



Kimberly McGehee Aldrich, Mayor

Sylvia Apodaca
Christopher Garza
Janeshia Grider

Mike Martin
Susan Street
Debbie Walczyk

**CITY COUNCIL AGENDA
REGULAR MEETING
THURSDAY, AUGUST 11, 2022 – 7:00 P.M.
CITY HALL COUNCIL CHAMBER
112 BAUMAN, KIRBY, TX 78219**

This meeting will also be held by videoconference call. The location where a quorum of the governmental body will be physically present is City Hall, City Council Chambers at 112 Bauman Street, Kirby, Texas 78219 and it is the intent to have a quorum present at that location and for the member of the governmental body presiding over the meeting to be physically present at that location. A member of the public may testify from a remote location by videoconference at:

Topic: Regular City Council Meeting

Date and Time: August 11, 2022 at 7:00 p.m. (Central Time)

Join Zoom Meeting:

Video Participation: Join Zoom Meeting

<https://zoom.us>

Meeting ID: 956 855 1663 and Passcode: 1955

1. **Call Meeting to Order**
2. **Invocation and Pledge of Allegiance to the Flag**
3. **Mission Statement**

“The City of Kirby is dedicated to delivering excellent municipal services to our community in a fiscally responsible manner.”

4. **Roll Call**

5. Citizen Participation

Citizens Participation Is For The City Council To Receive Information On Issues That May Be Of Concern To The Public. Citizens Participation Is Limited To Five (5) Minutes. A Purpose Of The Open Meetings Act Is To Insure That The Public Is Always Given Notice Of The Items That Will Be Discussed By The Council. Should A Member Of The Public Bring An Item To The Council For Which The Subject Was Not Posted On The Agenda For The Meeting, The Council May Receive The Information, But Cannot Discuss Or Act Upon It At The Meeting.

6. Presentation

- a. Police Badge Pinning Ceremony, Chief Roxanne Cardona
- b. Recognize Kirby Baptist Church For Youth Street Clean Up
- c. Presentation And Discussion On Establishing A Kirby Rock Garden

7. Consideration Of And Action On Minutes

- a. Special Minutes – July 11, 2022
- b. Regular Minutes – July 28, 2022
- c. Budget Workshop Minutes – July 30, 2022

8. Discussion And Possible Action

- a. Discussion And Possible Action On Proposed 2022 Property Tax Rate.
- b. Discussion And Possible Action On An Ordinance Of The City Of Kirby, Texas, Amending Chapter 55 Of The Code Of Ordinances In Regard To Construction Storm Water Management Practices As Required By The United States Environmental Protection Agency And The Texas Commission On Environmental Quality; And Providing That The City May Seek Injunctive Relief To Restrain Violations Or To Compel Abatement Or Remediation Of Violations; Providing For A Civil Penalty Of Up To \$1,000 Per Day For A Violation Of This Chapter; Setting A Fee For Reviewing Proposed Storm Water Pollution Prevention Plans; And Providing For An Effective Date. This Is The Second Reading.
- c. Discussion And Possible Action To Award A Bid For Group Insurance
- d. Discussion And Possible Action On Employee Wellness Program For Fiscal Year 2022-2023
- e. Discussion And Possible Action On Vehicle Request From The Kirby Volunteer Fire Department

- f. Discussion And Possible Action On An Agreement Between Texas Spartans And City Of Kirby For Use Of Friendship Park
- g. Discussion And Possible Action On Funding And Timeline For ADA Compliance At The Kirby Senior Center
- h. Update And Discussion On Kirby Water Distribution System And Well Site Improvements Plan
- i. Discussion And Possible Action On Ordinance No. O-2022-914 An Ordinance Amending the 2021-2022 Municipal Budgets Of The City Of Kirby. This Is the First Reading.
- j. Discussion And Possible Action On Appointment Of A Member To The Economic Development Committee
- k. Discussion And Possible Action To Establish An Ordinance Review Committee
- l. Discussion And Possible Action To Establish A City Of Kirby Fee Schedule
- m. Discussion And Possible Action To Establish A 2023 Festival Planning Committee
- n. Discussion And Direction On Ordinance No. O-2021-904 An Ordinance To Repeal Ordinance No. O-2005-618 And To Add A Stop Intersection North And South At Binz Engleman And Fred Haise To Schedule I Of Chapter 72 Of the Code of Ordinances
- o. Discussion On The Policy For Allowing Contractors To Have Access To City Hall
- p. Update And Discussion On December 2021 Customer Check Theft Incident
- q. Discussion On The City Manager Treating Council Members The Same

9. City Manager Announcements

- a. Announcements On City Events And Items Of Community Interest.

10. Request And Announcements

- a. Requests By Mayor And Council Members For Items To Be Placed On Future City Council Agendas And Announcements On City Events/Community Interest

11. Adjournment

Monique L. Vernon
City Manager

Patty Cox, TRMC
City Secretary

The City Council reserves the right to adjourn into executive session at any time to discuss any of the matters listed on this agenda if authorized by Texas Government Code Section 551.071, Consultation with Attorney, Texas Government Code Section 551.072, Deliberations about Real Property, Texas Government Code Section 551.074, Personnel Matters, and Texas Government Code Section 551.076, Security Devices or Security Audits.

This meeting is wheelchair parking accessible at the main entrance located at 112 Bauman. Auxiliary services are available upon request (interpreters for the deaf must be requested twenty-four (24) hours prior to the meeting) by calling 210/661-3198 or Relay Texas 800/735-2989 (hearing/speech impaired assistance)

DATE OF POSTING: August 8, 2022

TIME OF POSTING: 6:45 P.M.

DATE REMOVED

<input type="checkbox"/>	DISCUSSION AND POSSIBLE ACTION ITEMS
<input type="checkbox"/>	SPECIAL CONSIDERATION
<input type="checkbox"/>	CONSENT AGENDA
<input type="checkbox"/>	PUBLIC HEARING
<input checked="" type="checkbox"/>	PRESENTATION
<input type="checkbox"/>	WORKSHOP

**CITY OF KIRBY
CITY COUNCIL MEETING
A G E N D A I T E M S U M M A R Y**

DATE: AUGUST 11, 2022

AGENDA ITEM: 6 a.

6. Presentation

Police Badge Pinning Ceremony, Chief Roxanne Cardona

<input type="checkbox"/>	DISCUSSION AND POSSIBLE ACTION ITEMS
<input type="checkbox"/>	SPECIAL CONSIDERATION
<input type="checkbox"/>	CONSENT AGENDA
<input type="checkbox"/>	PUBLIC HEARING
<input checked="" type="checkbox"/>	PRESENTATION
<input type="checkbox"/>	WORKSHOP

**CITY OF KIRBY
CITY COUNCIL MEETING
A G E N D A I T E M S U M M A R Y**

DATE: AUGUST 11, 2022

AGENDA ITEM: 6. b.

6. Presentation

Recognize Kirby Baptist Church For Youth Street Clean Up

The Beautification and Recycle Committee will make this presentation.

<input type="checkbox"/>	DISCUSSION AND POSSIBLE ACTION ITEMS
<input type="checkbox"/>	SPECIAL CONSIDERATION
<input type="checkbox"/>	CONSENT AGENDA
<input type="checkbox"/>	PUBLIC HEARING
<input checked="" type="checkbox"/>	PRESENTATION
<input type="checkbox"/>	WORKSHOP

**CITY OF KIRBY
CITY COUNCIL MEETING
A G E N D A I T E M S U M M A R Y**

DATE: AUGUST 11, 2022

AGENDA ITEM: 6. c.

6. Presentation

Presentation And Discussion On Establishing A Kirby Rock Garden

Residents Giselle Balderas and Abigail Wilcox will be in attendance to present this information.

KIRBY TX ROCKS

MEET UP!
COME HELP PLAN OUR NEW ROCK GARDEN!
TELL YOUR FRIENDS AND FAMILY!

SUNDAY, AUGUST 7TH @ 11 AM!
@ KIRBY COMMUNITY GARDEN AREA ON DUFFEK DR.




Monique Vernon

From: Giselle Balderas
Sent: Sunday, August 7, 2022 3:36 PM
To: Monique Vernon; Patty Cox
Subject: Kirby TX Rocks Rock Garden

Hello to the city of Kirby council! My name is Giselle Sanford and I run the Kirby TX Rocks FB page and rock garden....We are requesting permission for a relocation of Kirby TX Rocks rock garden to the shaded area right outside of the Kirby community garden between the trees.

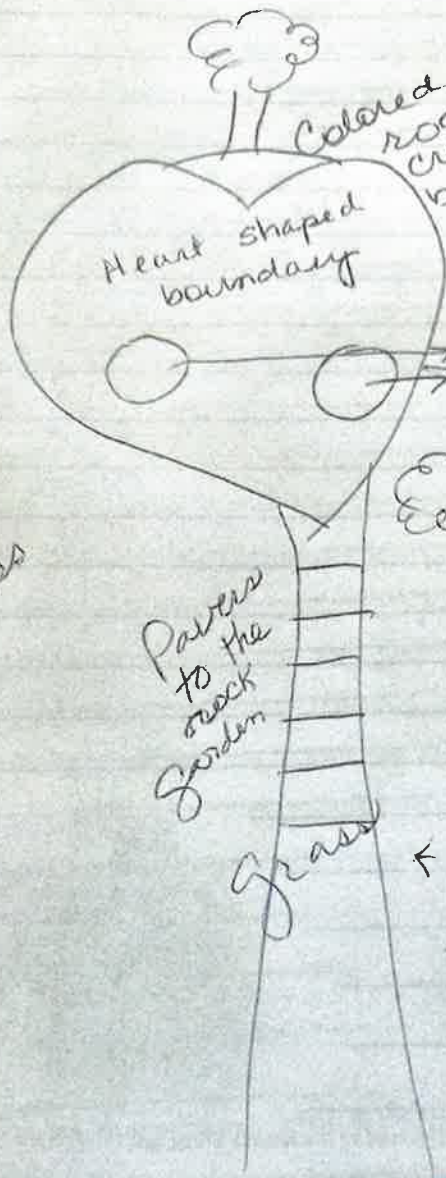
We have attached a picture of the area and a 1st draft of the general idea we have for the garden. We do not need any funding just permission to locate in the new area and are always interested in people helping keep the kindness rock momentum going.

Can this please be put into the agenda so we can move forward and spread kindness? Greatly appreciated
#KirbyTXRocks 

Proposed Rock Spot

grass

grass



Colored big rocks create boundary

Heart shaped boundary

stepping stones or discs

Pavers to the rock garden

grass

not sure how far out?

Fence to Community Garden
Colored Rock Snake painted by Rock members



<input type="checkbox"/>	DISCUSSION AND POSSIBLE ACTION ITEMS
<input type="checkbox"/>	SPECIAL CONSIDERATION
<input checked="" type="checkbox"/>	CONSIDERATION OF MINUTES
<input type="checkbox"/>	PUBLIC HEARING
<input type="checkbox"/>	PRESENTATION
<input type="checkbox"/>	WORKSHOP

**C I T Y O F K I R B Y
C I T Y C O U N C I L M E E T I N G
A G E N D A I T E M S U M M A R Y**

DATE: AUGUST 11, 2022

AGENDA ITEM: 7. a., b. and c.

7. Consideration Of And Action On Minutes

Special Minutes – July 11, 2022

Regular Minutes – July 28, 2022

Budget Workshop Minutes - July 30, 2022

The minutes for July 28, 2022 will be emailed to you in a separate email.

The minutes are attached for your review. If you have any changes, please send me an email no later than 5:00 P.M. on August 10, 2022, and updates will be prepared for Council consideration.



Kimberly McGehee Aldrich, Mayor

Sylvia Apodaca
Christopher Garza
Janeshia Grider

Mike Martin
Susan Street
Debbie Walczyk

**CITY COUNCIL MINUTES
SPECIAL MEETING
MONDAY, JULY 11, 2022 – 7:00 P.M.
CITY HALL COUNCIL CHAMBER
112 BAUMAN, KIRBY, TX 78219**

This meeting will also be held by videoconference call. The location where a quorum of the governmental body will be physically present is City Hall, City Council Chambers at 112 Bauman Street, Kirby, Texas 78219 and it is the intent to have a quorum present at that location and for the member of the governmental body presiding over the meeting to be physically present at that location. A member of the public may testify from a remote location by videoconference at:

1. Call Meeting to Order

Mayor Aldrich called the meeting to order at 7:00 P.M.

2. Invocation and Pledge of Allegiance to the Flag

Mayor Aldrich led the invocation and pledge of allegiance to the flag.

3. Mission Statement

"The City of Kirby is dedicated to delivering excellent municipal services to our community in a fiscally responsible manner."

4. Roll Call

PRESENT

ABSENT

Mayor Aldrich
Council Member Apodaca
Council Member Garza (Attended by ZOOM)
Mayor Pro-Tem Grider
Council Member Martin
Council Member Street
Council Member Walczyk (Due to emergency left the meeting at 8:58 P.M.)

5. Citizen Participation

1. Ernest Spradling – He stated it is absurd the City Manager review is on an agenda on a Monday. Six months ago, Council voted 6-0 to give her a raise when her performance was reviewed. Now Council wants to discuss her performance because she wants to take a vacation. He said she has never taken a full week of vacation. This is not being fiscally responsible. He spoke in support of City Manager Vernon.

2. Cecilia Padilla - She expressed she wants to see more context in emails so people will know what is going on. It's good that people are being held accountable for their jobs. Spoke in regards to the recent water incident. She asked who is responsible for maintaining our equipment for our water supply? Is there a meter or device to monitor levels of our water supply? How often are these walls being inspected or maintained? Is there a log that we can view?

3. Eve Hatland - She said thank you because she had no idea how stressful the job you have is until this whole thing happened. But she was a witness to you trying to get water for the residents of Kirby. Everyone on council and staff we appreciate you as residents. Let's get involved and start helping the City of Kirby.

4. Jack Miller - He spoke in regards to the water situation. He saw the officials and citizens coming together and working together to provide water for the residents. He thanked Mr. Martin and City staff for all that they did during this time. As far as the City Manager goes, he has said it to her personally and will say it publicly, he likes her. Everything he has seen her do officially he has been impressed. As far as this whole vacation thing, the rules are vague. He spoke about a situation regarding emails that were screen shot to him and then they were taken down.

