street Overlay	207,510	274	Contract	Aug-15	Aug-15
15	Street Signs and Installation	95,000	2,048	Ready for Construction	Dec-14	Oct-15
Street Projects Total		3,326,105	1,281,787	2,044,318		
Street Projects GO Bond Allocation		3,575,000				

Water/Wastewater GO Bond Project Status

Project Number	Project Name	Current Budget	Actual Bond CTD	Status	Estimated Construction Start Date	Estimated Construction End Date
16	North ET/North Main Street	658,800	606,378	Complete	Apr-14	Feb-15
17	Sycamore St/Hwy 78/N Washington			Complete	Apr-14	Oct-14
18	Hamilton St	24,737	24,737	Complete	Jun-14	Jul-14
19	Houston/Austin Street	170,000	19,772	Construction	Jul-15	Sep-15
20	Automated Meter Reading System	520,000	410,116	Construction	Mar-13	Sep-15
21	Bob Tedford Drive	94,699	94,699	Complete	Nov-14	Mar-15
22	S Washington/Sante Fe	150,000	2,799	Construction	Jun-15	Jul-15
23	CR 608/CR 609	0		N/A		
Wastewater Projects						
24	S Main & Abbey – Gravity Main	18,750		Bid	Aug-15	Nov-15
25	Hwy 78 & Maple St – Gravity Main	18,750		Bid	Aug-15	Nov-15
26	Hwy 78 & CR 611 – Gravity Main	18,750		Bid	Aug-15	Nov-15
27	Floyd St – Lift Station	75,000		Engineering	Aug-15	Dec-15
28	Sycamore – Gravity Main	16,497	16,497	Complete	May-13	Jul-13
29	Hamilton St - Gravity Main	16,608	16,608	Complete	Jun-14	Jul-14
30	Hwy 380 & Welch Dr – Gravity Main					
31	Hwy 380 (AFI to Floyd St) – Lift Station & Force Main	550,000		Engineering	Aug-15	Dec-15
32	Locust – Gravity Main	50,000		Bid	Aug-15	Aug-15
Water and Wastewater Projects Total		2,382,591	1,191,604	1,190,987		
Water and Wastewater Projects GO Bond		2,400,000				



TO: Mayor and Councilmembers

FROM: City Manager Ben White

DATE: July 28, 2015

SUBJECT: Update on Highway 380 project

- An update is attached for review

ACTION: No action is required.

US 380 Highway Project Status

1. 1st Railroad Bridge, Passing Track: Complete
2. 2nd Railroad Bridge, Main Track: August 2015
3. 380 Roadway, East Bound: Complete.
 - a. East Bound Off-Ramp (Southwest Ramp), Complete
 - b. East Bound On-Ramp (Southeast Ramp), Complete
4. 380 Roadway, West Bound: Complete
 - a. West Bound Off-Ramp (Northeast Ramp), Complete
 - b. West Bound On-Ramp (Northwest Ramp), Complete
 - c. Street interconnection, Floyd: Complete
 - d. Street interconnection, Mimosa: Complete
 - e. Street interconnection, Beene: Complete
 - f. Street interconnection, Rike: Complete
 - g. Street interconnection, Hamilton: Complete
 - h. Street interconnection, Raymond: Complete
 - i. Street interconnection, Orange: Complete
5. Main Street Bridge Construction: Complete
 - a. Main Street Roadway: Complete
6. Hill Street Crossing: Complete, awaiting sod.
7. Walnut Street Crossing: September 2015
8. Main/Summit Street Crossing
 - a. Passing track: Complete
 - b. Main track: September 2015



TO: Mayor and Councilmembers

FROM: City Manager Ben White

DATE: July 28, 2015

SUBJECT: Budget Workshop

- Proposed Fiscal Year Budget 2015-2016 will be provided at the meeting.

ACTION: Receive and discuss information.