5. Sharon Shuler - She said this meeting is because the City Manager is taking vacation time. This is uncalled for. Ms. Vernon is a professional and has never been disrespectful. She is appreciative of her work and continues to support her. To the Council Members there is no way we can rate your performance. This could be your performance rating. It appears it is easy for you to quote from the Charter. Council needs to work together to resolve issues for the betterment of Kirby. She commended City Manager Vernon, Mayor Aldrich, employees, Council

Members and residents for stepping up to hand out water to the residents who were in need. She thanked the surrounding communities who came to help restore the well. She thanked HEB for their generous donation and for being a great neighbor. She urged residents to watch out for their families and neighbors.

6. Stephanie Faulkner - She said she notices flaw in the emails. She saw harassment, hostile work environment, and possible civil rights violations. She identified each according to labor laws. She spoke about recent social media activity with two Council Members. She said the two Council Members should resign immediately. That's what they used to say about two other Council Members.

7. Patricia Baber - She thanked Ms. Vernon and all employees, Council and volunteers who worked together during this current crisis. Our City Manager has done a great job. Its unfortunate we have a Council who does not work together for the good of the City. She hopes there will be changes with the appointment of the new Council Member. There's to be a review of the City attorney. She has reviewed and wonder how you plan to replace him and who you plan to replace him with? In her opinion he has done a great job for the City and is a very good attorney.

8. Roger Romens thanked the City for what they did in the recent emergency. Dispel some of the rumors and give a clear explanation what happened. He concurred with the first speaker why this meeting was called. It's not being fiscally responsible. This should have been included in a regular agenda and stated the reasons why. He asked Council if they were asked prior to the scheduling of vacation if she could take it and did you give the approval. If that occurred this is ridiculous. If it did occur that is an issue you need to consider.

9. Lisa Pierce - She said she is here to speak about the water and the current agenda item. She read the agenda item and asked that everyone understand that personnel matters can go into a closed meeting. This section is serious and extremely detrimental to the residents of Kirby. I would like to think that you are here to discuss the infractions of the City Manager, but you are not. You are here because at least two of your members are trying to settle a score with the City Manager. There is documented proof from when I was Mayor via email or social media posts. The language of the city charter is ambiguous and there has never been an agenda item to approve the City Manager vacation; employment agreement says its preferred. This sitting Council five of you just approved a 4% pay increase. She addressed the emails that were sent to Ms. Vernon and said they were appalling and she spoke about Ms. Vernon's strength. She concluded by expressing how absolutely grateful she was to every one of you who worked and were not there for the t-shirts and business cards. It was not over looked of the people who were genuinely there who helped the residents and comforted them. Thank you for everything.

10. Cory Mobley - He gave a glimpse of who he is. He said he has met some phenomenal people who can do amazing things to help people be better. Ms. Monique Vernon fits that list of people. Ms. Vernon has helped this City through three mayor transitions. She takes

goals and tasks Council presents and moves forward. How soon we forgot how this City Manager guided us through the pandemic. As City Manager she is forced to juggle several hats simultaneously. She's expected to juggle with perfection. The hypocrisy of this. Do not judge or you to will be judged. He referenced a letter he and Michael Steve Brown, Pastor, True Vision Church, offering their support of Ms. Vernon. He stated we are wasting our time tonight.

The following citizens participants had provided the City Secretary with emails.

11. Glenda Curtis wrote in and expressed the discussion of removing the City Manager rears its ugly head every couple of months. She said we have the best City Manager. She wrote she does not know her on a personal basis, she knows her professionally. She is the reason we succeed. Ms. Vernon is always professional, extremely knowledgeable and she is the glue that keeps our City together and running smoothly. She has built a rapport and relationships with other cities, counties, etc. This is a waste of time for this to come up every other month. We waste the time of other Council Members, but we also have a lawyer present and his time is costing our City each time this is in open session or executive session. She said what happened this week with our water issue was terrible and frustrating but, this is a first. We did not even have this during the terrible freeze in February thanks to our employees. Other cities suffered greatly with water outages. For those few determined to remove our City Manager and waste time and money, the water problem is not another reason and believe me, you will try to add that to the fairy tale list to remove an outstanding Kirby asset. For you few, I ask that you take your negative energy, turn it into positive energy for your City. Our City cannot thrive, grow or even exist on your current energy. Ms. Vernon has always been transparent and does not have a personal agenda. She is what Kirby needs now and for a long time. She has brought use many successes and people respect her.

12. Maria Lozano - She wrote in to voice her disappointment regarding tonight's Special Session, which was requested to discuss City Manager Monique Vernon's possible write up for her alleged unaccountability and lack of performance. She said she read the emails attached to tonight's agenda which transpired between Councilwoman Street, Councilman Garza and City Manager Vernon. In reading these emails, the City Manager was nothing but professional and respectful while the Council Members came off as disrespectful, condescending and intimidating. "Place the items on this week's agenda or else!" Ms. Vernon does so much for our City. She's visible in many of our City events even those that occur on weekend. At this point it sounds more like a personal witch hunt rather than a genuine concern for our City. This is very disappointing considering how the new City Council Members promised to bring about change and do away with the "lynch mob mentality," when in reality, it appears that it simply passed the torch. My hope is that you prove me wrong tonight.

13. Celicia Garza - She wrote that she is unable to attend tonight's meeting because she is working. She would appreciate if all of her following questions can be read and addressed to the Council. 1. How many wells does Kirby have and how many are supposed to be functioning on a daily basis? 2. How many gallons does each tower hold. 3. According to the KSAT news

story, one well was already out of commission due to electrical repairs. How long is a well usually down for electrical repairs and what was the amount of time the well was down? Was there a delay in electrical parts? 4. The KSAT story also reported an undetected leak drained the back up water supply. With this said, what was the capacity in storage? How often is the backup supply checked as preventive measures for possible leaks or any other issues? 5. What changes will the City make so the undetected leaks of these measures will not happen again.

14. Roxanne Cardona - She thanked Council for letting her speak. She spoke about how words can have a positive and negative affect on decisions that are being made. Members of Council had sworn to change injustices, and promised to provide respect to employees and citizens. I have stood in these council meetings and have sworn in officers using words like integrity, professionalism public faith and responsibility. These officers will be upheld to a professional and ethical conduct. She gave an example of City Manager Vernon's leadership.

Mayor Pro-Tem Grider asked Council to allow Chief Cardona additional time to speak; seconded by Council Member Martin. The motion carried with a 7-0 vote.

Chief Cardona continued and spoke about City Manager's professionalism and applauded her leadership. She pleaded with Council to change their behavior. Our City Manager has been doing the job of three different employees. Allowing the employees to have time off while she continues to work on her own days off.

6. Discussion And Possible Action

- a. Deliberation On Performance Of The City Manager. Possible Executive Session Pursuant To Texas Government Code Section 551.074, Personnel Matters.

City Manager Vernon read into record a request to be held in open session as public hearing.

Council Members addressed citizen comments from Citizen Participation.

Council Member Street identified her concerns with City Manager Vernon's performance. She and another Council Member wanted items placed on an agenda. She did not know City Manager Vernon was going on vacation week of a council meeting. She asked are we following the rules or not?

Council Member Garza was participating via ZOOM. He said he wanted to place an item on an agenda. He referenced rules to follow. This is about following rules. He did not know City Manager Vernon was going on vacation.

Council Member Martin said no write up. City Manager Vernon has done nothing wrong. She notified Mayor Aldrich about her vacation.

Council Member Apodaca said City Manager Vernon has always been professional and does an outstanding job. She did not support a write up.

Council Member Walczyk said she agreed with Ms. Shuler. She said this meeting should not have happened. She stated that she has not read the Charter and said all Council need to read it.

Mayor Pro-Tem Grider read the emails that Council Member Garza had written. There has never been a problem with placing an item on an agenda for the next date. She read the emails that Council Member Street had written. Mayor Pro-Tem Grider stated that City Manager Vernon had responded to Council Member Streets email. Mayor Pro-Tem Grider said this is not only about emails. Imagine someone close to you goes to work every day and someone tells them they are corrupt and worthless. Nobody has the right to do that. On social media we are supposed to be leaders. Council Members are not doing that on their social media posts.

Mayor Aldrich called a point of order to allow Mayor Pro-Tem Grider an opportunity to finish speaking.

Mayor Pro-Tem Grider continued speaking. She stated that City Manager Vernon has done nothing that warrants the way she's being treated.

Council Member Garza said he does not receive the same treatment as other Council Members.

Mayor Aldrich said she called the meeting because two Council Members wanted agenda items when City Manager Vernon would not be available to attend.

City Manager Vernon stated the issues at hand are that she has been accused of violating the Charter and Code of Ordinances. She said she is not in violation of either. There is conflicting language in the Charter, ordinance and her contract. Since September 19, 2014 she has taken a maximum of 32-hours vacation at one time and has only missed three council meetings. She asked Council to establish procedures or continue precedence that has been established. She was available to answer questions from Council Members. She replied to questions and comments from Council Members Street and Garza.

Mayor Aldrich apologized to City Manager Vernon and her family and stated she is an outstanding City Manager.

Council Member Martin moved to adjourn the meeting with no action taken; seconded by Council Member Apodaca. With all voting "aye" the motion carried.

7. Adjournment

Meeting adjourned at 9:51 P.M.

Kimberly Aldrich, Mayor

ATTEST

Patty Cox, City Secretary, TRMC



Kimberly McGehee Aldrich, Mayor

Sylvia Apodaca
Christopher Garza
Janeshia Grider

Mike Martin
Susan Street
Debbie Walczyk

**CITY COUNCIL MINUTES
BUDGET WORKSHOP
SATURDAY, JULY 30, 2022 – 1:00 P.M.
CITY HALL COUNCIL CHAMBER
112 BAUMAN, KIRBY, TX 78219**

This meeting will also be held by videoconference call. The location where a quorum of the governmental body will be physically present is City Hall, City Council Chambers at 112 Bauman Street, Kirby, Texas 78219 and it is the intent to have a quorum present at that location and for the member of the governmental body presiding over the meeting to be physically present at that location. A member of the public may testify from a remote location by videoconference at:

1. Call Meeting to Order

Mayor Aldrich called the meeting to order at 1:00 P.M.

2. Invocation and Pledge of Allegiance to the Flag

Mayor Aldrich led the invocation and pledge of allegiance to the flag.

3. Mission Statement

"The City of Kirby is dedicated to delivering excellent municipal services to our community in a fiscally responsible manner."

4. Roll Call

PRESENT

ABSENT

Mayor Aldrich
Council Member Apodaca

Council Member Garza
Mayor Pro-Tem Grider
Council Member Martin
Council Member Street
Council Member Walczyk

5. Citizen Participation

1. Maria Lozano – She requested funding for the Beautification and Recycle Committee to fund beautifying the City and events. Funds could be used for banners, promote activities to keep citizens active. Also, add canopies over the pool to provide shade and adding work out equipment to the walking trail and another water fitness class.

6. Budget Workshop

a. Discussion And Direction On City Of Kirby Fiscal Year 2022-2023 Budget

City Manager Vernon provided an overview of the proposed budget. She provided details for General Fund revenues and expenditures. She identified all the updated funds in the Police Department, Municipal Court, Fire Department, Animal Services, Parks, Streets, General Operations and Water Fund. Proposed salary increases were included in the budget.

City Manager Vernon said this Proposed Budget shows approximately 4.2 months reserve in the General Fund and 14 months in the Water Fund.

Mayor Aldrich called for a break at 1:40 P.M.

Mayor Aldrich convened the meeting at 1:52 P.M.

There was discussion about the Economic Development Expense in the amount of \$35,000.00.

City Manager Vernon explained this was requested funding for hiring a company to help the Committee with economic development.

After discussing this in-depth the City Council agreed to keep the funds in the budget.

City Manager Vernon provided an overview on department expenses, salaries, pool contract, park improvements, streets and equipment, ARPA account, portable cooling fans for employees and incentive employee and family pool pass. She answered various questions from Council Members.

7. **Adjournment**

3:31 P.M.

Kimberly Aldrich, Mayor

ATTEST

Patty Cox, City Secretary, TRMC

<input type="checkbox"/>	DISCUSSION AND POSSIBLE ACTION ITEMS
<input type="checkbox"/>	SPECIAL CONSIDERATION
<input type="checkbox"/>	CONSENT AGENDA
<input type="checkbox"/>	PUBLIC HEARING
<input type="checkbox"/>	PRESENTATION
<input checked="" type="checkbox"/>	WORKSHOP

C I T Y O F K I R B Y
C I T Y C O U N C I L M E E T I N G
A G E N D A I T E M S U M M A R Y

DATE: AUGUST 11, 2022

AGENDA ITEM: 8. a.

8. Discussion And Possible Action

Discussion And Possible Action On Proposed 2022 Property Tax Rate.

2022 Tax Rate Calculation Worksheet

Taxing Units Other Than School Districts or Water Districts

Form 50-856

KIRBY, CITY OF

Taxing Unit Name

Phone (area code and number)

Taxing Unit's Address, City, State, ZIP Code

Taxing Unit's Website Address

GENERAL INFORMATION: Tax Code Section 26.04(c) requires an officer or employee designated by the governing body to calculate the no-new-revenue (NNR) tax rate and voter-approval tax rate for the taxing unit. These tax rates are expressed in dollars per \$100 of taxable value calculated. The calculation process starts after the chief appraiser delivers to the taxing unit the certified appraisal roll and the estimated values of properties under protest. The designated officer or employee shall certify that the officer or employee has accurately calculated the tax rates and used values shown for the certified appraisal roll or certified estimate. The officer or employee submits the rates to the governing body by Aug. 7 or as soon thereafter as practicable.

School districts do not use this form, but instead use **Comptroller Form 50-859 Tax Rate Calculation Worksheet, School District without Chapter 313 Agreements** or **Comptroller Form 50-884 Tax Rate Calculation Worksheet, School District with Chapter 313 Agreements**.

Water districts as defined under **Water Code** Section 49.001(1) do not use this form, but instead use **Comptroller Form 50-858 Water District Voter-Approval Tax Rate Worksheet for Low Tax Rate and Developing Districts** or **Comptroller Form 50-860 Developed Water District Voter-Approval Tax Rate Worksheet**.

The Comptroller's office provides this worksheet to assist taxing units in determining tax rates. The information provided in this worksheet is offered as technical assistance and not legal advice. Taxing units should consult legal counsel for interpretations of law regarding tax rate preparation and adoption.

SECTION 1: No-New-Revenue Tax Rate

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

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

While uncommon, it is possible for a taxing unit to provide an exemption for only maintenance and operations taxes. In this case, the taxing unit will need to calculate the NNR tax rate separately for the maintenance and operations tax and the debt tax, then add the two components together.

Line	No-New-Revenue Tax Rate Worksheet	Amount/Rate
1.	2021 total taxable value. Enter the amount of 2021 taxable value on the 2021 tax roll today. Include any adjustments since last year's certification; exclude Tax Code Section 25.25(d) one-fourth and one-third over-appraisal corrections from these adjustments. Exclude any property value subject to an appeal under Chapter 42 as of July 25 (will add undisputed value in Line 6). This total includes the taxable value of homesteads with tax ceilings (will deduct in Line 2) and the captured value for tax increment financing (adjustment is made by deducting TIF taxes, as reflected in Line 17). ¹	\$ 442,442,543
2.	2021 tax ceilings. Counties, cities and junior college districts. Enter 2021 total taxable value of homesteads with tax ceilings. These include the homesteads of homeowners age 65 or older or disabled. Other taxing units enter 0. If your taxing unit adopted the tax ceiling provision in 2021 or a prior year for homeowners age 65 or older or disabled, use this step. ²	\$ 0
3.	Preliminary 2021 adjusted taxable value. Subtract Line 2 from Line 1.	\$ 442,442,543
4.	2021 total adopted tax rate.	\$ 0.685667 /\$100
5.	2021 taxable value lost because court appeals of ARB decisions reduced 2021 appraised value.	
	A. Original 2021 ARB values:	\$ 0
	B. 2021 values resulting from final court decisions:	-\$ 0
	C. 2021 value loss. Subtract B from A. ³	\$ 0
6.	2021 taxable value subject to an appeal under Chapter 42, as of July 25.	
	A. 2021 ARB certified value:	\$ 49,000
	B. 2021 disputed value:	-\$ 49,000
	C. 2021 undisputed value. Subtract B from A. ⁴	\$ 0
7.	2021 Chapter 42 related adjusted values. Add Line 5C and Line 6C.	\$ 0

¹ Tex. Tax Code § 26.012(14)

² Tex. Tax Code § 26.012(14)

³ Tex. Tax Code § 26.012(13)

⁴ Tex. Tax Code § 26.012(13)

Line	No-New-Revenue Tax Rate Worksheet	Amount/Rate
8.	2021 taxable value, adjusted for actual and potential court-ordered adjustments. Add Line 3 and Line 7.	\$ 442,442,543
9.	2021 taxable value of property in territory the taxing unit deannexed after Jan. 1, 2021. Enter the 2021 value of property in deannexed territory. ⁵	\$ 0
10.	2021 taxable value lost because property first qualified for an exemption in 2022. If the taxing unit increased an original exemption, use the difference between the original exempted amount and the increased exempted amount. Do not include value lost due to freeport, goods-in-transit, temporary disaster exemptions. Note that lowering the amount or percentage of an existing exemption in 2022 does not create a new exemption or reduce taxable value. A. Absolute exemptions. Use 2021 market value: \$ 24,987 B. Partial exemptions. 2022 exemption amount or 2022 percentage exemption times 2021 value: + \$ 919,200 C. Value loss. Add A and B. ⁶	\$ 944,187
11.	2021 taxable value lost because property first qualified for agricultural appraisal (1-d or 1-d-1), timber appraisal, recreational/scenic appraisal or public access airport special appraisal in 2022. Use only properties that qualified in 2022 for the first time; do not use properties that qualified in 2021. A. 2021 market value: \$ 0 B. 2022 productivity or special appraised value: - \$ 0 C. Value loss. Subtract B from A. ⁷	\$ 0
12.	Total adjustments for lost value. Add Lines 9, 10C and 11C.	\$ 944,187
13.	2021 captured value of property in a TIF. Enter the total value of 2021 captured appraised value of property taxable by a taxing unit in a tax increment financing zone for which 2021 taxes were deposited into the tax increment fund. ⁸ If the taxing unit has no captured appraised value in line 18D, enter 0.	\$ 0
14.	2021 total value. Subtract Line 12 and Line 13 from Line 8.	\$ 441,498,356
15.	Adjusted 2021 total levy. Multiply Line 4 by Line 14 and divide by \$100.	\$ 3,027,208
16.	Taxes refunded for years preceding tax year 2021. Enter the amount of taxes refunded by the taxing unit for tax years preceding tax year 2021. Types of refunds include court decisions, Tax Code Section 25.25(b) and (c) corrections and Tax Code Section 31.11 payment errors. Do not include refunds for tax year 2021. This line applies only to tax years preceding tax year 2021. ⁹	\$ 6,464
17.	Adjusted 2021 levy with refunds and TIF adjustment. Add Lines 15 and 16. ¹⁰	\$ 3,033,672
18.	Total 2022 taxable value on the 2022 certified appraisal roll today. This value includes only certified values or certified estimate of values and includes the total taxable value of homesteads with tax ceilings (will deduct in Line 20). These homesteads include homeowners age 65 or older or disabled. ¹¹ A. Certified values: \$ 469,323,472 B. Counties: Include railroad rolling stock values certified by the Comptroller's office: + \$ C. Pollution control and energy storage system exemption: Deduct the value of property exempted for the current tax year for the first time as pollution control or energy storage system property: - \$ 0 D. Tax increment financing: Deduct the 2022 captured appraised value of property taxable by a taxing unit in a tax increment financing zone for which the 2022 taxes will be deposited into the tax increment fund. Do not include any new property value that will be included in Line 23 below. ¹² - \$ 0 E. Total 2022 value. Add A and B, then subtract C and D.	\$ 469,323,472

⁵ Tex. Tax Code § 26.012(15)⁶ Tex. Tax Code § 26.012(15)⁷ Tex. Tax Code § 26.012(15)⁸ Tex. Tax Code § 26.03(c)⁹ Tex. Tax Code § 26.012(13)¹⁰ Tex. Tax Code § 26.012(13)¹¹ Tex. Tax Code § 26.012, 26.04(c-2)¹² Tex. Tax Code § 26.03(c)

Line	No-New-Revenue Tax Rate Worksheet	Amount/Rate
19.	Total value of properties under protest or not included on certified appraisal roll. ¹³	
A.	2022 taxable value of properties under protest. The chief appraiser certifies a list of properties still under ARB protest. The list shows the appraisal district's value and the taxpayer's claimed value, if any, or an estimate of the value if the taxpayer wins. For each of the properties under protest, use the lowest of these values. Enter the total value under protest. ¹⁴	\$ 34,370,125
B.	2022 value of properties not under protest or included on certified appraisal roll. The chief appraiser gives taxing units a list of those taxable properties that the chief appraiser knows about but are not included in the appraisal roll certification. These properties also are not on the list of properties that are still under protest. On this list of properties, the chief appraiser includes the market value, appraised value and exemptions for the preceding year and a reasonable estimate of the market value, appraised value and exemptions for the current year. Use the lower market, appraised or taxable value (as appropriate). Enter the total value of property not on the certified roll. ¹⁵	+ \$ 0
C.	Total value under protest or not certified. Add A and B.	\$ 34,370,125
20.	2022 tax ceilings. Counties, cities and junior colleges enter 2022 total taxable value of homesteads with tax ceilings. These include the homesteads of homeowners age 65 or older or disabled. Other taxing units enter 0. If your taxing unit adopted the tax ceiling provision in 2021 or a prior year for homeowners age 65 or older or disabled, use this step. ¹⁶	\$ 0
21.	2022 total taxable value. Add Lines 18E and 19C. Subtract Line 20. ¹⁷	\$ 503,693,597
22.	Total 2022 taxable value of properties in territory annexed after Jan. 1, 2021. Include both real and personal property. Enter the 2022 value of property in territory annexed. ¹⁸	\$ 0
23.	Total 2022 taxable value of new improvements and new personal property located in new improvements. New means the item was not on the appraisal roll in 2021. An improvement is a building, structure, fixture or fence erected on or affixed to land. New additions to existing improvements may be included if the appraised value can be determined. New personal property in a new improvement must have been brought into the taxing unit after Jan. 1, 2021 and be located in a new improvement. New improvements do include property on which a tax abatement agreement has expired for 2022. ¹⁹	\$ 3,046,500
24.	Total adjustments to the 2022 taxable value. Add Lines 22 and 23.	\$ 3,046,500
25.	Adjusted 2022 taxable value. Subtract Line 24 from Line 21.	\$ 500,647,097
26.	2022 NNR tax rate. Divide Line 17 by Line 25 and multiply by \$100. ²⁰	\$ 0.605950 /\$100
27.	COUNTIES ONLY. Add together the NNR tax rates for each type of tax the county levies. The total is the 2022 county NNR tax rate. ²¹	\$ /\$100

SECTION 2: Voter-Approval Tax Rate

The voter-approval tax rate is the highest tax rate that a taxing unit may adopt without holding an election to seek voter approval of the rate. The voter-approval tax rate is split into two separate rates:

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

The voter-approval tax rate for a county is the sum of the voter-approval tax rates calculated for each type of tax the county levies. In most cases the voter-approval tax rate exceeds the no-new-revenue tax rate, but occasionally decreases in a taxing unit's debt service will cause the NNR tax rate to be higher than the voter-approval tax rate.

Line	Voter-Approval Tax Rate Worksheet	Amount/Rate
28.	2021 M&O tax rate. Enter the 2021 M&O tax rate.	\$ 0.568667 /\$100
29.	2021 taxable value, adjusted for actual and potential court-ordered adjustments. Enter the amount in Line 8 of the <i>No-New-Revenue Tax Rate Worksheet</i> .	\$ 442,442,543

¹³ Tex. Tax Code § 26.01(c) and (d)

¹⁴ Tex. Tax Code § 26.01(c)

¹⁵ Tex. Tax Code § 26.01(d)

¹⁶ Tex. Tax Code § 26.012(6)(B)

¹⁷ Tex. Tax Code § 26.012(6)

¹⁸ Tex. Tax Code § 26.012(17)

¹⁹ Tex. Tax Code § 26.012(17)

²⁰ Tex. Tax Code § 26.04(c)

²¹ Tex. Tax Code § 26.04(d)

Line	Voter-Approval Tax Rate Worksheet	Amount/Rate
30.	Total 2021 M&O levy. Multiply Line 28 by Line 29 and divide by \$100	\$ 2,516,024
31.	Adjusted 2021 levy for calculating NNR M&O rate.	
A.	M&O taxes refunded for years preceding tax year 2021. Enter the amount of M&O taxes refunded in the preceding year for taxes before that year. Types of refunds include court decisions, Tax Code Section 25.25(b) and (c) corrections and Tax Code Section 31.11 payment errors. Do not include refunds for tax year 2021. This line applies only to tax years preceding tax year 2021. + \$	5,372
B.	2021 taxes in TIF. Enter the amount of taxes paid into the tax increment fund for a reinvestment zone as agreed by the taxing unit. If the taxing unit has no 2022 captured appraised value in Line 18D, enter 0. - \$	0
C.	2021 transferred function. If discontinuing all of a department, function or activity and transferring it to another taxing unit by written contract, enter the amount spent by the taxing unit discontinuing the function in the 12 months preceding the month of this calculation. If the taxing unit did not operate this function for this 12-month period, use the amount spent in the last full fiscal year in which the taxing unit operated the function. The taxing unit discontinuing the function will subtract this amount in D below. The taxing unit receiving the function will add this amount in D below. Other taxing units enter 0. +/- \$	0
D.	2021 M&O levy adjustments. Subtract B from A. For taxing unit with C, subtract if discontinuing function and add if receiving function. \$	5,372
E.	Add Line 30 to 31D.	\$ 2,521,396
32.	Adjusted 2022 taxable value. Enter the amount in Line 25 of the <i>No-New-Revenue Tax Rate Worksheet</i> .	\$ 500,647,097
33.	2022 NNR M&O rate (unadjusted). Divide Line 31E by Line 32 and multiply by \$100.	\$ 0.503627 /\$100
34.	Rate adjustment for state criminal justice mandate. ²³	
A.	2022 state criminal justice mandate. Enter the amount spent by a county in the previous 12 months providing for the maintenance and operation cost of keeping inmates in county-paid facilities after they have been sentenced. Do not include any state reimbursement received by the county for the same purpose. \$	0
B.	2021 state criminal justice mandate. Enter the amount spent by a county in the 12 months prior to the previous 12 months providing for the maintenance and operation cost of keeping inmates in county-paid facilities after they have been sentenced. Do not include any state reimbursement received by the county for the same purpose. Enter zero if this is the first time the mandate applies. - \$	0
C.	Subtract B from A and divide by Line 32 and multiply by \$100. \$	0/\$100
D.	Enter the rate calculated in C. If not applicable, enter 0.	\$ 0/\$100
35.	Rate adjustment for indigent health care expenditures. ²⁴	
A.	2022 indigent health care expenditures. Enter the amount paid by a taxing unit providing for the maintenance and operation cost of providing indigent health care for the period beginning on July 1, 2021 and ending on June 30, 2022, less any state assistance received for the same purpose. \$	0
B.	2021 indigent health care expenditures. Enter the amount paid by a taxing unit providing for the maintenance and operation cost of providing indigent health care for the period beginning on July 1, 2020 and ending on June 30, 2021, less any state assistance received for the same purpose. - \$	0
C.	Subtract B from A and divide by Line 32 and multiply by \$100. \$	0/\$100
D.	Enter the rate calculated in C. If not applicable, enter 0.	\$ 0/\$100

²³ [Reserved for expansion]²³ Tex. Tax Code § 26.044²⁴ Tex. Tax Code § 26.0441

Line	Voter-Approval Tax Rate Worksheet	Amount/Rate
36.	Rate adjustment for county indigent defense compensation. ²⁵	
A.	2022 indigent defense compensation expenditures. Enter the amount paid by a county to provide appointed counsel for indigent individuals and fund the operations of a public defender's office under Article 26.044, Code of Criminal Procedure for the period beginning on July 1, 2021 and ending on June 30, 2022, less any state grants received by the county for the same purpose	\$ 0
B.	2021 indigent defense compensation expenditures. Enter the amount paid by a county to provide appointed counsel for indigent individuals and fund the operations of a public defender's office under Article 26.044, Code of Criminal Procedure for the period beginning on July 1, 2020 and ending on June 30, 2021, less any state grants received by the county for the same purpose.	\$ 0
C.	Subtract B from A and divide by Line 32 and multiply by \$100.....	\$ 0 /\$100
D.	Multiply B by 0.05 and divide by Line 32 and multiply by \$100.....	\$ 0 /\$100
E.	Enter the lesser of C and D. If not applicable, enter 0.	\$ 0 /\$100
37.	Rate adjustment for county hospital expenditures. ²⁶	
A.	2022 eligible county hospital expenditures. Enter the amount paid by the county or municipality to maintain and operate an eligible county hospital for the period beginning on July 1, 2021 and ending on June 30, 2022.	\$ 0
B.	2021 eligible county hospital expenditures. Enter the amount paid by the county or municipality to maintain and operate an eligible county hospital for the period beginning on July 1, 2020 and ending on June 30, 2021.	\$ 0
C.	Subtract B from A and divide by Line 32 and multiply by \$100.....	\$ 0 /\$100
D.	Multiply B by 0.08 and divide by Line 32 and multiply by \$100.....	\$ 0 /\$100
E.	Enter the lesser of C and D, if applicable. If not applicable, enter 0.	\$ 0 /\$100
38.	Rate adjustment for defunding municipality. This adjustment only applies to a municipality that is considered to be a defunding municipality for the current tax year under Chapter 109, Local Government Code. Chapter 109, Local Government Code only applies to municipalities with a population of more than 250,000 and includes a written determination by the Office of the Governor. See Tax Code 26.0444 for more information.	
A.	Amount appropriated for public safety in 2021. Enter the amount of money appropriated for public safety in the budget adopted by the municipality for the preceding fiscal year	\$ 0
B.	Expenditures for public safety in 2021. Enter the amount of money spent by the municipality for public safety during the preceding fiscal year	\$ 0
C.	Subtract B from A and divide by Line 32 and multiply by \$100	\$ 0 /\$100
D.	Enter the rate calculated in C. If not applicable, enter 0.	\$ 0 /\$100
39.	Adjusted 2022 NNR M&O rate. Add Lines 33, 34D, 35D, 36E, and 37E. Subtract Line 38D.	\$ 0.503627 /\$100
40.	Adjustment for 2021 sales tax specifically to reduce property values. Cities, counties and hospital districts that collected and spent additional sales tax on M&O expenses in 2021 should complete this line. These entities will deduct the sales tax gain rate for 2022 in Section 3. Other taxing units, enter zero.	
A.	Enter the amount of additional sales tax collected and spent on M&O expenses in 2021, if any. Counties must exclude any amount that was spent for economic development grants from the amount of sales tax spent	\$ 0
B.	Divide Line 40A by Line 32 and multiply by \$100	\$ 0 /\$100
C.	Add Line 40B to Line 39.	\$ 0.503627 /\$100
41.	2022 voter-approval M&O rate. Enter the rate as calculated by the appropriate scenario below. Special Taxing Unit. If the taxing unit qualifies as a special taxing unit, multiply Line 40C by 1.08. - or - Other Taxing Unit. If the taxing unit does not qualify as a special taxing unit, multiply Line 40C by 1.035.	\$ 0.521253 /\$100

²⁵ Tex. Tax Code § 26.0442²⁶ Tex. Tax Code § 26.0443

Line	Voter-Approval Tax Rate Worksheet	Amount/Rate
D41.	Disaster Line 41 (D41): 2022 voter-approval M&O rate for taxing unit affected by disaster declaration. If the taxing unit is located in an area declared a disaster area and at least one person is granted an exemption under Tax Code Section 11.35 for property located in the taxing unit, the governing body may direct the person calculating the voter-approval tax rate to calculate in the manner provided for a special taxing unit. The taxing unit shall continue to calculate the voter-approval tax rate in this manner until the earlier of 1) the first year in which total taxable value on the certified appraisal roll exceeds the total taxable value of the tax year in which the disaster occurred, or 2) the third tax year after the tax year in which the disaster occurred If the taxing unit qualifies under this scenario, multiply Line 40C by 1.08. ²⁷ If the taxing unit does not qualify, do not complete Disaster Line 41 (Line D41).	\$ _____ /\$100
42.	Total 2022 debt to be paid with property taxes and additional sales tax revenue. Debt means the interest and principal that will be paid on debts that: (1) are paid by property taxes, (2) are secured by property taxes, (3) are scheduled for payment over a period longer than one year, and (4) are not classified in the taxing unit's budget as M&O expenses. A. Debt also includes contractual payments to other taxing units that have incurred debts on behalf of this taxing unit, if those debts meet the four conditions above. Include only amounts that will be paid from property tax revenue. Do not include appraisal district budget payments. If the governing body of a taxing unit authorized or agreed to authorize a bond, warrant, certificate of obligation, or other evidence of indebtedness on or after Sept. 1, 2021, verify if it meets the amended definition of debt before including it here. ²⁸ Enter debt amount \$ 484,925 B. Subtract unencumbered fund amount used to reduce total debt, - \$ 0 C. Subtract certified amount spent from sales tax to reduce debt (enter zero if none) - \$ 0 D. Subtract amount paid from other resources - \$ 0 E. Adjusted debt. Subtract B, C and D from A.	\$ 484,925
43.	Certified 2021 excess debt collections. Enter the amount certified by the collector. ²⁹	\$ 24,329
44.	Adjusted 2022 debt. Subtract Line 43 from Line 42E.	\$ 460,596
45.	2022 anticipated collection rate. A. Enter the 2022 anticipated collection rate certified by the collector. ³⁰ 98.46% B. Enter the 2021 actual collection rate. 98.46% C. Enter the 2020 actual collection rate. 97.63% D. Enter the 2019 actual collection rate. 97.59% E. If the anticipated collection rate in A is lower than actual collection rates in B, C and D, enter the lowest collection rate from B, C and D. If the anticipated rate in A is higher than at least one of the rates in the prior three years, enter the rate from A. Note that the rate can be greater than 100%. ³¹	98.46%
46.	2022 debt adjusted for collections. Divide Line 44 by Line 45E.	\$ 467,800
47.	2022 total taxable value. Enter the amount on Line 21 of the <i>No-New-Revenue Tax Rate Worksheet</i> .	\$ 503,693,597
48.	2022 debt rate. Divide Line 46 by Line 47 and multiply by \$100.	\$ 0.092873 /\$100
49.	2022 voter-approval tax rate. Add Lines 41 and 48.	\$ 0.614126 /\$100
D49.	Disaster Line 49 (D49): 2022 voter-approval tax rate for taxing unit affected by disaster declaration. Complete this line if the taxing unit calculated the voter-approval tax rate in the manner provided for a special taxing unit on Line D41. Add Line D41 and 48.	\$ _____ /\$100

²⁷ Tex. Tax Code § 26.042(a)²⁸ Tex. Tax Code § 26.012(7)²⁹ Tex. Tax Code § 26.012(10) and 26.04(b)³⁰ Tex. Tax Code § 26.04(b)³¹ Tex. Tax Code §§ 26.04(h), (h-1) and (h-2)

Line	Voter-Approval Tax Rate Worksheet	Amount/Rate
50.	COUNTIES ONLY. Add together the voter-approval tax rates for each type of tax the county levies. The total is the 2022 county voter-approval tax rate.	\$ <u>0</u> /\$100

SECTION 3: NNR Tax Rate and Voter-Approval Tax Rate Adjustments for Additional Sales Tax to Reduce Property Taxes

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

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

Line	Additional Sales and Use Tax Worksheet	Amount/Rate
51.	Taxable Sales. For taxing units that adopted the sales tax in November 2021 or May 2022, enter the Comptroller's estimate of taxable sales for the previous four quarters. ³² Estimates of taxable sales may be obtained through the Comptroller's Allocation Historical Summary webpage. Taxing units that adopted the sales tax before November 2021, enter 0.	\$ <u>0</u>
52.	Estimated sales tax revenue. Counties exclude any amount that is or will be spent for economic development grants from the amount of estimated sales tax revenue. ³³ Taxing units that adopted the sales tax in November 2021 or in May 2022. Multiply the amount on Line 51 by the sales tax rate (.01, .005 or .0025, as applicable) and multiply the result by .95. ³⁴ - or - Taxing units that adopted the sales tax before November 2021. Enter the sales tax revenue for the previous four quarters. Do not multiply by .95.	\$ <u>0</u>
53.	2022 total taxable value. Enter the amount from Line 21 of the <i>No-New-Revenue Tax Rate Worksheet</i> .	\$ <u>503,693,597</u>
54.	Sales tax adjustment rate. Divide Line 52 by Line 53 and multiply by \$100.	\$ <u>0</u> /\$100
55.	2022 NNR tax rate, unadjusted for sales tax. ³⁵ Enter the rate from Line 26 or 27, as applicable, on the <i>No-New-Revenue Tax Rate Worksheet</i> .	\$ <u>0.605950</u> /\$100
56.	2022 NNR tax rate, adjusted for sales tax. Taxing units that adopted the sales tax in November 2021 or in May 2022. Subtract Line 54 from Line 55. Skip to Line 57 if you adopted the additional sales tax before November 2021.	\$ <u>0.605950</u> /\$100
57.	2022 voter-approval tax rate, unadjusted for sales tax. ³⁶ Enter the rate from Line 49, Line D49 (disaster) or Line 50 (counties) as applicable, of the <i>Voter-Approval Tax Rate Worksheet</i> .	\$ <u>0.614126</u> /\$100
58.	2022 voter-approval tax rate, adjusted for sales tax. Subtract Line 54 from Line 57.	\$ <u>0.614126</u> /\$100

SECTION 4: Voter-Approval Tax Rate Adjustment for Pollution Control

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

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

Line	Voter-Approval Rate Adjustment for Pollution Control Requirements Worksheet	Amount/Rate
59.	Certified expenses from the Texas Commission on Environmental Quality (TCEQ). Enter the amount certified in the determination letter from TCEQ. ³⁷ The taxing unit shall provide its tax assessor-collector with a copy of the letter. ³⁸	\$ <u>0</u>
60.	2022 total taxable value. Enter the amount from Line 21 of the <i>No-New-Revenue Tax Rate Worksheet</i> .	\$ <u>503,693,597</u>
61.	Additional rate for pollution control. Divide Line 59 by Line 60 and multiply by \$100.	\$ <u>0</u> /\$100
62.	2022 voter-approval tax rate, adjusted for pollution control. Add Line 61 to one of the following lines (as applicable): Line 49, Line D49 (disaster), Line 50 (counties) or Line 58 (taxing units with the additional sales tax).	\$ <u>0.614126</u> /\$100

³² Tex. Tax Code § 26.041(d)³³ Tex. Tax Code § 26.041(f)³⁴ Tex. Tax Code § 26.041(d)³⁵ Tex. Tax Code § 26.04(c)³⁶ Tex. Tax Code § 26.04(c)³⁷ Tex. Tax Code § 26.045(d)³⁸ Tex. Tax Code § 26.045(j)

SECTION 5: Voter-Approval Tax Rate Adjustment for Unused Increment Rate

The unused increment rate is the rate equal to the difference between the adopted tax rate and voter-approval tax rate before the unused increment rate for the prior three years.³⁹ In a year where a taxing unit adopts a rate by applying any portion of the unused increment rate, the unused increment rate for that year would be zero.

The difference between the adopted tax rate and voter-approval tax rate is considered zero in the following scenarios:

- a tax year before 2020;⁴⁰
- a tax year in which the municipality is a defunding municipality, as defined by Tax Code Section 26.0501(a);⁴¹ or
- after Jan. 1, 2022, a tax year in which the comptroller determines that the county implemented a budget reduction or reallocation described by Local Government Code Section 120.002(a) without the required voter approval.⁴²

This section should only be completed by a taxing unit that does not meet the definition of a special taxing unit.⁴³

Line	Unused Increment Rate Worksheet	Amount/Rate
63.	2021 unused increment rate. Subtract the 2021 actual tax rate and the 2021 unused increment rate from the 2021 voter-approval tax rate. If the number is less than zero, enter zero.	\$ 0.000000 /\$100
64.	2020 unused increment rate. Subtract the 2020 actual tax rate and the 2020 unused increment rate from the 2020 voter-approval tax rate. If the number is less than zero, enter zero.	\$ 0 /\$100
65.	2019 unused increment rate. Subtract the 2019 actual tax rate and the 2019 unused increment rate from the 2019 voter-approval tax rate. If the number is less than zero, enter zero. If the year is prior to 2020, enter zero.	\$ 0 /\$100
66.	2022 unused increment rate. Add Lines 63, 64 and 65.	\$ 0 /\$100
67.	2022 voter-approval tax rate, adjusted for unused increment rate. Add Line 66 to one of the following lines (as applicable): Line 49, Line D49 (disaster), Line 50 (counties), Line 58 (taxing units with the additional sales tax) or Line 62 (taxing units with pollution control).	\$ 0.614126 /\$100

SECTION 6: De Minimis Rate

The de minimis rate is the rate equal to the sum of the no-new-revenue maintenance and operations rate, the rate that will raise \$500,000, and the current debt rate for a taxing unit.⁴⁴

This section should only be completed by a taxing unit that is a municipality of less than 30,000 or a taxing unit that does not meet the definition of a special taxing unit.⁴⁵

Line	De Minimis Rate Worksheet	Amount/Rate
68.	Adjusted 2022 NNR M&O tax rate. Enter the rate from Line 39 of the <i>Voter-Approval Tax Rate Worksheet</i> .	\$ 0.503627 /\$100
69.	2022 total taxable value. Enter the amount on Line 21 of the <i>No-New-Revenue Tax Rate Worksheet</i> .	\$ 503,693,597
70.	Rate necessary to impose \$500,000 in taxes. Divide \$500,000 by Line 69 and multiply by \$100.	\$ 0.099266 /\$100
71.	2022 debt rate. Enter the rate from Line 48 of the <i>Voter-Approval Tax Rate Worksheet</i> .	\$ 0.092873 /\$100
72.	De minimis rate. Add Lines 68, 70 and 71.	\$ 0.695766 /\$100

SECTION 7: Voter-Approval Tax Rate Adjustment for Emergency Revenue Rate

In the tax year after the end of the disaster calculation time period detailed in Tax Code Section 26.042(a), a taxing unit that calculated its voter-approval tax rate in the manner provided for a special taxing unit due to a disaster must calculate its emergency revenue rate and reduce its voter-approval tax rate for that year.⁴⁶

Similarly, if a taxing unit adopted a tax rate that exceeded its voter-approval tax rate, calculated normally, without holding an election to respond to a disaster, as allowed by Tax Code Section 26.042(d), in the prior year, it must also reduce its voter-approval tax rate for the current tax year.⁴⁷

This section will apply to a taxing unit other than a special taxing unit that:

- directed the designated officer or employee to calculate the voter-approval tax rate of the taxing unit in the manner provided for a special taxing unit in the prior year; and
- the current year is the first tax year in which the total taxable value of property taxable by the taxing unit as shown on the appraisal roll for the taxing unit submitted by the assessor for the taxing unit to the governing body exceeds the total taxable value of property taxable by the taxing unit on January 1 of the tax year in which the disaster occurred or the disaster occurred four years ago.

³⁹ Tex. Tax Code § 26.013(a)

⁴⁰ Tex. Tax Code § 26.013(d)

⁴¹ Tex. Tax Code §§ 26.0501(a) and (c)

⁴² Tex. Local Gov't Code § 120.007(d), effective Jan. 1, 2022

⁴³ Tex. Tax Code § 26.063(a)(1)

⁴⁴ Tex. Tax Code § 26.012(B-a)

⁴⁵ Tex. Tax Code § 26.063(a)(1)

⁴⁶ Tex. Tax Code § 26.042(b)

⁴⁷ Tex. Tax Code § 26.042(f)

This section will apply to a taxing unit in a disaster area that adopted a tax rate greater than its voter-approval tax rate without holding an election in the prior year.

Note: This section does not apply if a taxing unit is continuing to calculate its voter-approval tax rate in the manner provided for a special taxing unit because it is still within the disaster calculation time period detailed in Tax Code Section 26.042(a) because it has not met the conditions in Tax Code Section 26.042(a)(1) or (2).

Line	Emergency Revenue Rate Worksheet	Amount/Rate
73.	2021 adopted tax rate. Enter the rate in Line 4 of the <i>No-New-Revenue Tax Rate Worksheet</i> .	\$ 0.685667 /\$100
74.	Adjusted 2021 voter-approval tax rate. Use the taxing unit's Tax Rate Calculation Worksheets from the prior year(s) to complete this line. If a disaster occurred in 2021 and the taxing unit calculated its 2021 voter-approval tax rate using a multiplier of 1.08 on Disaster Line 41 (D41) of the 2021 worksheet due to a disaster, enter the 2021 voter-approval tax rate as calculated using a multiplier of 1.035 from Line 49. - or - If a disaster occurred prior to 2021 for which the taxing unit continued to calculate its voter-approval tax rate using a multiplier of 1.08 on Disaster Line 41 (D41) in 2021, complete the separate <i>Adjusted Voter-Approval Tax Rate for Taxing Units in Disaster Area Calculation Worksheet</i> to recalculate the voter-approval tax rate the taxing unit would have calculated in 2021 if it had generated revenue based on an adopted tax rate using a multiplier of 1.035 in the year(s) following the disaster. ⁴⁸ Enter the final adjusted 2021 voter-approval tax rate from the worksheet. - or - If the taxing unit adopted a tax rate above the 2021 voter-approval tax rate without calculating a disaster tax rate or holding an election due to a disaster, no recalculation is necessary. Enter the voter-approval tax rate from the prior year's worksheet.	\$ 0 /\$100
75.	Increase in 2021 tax rate due to disaster. Subtract Line 74 from Line 73.	\$ 0.685667 /\$100
76.	Adjusted 2021 taxable value. Enter the amount in Line 14 of the <i>No-New-Revenue Tax Rate Worksheet</i> .	\$ 441,498,356
77.	Emergency revenue. Multiply Line 75 by Line 76 and divide by \$100.	\$ 3,027,208
78.	Adjusted 2022 taxable value. Enter the amount in Line 25 of the <i>No-New-Revenue Tax Rate Worksheet</i> .	\$ 500,647,097
79.	Emergency revenue rate. Divide Line 77 by Line 78 and multiply by \$100. ⁴⁹	\$ 0 /\$100
80.	2022 voter-approval tax rate, adjusted for emergency revenue. Subtract Line 79 from one of the following lines (as applicable): Line 49, Line D49 (disaster), Line 50 (counties), Line 58 (taxing units with the additional sales tax), Line 62 (taxing units with pollution control) or Line 67 (taxing units with the unused increment rate).	\$ 0.614126 /\$100

SECTION 8: Total Tax Rate

Indicate the applicable total tax rates as calculated above.

No-new-revenue tax rate.	\$ 0.605950 /\$100
As applicable, enter the 2022 NNR tax rate from: Line 26, Line 27 (counties), or Line 56 (adjusted for sales tax). Indicate the line number used: <u>26</u>	
Voter-approval tax rate.	\$ 0.614126 /\$100
As applicable, enter the 2022 voter-approval tax rate from: Line 49, Line D49 (disaster), Line 50 (counties), Line 58 (adjusted for sales tax), Line 62 (adjusted for pollution control), Line 67 (adjusted for unused increment), or Line 80 (adjusted for emergency revenue). Indicate the line number used: <u>67</u>	
De minimis rate.	\$ 0.695766 /\$100
If applicable, enter the 2022 de minimis rate from Line 72.	

SECTION 9: Taxing Unit Representative Name and Signature

Enter the name of the person preparing the tax rate as authorized by the governing body of the taxing unit. By signing below, you certify that you are the designated officer or employee of the taxing unit and have accurately calculated the tax rates using values that are the same as the values shown in the taxing unit's certified appraisal roll or certified estimate of taxable value, in accordance with requirements in Tax Code.⁵⁰

**print
here** ➡

Printed Name of Taxing Unit Representative

**sign
here** ➡

Taxing Unit Representative

Date

⁴⁸ Tex. Tax Code §26.042(c)

⁴⁹ Tex. Tax Code §26.042(b)

⁵⁰ Tex. Tax Code §§ 26.04(c-2) and (d-2)

<input checked="" type="checkbox"/>	DISCUSSION AND POSSIBLE ACTION ITEMS
<input type="checkbox"/>	SPECIAL CONSIDERATION
<input type="checkbox"/>	CONSENT AGENDA
<input type="checkbox"/>	PUBLIC HEARING
<input type="checkbox"/>	PRESENTATION
<input type="checkbox"/>	WORKSHOP

**CITY OF KIRBY
CITY COUNCIL MEETING
AGENDA ITEM SUMMARY**

DATE: AUGUST 11, 2022

AGENDA ITEM: 8. b.

8. Discussion And Possible Action

Discussion And Possible Action On An Ordinance Of The City Of Kirby, Texas, Amending Chapter 55 Of The Code Of Ordinances In Regard To Construction Storm Water Management Practices As Required By The United States Environmental Protection Agency And The Texas Commission On Environmental Quality; And Providing That The City May Seek Injunctive Relief To Restrain Violations Or To Compel Abatement Or Remediation Of Violations; Providing For A Civil Penalty Of Up To \$1,000 Per Day For A Violation Of This Chapter; Setting A Fee For Reviewing Proposed Storm Water Pollution Prevention Plans; And Providing For An Effective Date. This Is The Second Reading.

The first reading was approved on July 14, 2022. A copy of the ordinance is included.

On August 1, 2022 Mr. Schnall provided the following information:

As you will recall, when the City Council was considering the amended Ordinance for Chapter 55 at the meeting last Thursday, Council Member Street asked where was the fee for reviewing a proposal. I reviewed the proposed Ordinance today and found that the "Review Fee"

is a defined term near the bottom of page 8 of the proposed Ordinance. The definition sets out the fee. Therefore, no change is needed to the proposed Ordinance s passed on the first reading on July 14. I recommend that this item be placed on the agenda for he August 11 Council meeting for second reading and potential adoption.

ORDINANCE NO. O-2022-913

AN ORDINANCE OF THE CITY OF KIRBY, TEXAS, AMENDING CHAPTER 55 OF THE CODE OF ORDINANCES IN REGARD TO CONSTRUCTION STORM WATER MANAGEMENT PRACTICES AS REQUIRED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AND THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY; AND PROVIDING THAT THE CITY MAY SEEK INJUNCTIVE RELIEF TO RESTRAIN VIOLATIONS OR TO COMPEL ABATEMENT OR REMEDIATION OF VIOLATIONS; PROVIDING FOR A CIVIL PENALTY OF UP TO \$1,000 PER DAY FOR A VIOLATION OF THIS CHAPTER; SETTING A FEE FOR REVIEWING PROPOSED STORM WATER POLLUTION PREVENTION PLANS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Environmental Protection Agency of the United States (the "E.P.A.") mandated the regulation of storm water discharge under the Clean Water Act (the "Act," 40 CFR 122.34); and

WHEREAS, the E.P.A. authorizes the Texas Commission on Environmental Quality ("T.C.E.Q.") to adopt rules to carry out its powers and duties under the Act (Tex. Admin. Code, Title 30, Chapt. 281.25(b)(5)); and

WHEREAS, the Act, at the discretion of the T.C.E.Q., further requires cities and towns in the State of Texas to implement and enforce water management practices to ensure that storm water pollution is minimized to the extent required by Federal Law through, inter alia, the Act; and

WHEREAS, the consulting engineer engaged by the City of Kirby has recommended amendments to Chapter 55 of the Code of Ordinances of the City of Kirby to update regulations and rules as to post-construction storm water management and related matters.

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

Section 1. Chapter 55 of the Code of Ordinances of the City of Kirby is hereby amended to read as follows:

§ 55.01 - GENERAL PROVISIONS.

(A) *Introduction/purpose/intent.*

- (1) During the construction process, soil may become vulnerable to erosion by wind and water. Eroded soil may have chemical and/or biological properties that reduce water quality in streams and lakes, thereby threatening drinking water resources and wildlife habitats. Eroded soil may also cause maintenance problems by settling out (sedimentation) in storm sewers, ditches, creeks, and other parts of the storm system, which then require maintenance and repair. The provisions and requirements contained in this chapter shall operate in conjunction with and in addition to the city's previously existing building code, building permitting, and building code enforcement procedures.

- (2) The purpose of this chapter is to safeguard persons, protect property, and prevent damage to the environment in the city. This chapter will also promote the public health, safety and general welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other construction activity that disturbs or breaks the topsoil or results in the movement of earth on land in the city.

(B) The objectives of this chapter are:

- (1) To regulate the construction process to reduce erosion by wind and water during construction.
- (2) To reduce the degradation of water quality and the siltation of aquatic habitats for fish and other desirable species.
- (3) To reduce the necessity for repair of storm sewers and ditches and the dredging of lakes as a result of soil erosion resulting from construction activities.

Sec. 55.02 - DEFINITIONS.

APPLICANT means a property owner or agent of a property owner who has filed a storm water management plan.

ARID AREAS means areas with an average annual rainfall of 0 to 10 inches.

BEST MANAGEMENT PRACTICES (BMP) means schedules of activities, prohibitions of practices, maintenance procedures, structural controls, local ordinances, and other management practices to prevent or reduce the discharge of pollutants. BMPs also include treatment requirements, operating procedures and practices to control runoff, spill or leaks, waste disposal, or drainage from raw material storage.

BUFFER means a natural or vegetated area through which storm water runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants.

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

CITY means the City of Kirby, Texas or the city council of Kirby, Texas.

CITY MANAGER means the person appointed to the position of City Manager by the City Council, of the City of Kirby, Texas or his/her duly authorized representative and authorized to act on behalf of the City and/or City Council or his/her designees such as the Building Official or City Engineer.

COMMENCEMENT OF CONSTRUCTION means the initial disturbance of soils associated with clearing, demolition, grading, excavating, filling, stockpiling, erection of forms, or any other construction-related activity. The term "commencement of construction" is also referred to as "start of construction."

COMMON PLAN OF DEVELOPMENT means a construction activity that is completed in separate stages, separate phases, or in combination with other construction activities. A common plan of development (also known as a "common plan of development or sale") is identified by the documentation for the construction project that identifies the scope of the

project, and may include plats, blueprints, marketing plans, contracts, building permits, a public notice or hearing, zoning requests, or other similar documentation and activities. A common plan of development does not necessarily include all construction projects within the jurisdiction of the city. Construction of roads or buildings in different parts of the jurisdiction would be considered separate "common plans," with only the interconnected parts of a project being considered part of a "common plan" (e.g., a building and its associated parking lot and driveways, airport runway and associated taxiways, a building complex, etc.). Where discrete construction projects occur within a larger common plan of development or sale but are located one-quarter of a mile or more apart, and the area between the projects is not being disturbed, each individual project can be treated as a separate plan of development or sale, provided that any interconnecting road, pipeline or utility project that is part of the same common plan is not included in the area to be disturbed.

CONSTRUCTION ACTIVITY includes soil disturbance activities, including clearing, grading, excavating, construction-related activity (e.g., stockpiling of fill material, demolition), and construction support activity. This does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site (e.g., the routine grading of existing dirt roads, asphalt overlays of existing roads, the routine clearing of existing right-of-ways, and similar maintenance activities). Regulated construction activity is defined in terms of small and large construction activity.

CONSTRUCTION SUPPORT ACTIVITY a construction-related activity that specifically supports construction activity, which can involve earth disturbance or pollutant-generating activities of its own, and can include, but are not limited to, activities associated with concrete or asphalt batch plants, rock crushers, equipment staging or storage areas, chemical storage areas, material storage areas, material borrow areas, and excavated material disposal areas. Construction support activity must only directly support the construction activity authorized under this general permit.

CONTROL MEASURE any BMP or other method used to prevent or reduce the discharge of pollutants to water in the state.

CONVEYANCE means curbs, gutters, manmade channels and ditches, drains, pipes, and other constructed features designed or used for drainage, flood control, or the transport of storm water runoff.

DEVELOPMENT means the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill or land disturbance; or any change in use, or alteration or extension of the use, of land.

DEWATERING means the act of draining rainwater or groundwater from building foundations, vaults, and trenches.

DISCHARGE means the drainage, release, or disposal of pollutants in storm water and other certain non-stormwater from areas where soil-disturbing activities (e.g., clearing, grading, excavating, stockpiling of fill material, and demolishing), construction materials or equipment storage or maintenance (e.g., fill piles, borrow areas, concrete truck wash out, fueling), or other industrial stormwater directly related to the construction process (e.g., concrete or asphalt batch plants) are located.

DISTURBANCE means any activity, including, but not limited to, excavation, clearing, and grading, which disturbs the natural or improved vegetative ground cover or topography of the land by any person, entity and applicable city projects. Land disturbing activity does not include any vegetative cutting and mulching. All installations and maintenance of franchise utilities such as telephone, gas, electric, etc., shall be considered land disturbing activities.

DRAINAGE EASEMENT means a legal right granted by a landowner to a grantee allowing the use of private land for storm water management purposes.

DROUGHT means a period of dry weather, usually lengthy, that is injurious to crops, as determined by city officials in accordance with established standards.

DROUGHT-STRICKEN AREA means an area in which the National Oceanic and Atmospheric Administration's U.S. Seasonal Drought Outlook indicates for the period during which the construction will occur that any of the following conditions are likely: (1) "Drought to persist or intensify", (2) "Drought ongoing, some improvement", (3) "Drought likely to improve, impacts ease", or (4) "Drought development likely". See http://www.cpc.ncep.noaa.gov/products/expert_assessment/seasonal_drought.html. **EFFLUENT LIMITATIONS GUIDELINE (ELG)** Defined in 40 Code of Federal Regulations (CFR) § 122.2 as a regulation published by the Administrator under § 304(b) of the Clean Water Act (CWA) to adopt or revise effluent limitations.

ENVIRONMENTALLY SENSITIVE AREAS mean the areas designated by the City Manager that need special protection because of the landscape, wetland, riparian, wildlife, or historical value.

EROSION CONTROL means a structure or measure that limits erosion. **FACILITY or ACTIVITY** means a construction site or construction support activity that is regulated under TCEQ TPDES General Permit Number TXR150000 relating to storm water discharges associated with construction activities, including all contiguous land and fixtures (e.g., ponds and materials stockpiles), structures, or appurtenances used at a construction site or industrial site described by this Chapter and/or the TCEQ general construction permit.

FINAL STABILIZATION means:

- (1) The status of a construction site when all soil disturbing activities at the site have been completed and the disturbed soil has been covered with:
 - (a) A uniform (i.e., evenly distributed, without large bare areas) perennial vegetative cover with a density of at least 70 percent of the native background vegetative cover on all unpaved areas;
 - (b) Areas not covered by permanent structures such as buildings; and/or
 - (c) Equivalent permanent stabilization measures such as pavement, riprap, gabions, or geotextiles have been employed.
- (2) For individual lots in a residential construction site, final stabilization may be achieved by either the homebuilder completing final stabilization as specified in subsection (1) of this definition; or
- (3) The homebuilder establishing temporary stabilization for an individual lot prior to the time of transfer of the ownership of the home to the buyer and after informing the homeowner of the need for, and benefits of, final stabilization. If temporary stabilization is not feasible, then the homebuilder may fulfill this requirement by retaining perimeter controls or BMPs, and informing the homeowner of the need for removal of temporary controls and the establishment of final stabilization. Fulfillment of this requirement must be documented in the homebuilder's stormwater pollution prevention plan (SWP3)
- (4) For construction activities on land used for agricultural purposes (e.g., pipelines across crop or range land), final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use.

- (5) For construction activities on land that was not previously used for agricultural activities, such as buffer strips immediately adjacent to surface water and areas that are not being returned to their preconstruction agricultural use must meet the final stabilization condition final stabilization can be achieved only by meeting the conditions of subsection (1) of this definition.
- (6) In arid, semi-arid, and drought -stricken areas only, final stabilization can be achieved only when all soil disturbing activities at the site have been completed and both of the following criteria have been met:
 - (a) Temporary erosion control measures (e.g., degradable rolled erosion control products) are selected, designed, and installed with an appropriate seed base to provide erosion control for at least 3 years without active maintenance by the operator; and
 - (b) The temporary erosion control measures are selected, designed, and installed to achieve 70 percent of the native vegetative coverage within 3 years.

GENERAL PERMIT means TPDES General Permit No. TXR150000 for the discharge of wastes which provides a means for construction sites and other sources of soil disturbance to lawfully discharge storm water to surface water in the state in compliance with section 402 of the Clean Water Act and chapter 26 of the Texas Water Code. The provisions of the general permit are promulgated and enforced by the TCEQ.

GRADING means shaping, excavating or filling of clay, sand, rock and/or other types of soil material.

HYPERCHLORINATION OF WATERLINES means the treatment of potable water lines or tanks with chlorine for disinfection purposes, typically following repair or partial replacement of the waterline or tank, and subsequently flushing the contents.

IMPAIRED WATER means a surface water body that is identified as impaired on the latest approved CWA §303(d) List or waters with an EPA-approved or established total maximum daily load (TMDL) that are found on the latest EPA approved *Texas Integrated Report of Surface Water Quality for CWA Sections 305(b) and 303(d)*, which lists the category 4 and 5 water bodies.

IMPERVIOUS COVER means those surfaces that cannot effectively infiltrate rainfall (e.g., building rooftops, pavement, sidewalks, driveways, etc.).

INFEASIBLE means not technologically possible, or not economically practicable and achievable in light of best industry practices. (40 CFR §450.11(b)).

LARGE CONSTRUCTION ACTIVITY means construction activities including clearing, grading, and excavating that result in land disturbance measuring 5 acres of land or more. The term "large construction activity" also includes the disturbance of less than 5 acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb areas measuring 5 acres of land or more. Large construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site (e.g., the routine grading of existing dirt roads, asphalt overlays of existing roads, the routine clearing of existing rights-of-way, and similar maintenance activities).

LINEAR PROJECT includes the construction of roads, bridges, conduits, substructures, pipelines, sewer lines, towers, poles, cables, wires, connectors, switching, regulating and transforming equipment and associated ancillary facilities in a long, narrow area. MINIMIZE means to reduce or eliminate to the extent achievable using stormwater controls that are

technologically available and economically practicable and achievable in light of best industry practices.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) means a separate storm sewer system owned or operated by the United States, a state, city, town, county, district, association, or other public body (created by or pursuant to state law) having jurisdiction over the disposal of sewage, industrial wastes, storm water, and/or other wastes, including special districts under state law such as a sewer district, flood control or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, that discharges to surface water in the state.

NEW DEVELOPMENT means any development that converts any land from an unimproved to an improved state.

NON-POINT SOURCE (NPS) POLLUTION means forms of pollution caused by sediment, nutrients, organic and toxic substances originating from land use activities and carried to lakes and streams by surface runoff.

NON-STRUCTURAL BMP means preventative actions that involve management and source controls such as: policies and ordinances that provide requirements and standards to direct growth to identified areas, protect sensitive areas such as wetlands and riparian areas, maintain and/or increase open space (including a dedicated funding source for open space acquisition), provide buffers along sensitive water bodies, minimize impervious surfaces, and minimize disturbance of soils and vegetation; policies or ordinances that encourage infill development in higher density urban areas, and areas with existing infrastructure; education programs for developers and the public about project designs that minimize water quality impacts; and measures such as minimization of percent impervious area after development and minimization of directly connected impervious areas.

NOTICE OF CHANGE (NOC) means written notification to the executive director of the TCEQ which is also to be copied to the city manager, city building official, or city engineer from a discharger authorized under TPDES general permit TXR150000, providing changes to information that was previously provided to the agency in a notice of intent form.

NOTICE OF INTENT (NOI) means a written submission to the executive director of the TCEQ which is also to be copied to the city manager, city building official, city engineer, or his designee from an applicant requesting coverage under TPDES general permit TXR150000.

NOTICE OF TERMINATION (NOT) means a written submission to the executive director of the TCEQ which is also to be copied to the city manager, city building official, city engineer, or his designee from a discharger authorized under a TPDES general permit TXR150000 requesting termination of coverage.

OPERATOR means the person or persons associated with a large or small construction activity that is either a primary or secondary operator as defined below:

- (1) *Primary operator* means the person or persons associated with a large or small construction activity that meets either of the following 2 criteria:
 - (a) The person or persons have on-site operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or
 - (b) The person or persons have day-to-day operational control of those activities at a construction site that are necessary to ensure compliance with a storm water pollution prevention plan (SWP3) for the site or other permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the SWP3 or comply with other permit conditions).

- (2) *Secondary operator.* The person or entity, often the property owner, whose operational control is limited to:
- (a) the employment of other operators, such as a general contractor, to perform or supervise construction activities; or
 - (b) the ability to approve or disapprove changes to plans and specifications but who does not have day-to-day on-site operational control over construction activities at the site.

Secondary operators must either prepare their own SWP3 or participate in a shared SWP3 that covers the areas of the construction site where they have control over the plans and specifications.

If there is not a primary operator at the construction site, then the secondary operator is defined as the primary operator and must comply with the requirements for primary operators. OUTFALL means a point source where storm water runoff associated with construction activity discharges to surface water in the state and does not include open conveyances connecting 2 municipal separate storm sewers, or pipes, tunnels, or other conveyances that connect segments of the same stream or other water of the United States and are used to convey waters of the United States.

OWNER means the legal or beneficial owner of land, including, but not limited to, a fee owner, mortgagee or vendee in possession, receiver, executor, trustee, or long-term or commercial lessee, or any other person or entity holding proprietary rights in the property or having legal power of management and control of the property. A secured lender not in possession of the property does not constitute an owner, unless the secured lender is included within the meaning of "owner" under another description in this definition.

PERIMETER CONTROL means a barrier that prevents sediment from leaving a site by filtering sediment-laden runoff or diverting it to a sediment trap or basin.

PERMIT means a site development permit issued by the City of Kirby, Texas for construction or the alteration of ground.

PERMITTEE means an operator authorized under this Code to commence construction that involves disturbing the soil. The authorization may be gained by applying for a building permit and submitting a NOI.

PERSON(S) means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or the legal representatives, agents, or assigns thereof.

PHASING means clearing a parcel of land in separate, distinct steps, with the stabilization of each phase completed before the clearing of the next.

POINT SOURCE (from 40 CFR § 122.2) means any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, 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 storm water runoff.

POLLUTANT means sediment, dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, filter backwash, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into any surface water in the state. The

term "pollutant" does not include tail water, irrigation runoff, or rainwater runoff from cultivated or uncultivated rangeland, pastureland, and farmland.

POLLUTION (from V.T.C.A., Water Code § 26.001(14)) means the alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any surface water in the state that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property or to public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

PCSWQ means Post-Construction Storm Water Quality.

RAINFALL EROSION FACTOR (R factor) the total annual erosive potential that is due to climatic effects, and is part of the Revised Universal Soil Loss Equation (RUSLE).

RECEIVING WATER A "Water of the United States" as defined in 40 CFR §122.2 into which the regulated stormwater discharges. REDEVELOPMENT means alterations of a property that changed the "footprint" of a site or building in such a way that there is a disturbance of equal to or greater than one (1) acre of land. This term does not include such activities as exterior remodeling, routine maintenance activities, and linear utility installation.

RESPONSIBLE PARTY means any person or legal entity, individual or corporate, including an owner, operator, contractor, or subcontractor, any or all of whom may be engaged in, consent to, or actually perform a construction project or construction activity.

REVIEW FEE means the cost charged to the applicant for the review of an application submittal, including a proposed SWP3. This fee will initially be \$200.00 plus \$100.00 per acre or portion of an acre of proposed disturbed area (e.g., the review fee for the proposed disturbance of 1 acre or less would be: $\$200.00 + \$100.00 = \$300.00$; for a 2-acre disturbance: $\$200.00 + \$200.00 = \$400.00$; for a 2½-acre disturbance: $\$200.00 + \$300.00 = \$500.00$; etc.). This fee may be increased or decreased by amendment to this chapter.

SEDIMENT CONTROL means a structure or measure that prevents eroded sediment from leaving the site.

SEPARATE STORM SEWER SYSTEM (S4) means a conveyance or system of conveyances (including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains), designed or used for collecting or conveying storm water; that is not a combined sewer, and that is not part of a publicly owned treatment works (POTW).

SITE means a parcel of land or a contiguous combination thereof, where construction and/or grading work is performed as a single unified operation.

SITE DEVELOPMENT means any construction project that involves the disturbing of soil.

SMALL CONSTRUCTION ACTIVITY means construction activities, including clearing, grading, and excavating, that result in land disturbance measuring 1 acre or more and less than 5 acres. The term "small construction activity" also includes the disturbance of less than 1 acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb areas of land measuring 1 acre or more and less than 5 acres. The term "small construction activity" does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site (e.g., the routine grading of existing dirt roads, asphalt overlays of existing roads, the routine clearing of existing rights-of-way, and similar maintenance activities). STABILIZATION means practices and measures that prevent exposed soil from eroding.

START OF CONSTRUCTION. See COMMENCEMENT OF CONSTRUCTION.

STATE means the State of Texas.

STEEP SLOPES are where a state, Tribe, local government, or industry technical manual (e.g. stormwater BMP manual) has defined what is to be considered a "steep slope", this chapter automatically adopts that definition. Where no such definition exists, steep slopes are automatically defined as those that are 15 percent or greater in grade.

STORM WATER, STORM WATER RUNOFF, OR RUNOFF means rainfall runoff, snow melt runoff, and surface runoff and drainage.

STORM WATER ASSOCIATED WITH CONSTRUCTION ACTIVITY means storm water runoff from a construction site where soil disturbance is of a size large enough to be regulated by this Chapter.

STORM WATER CONTROL GUIDELINES FOR CONSTRUCTION SITES means a manual containing all approved methods and design criteria for drainage and storm water control.

STORM WATER MANAGEMENT means the use of structural or non-structural practices that are designed to reduce storm water runoff pollutant loads, discharge volumes, peak flow discharge rates and detrimental changes in stream temperature that affect water quality and habitat.

STORM WATER POLLUTION PREVENTION PLAN (SWP3 or SW3P) means a set of plans prepared by or under the direction of a licensed professional engineer proposing specific best management practices, including erosion controls, sediment controls, and sequencing schedules for limiting the amount of sediment that is discharged to drainage easements, public rights-of-way, the storm drain system, waterways, and watercourses. Separate plans may be required to address conditions during and after construction.

STRUCTURAL BMP means any storage practices such as wet ponds and extended-detention outlet structures; filtration practices such as grassed swales, sand filters and filter strips; and infiltration practices such as infiltration basins and infiltration trenches.

STRUCTURAL CONTROL OR PRACTICE means a pollution prevention practice that requires the construction of a device, or the use of a device, to capture or to limit pollution in storm water runoff. Structural controls and practices may include, but are not limited to silt fences, earthen dikes, drainage swales, sediment traps, check dams, subsurface drains, storm drain inlet protection, outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins.

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

TCEQ means the Texas Commission on Environmental Quality.

TEMPORARY STABILIZATION means a condition where exposed soils or disturbed areas are provided a protective cover or other structural control to prevent the migration of pollutants. Temporary stabilization may include temporary seeding, geotextiles, mulches, and other

techniques to reduce or eliminate erosion until permanent stabilization can be achieved or until further construction activities take place.

TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM means a program to issue authorizations to discharge pollutants into waters of the state if certain conditions are met.

TOTAL MAXIMUM DAILY LOAD (TMDL) means the total amount of a pollutant that a water body can assimilate and still meet the Texas Surface Water Quality Standards.

TURBIDITY means a condition of water quality characterized by the presence of suspended solids and/or organic material.

WATERCOURSE means any body of water, including, but not limited to, lakes, ponds, rivers, streams, and bodies of water delineated by the city on its storm water map.

WATERS OF THE UNITED STATES (from 40 CFR, Part 122, § 2). Waters of the United States or waters of the U.S. means:

- (1) 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;
- (2) All interstate waters, including interstate wetlands;
- (3) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sand flats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds that the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
 - (a) Which are or could be used by interstate or foreign travelers for recreational or other purposes;
 - (b) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
 - (c) Which are used or could be used for industrial purposes by industries in interstate commerce;
- (4) All impoundments of waters otherwise defined as waters of the United States under this definition;
- (5) Tributaries of waters identified in paragraphs (a) through (d) of this definition;
- (6) the territorial sea; and
- (7) Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (1) through (6) of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA (other than cooling ponds as defined in 40 CFR 423.11(m) which also meet the criteria of this definition) are not waters of the United States. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the United States (such as disposal area in wetlands) nor resulted from the impoundment of waters of the United States. Waters of the United States do not include prior converted cropland.

Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with the Environmental Protection Agency.

WATERWAY means a channel that directs surface runoff to a watercourse or to the public storm drain.

§ 55.03 - PERMITS; APPLICABILITY AND COVERAGE.

Discharges eligible for authorization.

- (A) Storm water associated with construction activity discharges of storm water runoff from small and large construction activities may be authorized under this chapter.
- (B) *Discharges of storm water associated with construction support activities.* Examples of construction support activities include, but are not limited to, rock crushers, asphalt batch plants, equipment staging areas, material storage yards, material borrow areas, and excavated material disposal areas. Discharges of storm water runoff from construction support activities may be authorized under this general chapter, provided that the following conditions are met:
 - (1) The activities are located within the same city, located within 1 mile from the boundary of the permitted construction site, and directly support the construction activity;
 - (2) A Storm Water Pollution Prevention Plan is developed according to the provisions of this chapter which includes appropriate controls and measures to reduce erosion and discharge of pollutants in storm water runoff from the construction support activities;
 - (3) The activities are not a commercial operation, nor serve other unrelated construction projects; and
 - (4) The construction support activities either do not operate beyond the completion date of the construction activity or are authorized under separate authorization. Separate authorization may include the TPDES Multi Sector General Permit, TXR050000 (related to storm water discharges associated with industrial activity), separate authorization under this chapter if applicable, coverage under an alternative chapter if available, or authorization under an individual water quality permit issued by the state.
- (C) *Non-storm water discharges.* The following non-storm water discharges are not prohibited under this chapter:
 - (1) Discharges 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);
 - (2) Uncontaminated fire hydrant flushings (excluding discharges of hyper chlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life), which include flushings from systems that utilize potable water, surface water, or ground water that does not contain additional pollutants (uncontaminated fire hydrant flushings do not include systems utilizing reclaimed wastewater as a source water);
 - (3) Water from the routine external washing of vehicles, the external portion of buildings or structures, and pavement, where spills or leaks of toxic or hazardous materials have not occurred (unless spilled materials have been removed; and if local, state, or federal regulations are applicable, the materials are removed according to those regulations), and where the purpose is to remove mud, dirt, or dust;

- (4) Uncontaminated water used to control dust;
 - (5) Potable water sources including waterline flushings (excluding discharges of hyper chlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life);
 - (6) Uncontaminated air conditioning condensate;
 - (7) Uncontaminated ground water or spring water, including foundation or footing drains where flows are not contaminated with industrial materials such as solvents; and
 - (8) Lawn watering and similar irrigation drainage.
- (D) *Other permitted discharges* . Any discharge authorized under a separate permit may be combined with discharges authorized by this chapter, provided those discharges comply with the associated permit.

§ 55.04 - PERMIT REQUIREMENTS.

- (A) No person shall be granted a site development permit for a project disturbing 1 acre of land or more without the approval of a Storm Water Pollution Prevention Plan (as described more fully in this chapter) by the City Engineer or the City Building Official or his or her or their duly authorized representative(s).
- (B) No site development permit is required for the following activities:
- (1) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.
 - (2) Existing nursery and agricultural operations conducted as a permitted main or accessory use.
 - (3) Gardening that is associated with the maintenance and landscaping of existing facilities and that is unrelated to new construction.
- (C) Each NOI shall bear the name(s), addresses, and telephone numbers of the owner or developer of the site, and of any consulting firm retained by the applicant together with the name of the applicant's principal contact at such firm and shall be accompanied by a filing fee.
- (D) Each NOI shall include a statement that any land clearing, construction, or development involving the movement of earth shall be in accordance with an approved Storm Water Pollution Prevention Plan.
- (E) Each NOI shall include the TPDES CGP authorization number for existing authorizations under the construction general permit (CGP), where the operator submits an NOI to renew coverage within 90 days of the effective date of this general permit;
- (F) the name (or other identifier), address, county, and latitude/longitude of the construction project or site;
- (G) For large construction activities, the applicant will be required to file with the city or its duly authorized representative a faithful performance bond, letter of credit, or other improvement security in an amount deemed sufficient by the City Manager or City Engineer

or his or her or their duly authorized representative to cover all costs of improvements, landscaping, maintenance of improvements for such period as specified by the city, and engineering and inspection costs to cover the cost of failure or repair of improvements installed on the site.

§ 55.05 - STORM WATER POLLUTION PREVENTION PLAN (SWP3).

(A) *General requirements.*

- (1) Storm Water Pollution Prevention Plans must be prepared prior to submittal of an NOI, for the purpose of limiting pollutants in discharges from small and large construction activities that will reach MS4s and privately-owned Separate Storm Sewer Systems. The SWP3 must also identify any potential sources of pollution (including off-site material storage areas, overburden and stockpiles of dirt, borrow areas, equipment staging areas, vehicle repair areas, fueling areas, and etc.) that have been determined to cause, have a reasonable potential to cause, or contribute to a violation of water quality standards or have been found to cause or contribute to the loss of a designated use of surface water in the state from discharges of stormwater from construction activities and construction support activities. Where potential sources of these pollutants are present at a construction site, the SWP3 must also contain a description of the management practices that will be used to prevent these pollutants from being discharged into surface water in the state or Waters of the U.S.

The SWP3 must describe the implementation of practices that will be used to minimize, to the extent practicable, the discharge of construction related pollutants in storm water and certain non-storm water discharges. At a minimum, such measures must be designed, installed, implemented, and maintained to: (a) Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;

- (b) Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the site to precipitation and to stormwater;
 - (c) Minimize the exposure of waste materials by closing waste container lids at the end of the work day. For waste containers that do not have lids, where the container itself is not sufficiently secure enough to prevent the discharge of pollutants absent a cover and could leak, the permittee must provide either a cover (e.g., a tarp, plastic sheeting, temporary roof) to minimize exposure of wastes to precipitation, or a similarly effective means designed to minimize the discharge of pollutants (e.g., secondary containment);and
 - (d) Minimize the discharge of pollutants from spills and leaks, and implement chemical spill and leak prevention and response procedures.
- (2) SWP3s must utilize temporary and permanent BMPs, measures, and controls complying with the city's Technical Guidance Manual.

- (3) SWP3s require maps and/or drawings. The scale of the maps and drawings must be large enough to provide a clear understanding of the site and the project. Sheet sizes must not exceed 24 inches by 36 inches. Where the amount of information required to be included on the map would result in a single map being difficult to read and interpret, the operator shall develop a series of maps that collectively include the required information.
- (4) SWP3s must list MS4s receiving discharges from the subject construction activity. The same MS4s must receive copies of the SWP3 and application submittal.
- (5) *Shared SWP3 development.*
 - (a) For more effective coordination of BMPs and opportunities for cost sharing, a cooperative effort by the different operators at a site is encouraged. Operators of small and large construction activities must independently obtain authorization, but may work together to prepare and implement a single, comprehensive SWP3 for the entire construction site.
 - (b) The SWP3 must clearly list the name, and for large construction activities, the permit authorization numbers for each operator that participates in the shared SWP3 (or the date that the NOI was submitted to TCEQ by each operator that has not received an authorization number for coverage under the CGP). Until the city responds to receipt of the NOI with a permit authorization number, the SWP3 must specify the date that the NOI was submitted to the city by each operator. All operators participating in the shared plan must also sign the SWP3.
 - (c) The SWP3 must clearly indicate which operator is responsible for satisfying each shared requirement of the SWP3. If the responsibility for satisfying a requirement is not described in the plan, then each permittee is entirely responsible for meeting the requirement within the boundaries of the construction site where it performs construction activities. The SWP3 must clearly describe responsibilities for meeting each requirement in shared or common areas.
 - (d) Individual operators may develop separate SWP3s that apply only to their portion of the project, provided reference is made to the other operators working on the site. Where there is more than 1 SWP3 for a site, permittees must coordinate to ensure that BMPs and controls are consistent and do not negate or impair the effectiveness of other controls. Regardless of whether a single comprehensive SWP3 is developed or separate SWP3s are developed for each operator, it is the responsibility of each operator to ensure compliance with the terms and conditions of this chapter in the areas of the construction site where that operator has control over construction plans and specifications or day-to-day operations.

(6) Responsibilities of Operators

- (a) Secondary Operators and Primary Operators with Control Over Construction Plans and Specifications

All secondary operators and primary operators with control over construction plans and specifications shall:

- 1.) ensure the project specifications allow or provide that adequate BMPs are developed to meet the requirements of Part III of this general permit;
- 2.) ensure that the SWP3 indicates the areas of the project where they have control over project specifications, including the ability to make modifications in specifications;

3.) ensure that all other operators affected by modifications in project specifications are notified in a timely manner so that those operators may modify their BMP s as necessary to remain compliant with the conditions of this general permit; and

- 4.) ensure that the SWP3 for portions of the project where they are operators indicates the name and site-specific TPDES authorization number(s) for operators with the day-to-day operational control over those activities necessary to ensure compliance with the SWP3 and other permit conditions. If a primary operator has not been authorized or has abandoned the site, the secondary operator is considered to be the responsible party and must obtain authorization as a primary operator under the permit, until the authority for day-to-day operational control is transferred to another primary operator. The new primary operator must update or develop a new SWP3 that will reflect the transfer of operational control and include any additional updates to the SWP3 to meet requirements of the permit.(7) Primary Operators with Day-to-Day Operational Control

Primary operators with day-to-day operational control of those activities at a project that are necessary to ensure compliance with an SWP3 and other permit conditions must ensure that the SWP3 accomplishes the following requirements:

- (a) meets the requirements of this general permit for those portions of the project where they are operators;
- (b) identifies the parties responsible for implementation of BMPs described in the SWP3;
- (c) indicates areas of the project where they have operational control over day-to-day activities; and
- (d) the name and site-specific TPDES authorization number of the parties with control over project specifications, including the ability to make modifications in specifications for areas where they have operational control over day-to-day activities.

- (B) *Small and large construction activities.* For small and large construction activities, the SWP3 must include, at a minimum:

- (1) A site or project description, which includes the following information:

- (a) The address and lot description of the site;
- (b) A description of the nature of the construction activity;
- (c) A list of potential pollutants and their sources;
- (d) A description of the best management practices (BMPs) that will be used to minimize pollution in runoff;
- (e) The intended schedule or sequence of activities that will disturb soils for major portions of the site; the schedule of sequence must provide dates for beginning and ending construction activities such as stripping and clearing, rough grading, installing utilities, constructing infrastructure, constructing buildings, final grading, landscaping, and installing erosion and sediment controls, including temporary and permanent measures;
- (f) The total number of acres of the entire project property and the total number of acres where construction activities will occur, including off-site material storage

areas, overburden and stockpiles of dirt, and borrow areas that are authorized under the permittee's NOI;

- (g) Data describing the soil or the quality of any discharge from the site;
 - (h) Seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of mineral and fertilizer, kind and quantity of mulching for both temporary and permanent vegetative control measures; and
 - (i) A maintenance plan for BMPs.
- (2) A map showing the general location of the site (e.g. a portion of a city or county map);
- (3) A detailed topographic site map (or maps) indicating the following:
- (a) North arrow;
 - (b) Identifying property lines;
 - (c) Easements;
 - (d) Designated points on the site where vehicles will exit onto paved roads (for instance, this applies to construction transition from unstable dirt areas to exterior paved roads);
 - (e) Existing site conditions;
 - (f) The areas and extent of proposed soil disturbance;
 - (g) Proposed project conditions;
 - (h) Conveyances and watercourses;
 - (i) Drainage patterns and approximate slopes anticipated after major grading activities;
 - (j) Locations of all planned or in-place structural controls and buffers;
 - (k) Locations of temporary and permanent stabilization measures;
 - (l) Locations of construction support activities, including off-site activities, that are authorized under the permittee's NOI, including material, waste, borrow, fill, equipment storage, asphalt plants, and concrete plants;
 - (m) Surface waters (including wetlands) either at, adjacent to, or in close proximity to the site;
 - (n) Locations where storm water discharges from the site directly to a surface water body or MS4; and
 - (o) Vehicle wash areas.

§ 55.06 - MAINTENANCE AND INSPECTION OF CONTROLS.

(A) *Maintenance of controls.*

- (1) All protective measures identified in the SWP3 must be maintained in effective operating condition. If, through inspections or other means, the permittee determines that BMPs are not operating effectively, then the permittee shall perform maintenance as necessary to maintain the continued effectiveness of storm water controls, and prior

to the next rain event if feasible. If maintenance prior to the next anticipated storm event is impracticable, the reason shall be documented in the SWP3 and maintenance must be scheduled and accomplished as soon as practicable. Erosion and sediment controls that have been intentionally disabled, run over, removed, or otherwise rendered ineffective must be replaced or corrected immediately upon discovery.

- (2) If periodic inspections or other information indicates a control has been used incorrectly, is performing inadequately, or is damaged, then the operator must replace or modify the control as soon as practicable after making the discovery.
- (3) Sediment must be removed from sediment traps and sedimentation ponds no later than the time that design capacity has been reduced by 50%. For perimeter controls such as silt fences, berms, and the like, the trapped sediment must be removed before it reaches 50% of the above-ground height.
- (4) If sediment escapes the site, accumulations must be removed at a frequency that minimizes off-site impacts, and prior to the next rain event, if feasible. If the permittee does not own or operate the off-site conveyance, then the permittee must work with the owner or operator of the property to remove the sediment.

(B) *Inspection of controls.*

- (1) Personnel provided by the permittee must inspect disturbed areas of the construction site that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, discharge locations, and structural controls for evidence of, or the potential for, pollutants entering the drainage system. Personnel conducting these inspections must be knowledgeable of this chapter, any permit issued under it, and the TCEQ general construction permit, familiar with the construction activities at the site, and knowledgeable of the SWP3 for the site. Personnel conducting these inspections are not required to have signatory authority for inspection reports under 30 TAC §305.128.

(2) *Requirements of Inspections.*

- (a) Sediment and erosion control measures identified in the SWP3 must be inspected to ensure that they are operating correctly.
- (b) Identify locations on the construction site where new or modified stormwater controls are necessary.
- (c) Check for signs of visible erosion and sedimentation that can be attributed to the points of discharge where discharges leave the construction site or discharge into any surface water in the state flowing within or adjacent to the construction site.
- (d) Identify any incidents of noncompliance observed during the inspection.
- (e) Locations where vehicles enter or exit the site must be inspected for evidence of off-site sediment tracking.
- (f) If an inspection is performed when discharges from the construction site are occurring: identify all discharge points at the site, observe and document the visual quality of the discharge (i.e., color, odor, floating, settled, or suspended solids, foam, oil sheen, and other such indicators of pollutants in stormwater).
- (g) Complete any necessary maintenance needed, based on the results of the inspection and in accordance with the requirements listed in this chapter.

(3) *Inspection Frequencies.*

(a) Inspections must be conducted at least once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater.

(b) Where sites have been finally or temporarily stabilized or where runoff is unlikely due to winter conditions (e.g., site is covered with snow, ice, or frozen ground exists), inspections must be conducted at least once every month until thawing conditions begin to occur. The SWP3 must also contain a record of the approximate beginning and ending dates of when frozen conditions occurred at the site, which resulted in inspections being conducted monthly, while those conditions persisted, instead of at the interval of once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater.

(c) As an alternative to the above-described inspection schedule of once every 14 calendar days and within 24 hours of a storm event of 0.5 inches or greater, the SWP3 may be developed to require that these inspections will occur at least once every 7 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 SWP3 reflects the current schedule and that any changes to the schedule are conducted in accordance with the following provisions: the schedule may be changed a maximum of 1 time each month, the schedule change must be implemented at the beginning of a calendar month, and the reason for the schedule change must be documented in the SWP3 (e.g., end of "dry" season and beginning of "wet" season).

(4) In the event of flooding or other uncontrollable situations which prohibit access to the inspection sites, inspections must be conducted as soon as access is practicable.

(5) *Inspection Reports.*

The SWP3 must be modified based on the results of inspections, as necessary, to better control pollutants in runoff. Revisions to the SWP3 must be completed within 7 calendar days following the inspection. If existing BMPs are modified or if additional BMPs are necessary, an implementation schedule must be described in the SWP3 and wherever possible those changes implemented before the next storm event. If implementation before the next anticipated storm event is impracticable, these changes must be implemented as soon as practicable.

(6) A report summarizing the scope of the inspection, the date(s) of the inspection, and major observations relating to the implementation of the SWP3 must be completed within 24-hours following the inspection and retained as part of the SWP3. The report must also include the date(s) of the inspection and major observations relating to the implementation of the SWP3. Major observations should include: the locations of discharges of sediment or other pollutants from the site; locations of BMPs that need to be maintained; locations of BMPs that failed to operate as designed or proved inadequate for a particular location; and locations where additional BMPs are needed.

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

the inspections for the permittee may be documented once in the SWP3 rather than being included in each report.

- (8) The SWP3 must identify and ensure the implementation of appropriate pollution prevention measures for all eligible non-stormwater components of the discharge, as listed in section 55.03 of this chapter.
- (9) The SWP3 must include the information required in section 55.02 of this chapter.
- (10) The SWP3 must include pollution prevention procedures that comply with section 55.02 of this chapter.

§ 55.07 - REVIEW, APPROVAL, OBTAINING AUTHORIZATION TO DISCHARGE.

(A) *Submissions* . In order to apply for a permit for site development and to obtain an approval for a small or large construction activity, the applicant must complete or develop and submit the following application documents to the city for review:

- (1) Small construction activity (submit at least 15 calendar days prior to the date to commence work):
 - (a) Copies of any prior related permits.
 - (b) SWP3 meeting requirements for a small construction activity.
 - (c) Small construction site notice.
 - (d) Review fee.
- (2) Large construction activity (submit at least 30 calendar days prior to the date to commence work):
 - (a) NOI.
 - (b) Copies of any prior related permits.
 - (c) SWP3 meeting requirements for a large construction activity.
 - (d) Large construction site notice.
 - (e) Review fee.

(B) *Review and approval*. The City Engineer or Building Official will review each submittal for a site development permit to determine its conformance with the provisions of this chapter. After receiving a complete submittal, the City Engineer or Building Official within 15 calendar days for a small construction activity and 30 calendar days for a large construction activity, shall, in writing:

- (1) Approve the permit;
- (2) Approve the permit subject to such reasonable conditions as may be necessary to secure substantially the objectives of this regulation, and issue the permit subject to these conditions; or
- (3) Disapprove the permit, indicating the reason(s) for disapproval and the procedure for submitting a revised application or submission.

- (C) *Minor modifications.* Minor modifications to an approved SWP3 shall be documented by the permittee on a form provided by the city and shall be approved or disapproved by the City Engineer or Building Official, with such decision so indicated on the form, within 5 business days of receiving the completed form.
- (D) *Major modifications.* Major modifications to an approved SWP3 shall be processed and approved or disapproved in the same manner as for first-time submittals of this chapter, and may be authorized by the City Engineer and/or Building Official by written authorization to the permittee.
- (E) *Additional primary operators.* If an additional primary operator is added or changed after the initial NOI is submitted, the new primary operator must submit an NOI at least 10 calendar days prior to assuming operational control.
- (F) *Posting NOI.* All primary operators and permittees must post a copy of the signed NOI at the construction site in a location where it is readily available for viewing by the general public, local, state, and federal authorities prior to commencing construction activities, and must maintain the NOI in that location until completion of the construction activity.

Two days prior to commencing construction activities, all primary operators must:

- (1) provide a copy of the signed NOI to the operator of any MS4 receiving the discharge and to any secondary construction operator, and
 - (2) list in the SWP3 the names and addresses of all MS4 operators receiving a copy;
- (G) *Posting site notice.* All operators and permittees must post a site notice. The site notice must be located where it is safely and readily available for viewing by the general public, local, state, and federal authorities prior to commencing construction, and must be maintained in that location until completion of the construction activity. (H) *Secondary operators.* All secondary operators are regulated under this chapter, but are not required to submit an NOI, provided that the primary operator(s) at the site has submitted an NOI, or is required to submit an NOI and the secondary operator has provided notification to the primary operator(s) of the need to obtain coverage (with records of notification available upon request). Any secondary operator notified under this provision may alternatively submit an NOI under this chapter as set forth above, may seek coverage under an alternative TPDES individual permit, or may seek coverage under an alternative TPDES general permit if available.
- (I) all secondary operators of large construction activities must post a copy of the signed and certified Secondary Operator construction site notice and provide a copy of the signed and certified site notice to the operator of any MS4 receiving the discharge at least two days prior to the commencement of construction activities. Posted site notices may have a redacted signature as long as there is an original signed and certified Secondary Operator construction site notice, with a viewable signature, located on-site and available for review by an applicable regulatory authority.
- (J) *Date of coverage.* Operators of construction activities are authorized and their construction activities are permitted after the required submittals are received by the city, reviewed by the city, and written notification, including a stamped SWP3 and city authorization number are issued by the city to the operator/permittee.
- (K) *Late NOIs.* Operators are not prohibited from submitting late NOIs or posting late notices to obtain authorization under this chapter. The city reserves the right to take appropriate enforcement actions for any unpermitted activities that may have occurred between the time construction commenced and authorization was obtained.

(L) *Notice of change (NOC).*

- (1) If relevant information provided in the NOI changes, the following items must be submitted:
 - (a) For large construction activities—an NOC at least 14 calendar days prior to the change occurring.
 - (2) When the required advance notice is not possible, the operator must submit an NOC within 14 days of discovery of the change. If the operator becomes aware that it failed to submit any relevant facts or submitted incorrect information in an NOI, the correct information must be provided to the City Manager, the City Engineer, or Building Official in an NOC within 14 days after discovery. The NOC shall be submitted on a form provided by the executive director or by letter if an NOC form is not available. A copy of the NOC must also be provided to the operator of any MS4 receiving the discharge, most notably the city. A list that includes the names and addresses of all MS4 operators receiving a copy of the NOC (or NOC letter) must be included in the SWP3.
 - (3) Information that may be included in an NOC includes, but is not limited to, the following: the description of the construction project, an increase in the number of acres disturbed (for increases of 1 or more acres), and the operator name. A transfer of operational control from 1 operator to another, including a transfer of the ownership of a company, must be included in an NOC. Coverage under the CGP is not transferable from one operator to another or one company to another, and may not be included in an NOC. A transfer of ownership of a company includes changes to the structure of a company, such as changing from a partnership to a corporation or changing corporation types, so that the filing number (or charter number) that is on record with the Texas Secretary of State must be changed. An NOC is not required for notifying the city of a decrease in the number of acres disturbed. This information must be included in the storm water pollution prevention plan (SWP3) and retained on site.
- (M) *Signatory requirements.* Signatory requirement for NOI Forms, Notice of Termination (NOT) Forms, NOC Letters, and Construction Site Notices. NOI forms, NOT forms, NOC letters, and Construction Site Notices that require a signature must be signed according to 30 TAC § 305.44 (relating to Signatories for Applications).

§ 55.08 - INSPECTIONS BY CITY.

- (A) *City inspections.* The City Engineer, the City Building Official, or his or her or their designated agent, shall make inspections as hereinafter required and either shall approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the Storm Water Pollution Prevention Plan as approved. Plans for grading, stripping, excavating, and filling work and an SWP3 bearing the stamp of city approval shall be maintained at the site during the progress of the work. To obtain inspections, the permittee shall notify the City Engineer or the Building Official at least 3 working days before the following:
- (1) Start of construction
 - (2) Installation of sediment and erosion measures
 - (3) Completion of site clearing

- (4) Completion of rough grading
 - (5) Completion of final grading
 - (6) Close of the construction season
 - (7) Completion of final landscaping
- (B) *Permittee inspections.* The permittee or his or her agent shall make regular inspections of all control measures in accordance with the inspection schedule outlined on the approved Storm Water Pollution Prevention Plan(s). The purpose of such inspections will be to determine the overall effectiveness of the Storm Water Pollution Prevention Plan and the need for additional control measures. All inspections shall be documented on forms provided by the city and submitted to the City Engineer or the Building Official at the time interval specified in the approved permit.
- (C) *Entry permitted.* The City Manager, the City Council, the City Engineer, the Building Official, or their designated agents shall be permitted to enter the construction site or disturbed area as deemed necessary to make inspections to ensure the validity of the reports filed by the permittee.
- (D) *Refusal of access.* If the City Manager, City Engineer, Building Official, or his or her or their designee, has been refused access to any part of the premises from which storm water is discharged, and he or she is able to demonstrate probable cause to believe that there may be a violation of this chapter, 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 chapter or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the City Manager may seek issuance of a search warrant from any court of competent jurisdiction.

§ 55.09 - LIMITATIONS ON PERMIT COVERAGE.

- (A) *Post-construction discharges.* Discharges that occur after construction activities have been completed, and after the construction site and any supporting activity site have undergone final stabilization, are not eligible for coverage under a permit issued in accordance with this chapter. Discharges originating from permitted sites are not authorized under this chapter following the submission of the notice of termination (NOT) for the construction activity.
- (B) *Prohibition of non-storm water discharges.* Except as otherwise provided, only discharges that are composed entirely of storm water associated with construction activity may be authorized under this chapter.
- (C) *Compliance with water quality standards.* Discharges to surface water in the city that would cause or contribute to a violation of water quality standards or that would fail to protect and maintain existing designated uses are not eligible for coverage under this chapter. The City Manager, Building Official, or City Engineer may require an application for a TPDES individual permit to authorize discharges to surface water in the state from any activity that is determined to cause a violation of water quality standards or is found to cause, or contribute to, the loss of a designated use. The City Manager, the City Engineer, or Building Official may also require an application for a TPDES individual permit considering factors described in this chapter.

- (D) *Discharges to water quality-impaired receiving waters.* New sources or new discharges of the constituents of concern to impaired waters are not authorized by a permit granted under this chapter unless otherwise allowable under 30 TAC Chapter 305 and applicable state law. Impaired waters are those that do not meet applicable water quality standards and are listed on the EPA approved Clean Water Act Section 303(d) list. Constituents of concern are those for which the water body is listed as impaired. Discharges of the constituents of concern to impaired water bodies for which there is a total maximum daily load (TMDL) are not eligible for a permit unless they are consistent with the approved TMDL. Permittees must incorporate the limitations, conditions, and requirements applicable to their discharges, including monitoring frequency and reporting required by Texas Commission on Environmental Quality (TCEQ) rules, into their storm water pollution prevention plan in order to be eligible for coverage under this chapter.
- (E) *Discharges to specific watersheds and water quality areas.* Discharges otherwise eligible for coverage cannot be authorized by this chapter where prohibited by 30 TAC Chapter 311 (relating to Watershed Protection) for water quality areas and watersheds.
- (F) *Protection of streams and watersheds by other governmental entities.* This chapter does not limit the authority or ability of federal, state, or other local governmental entities from placing additional or more stringent requirements on construction activities or discharges from construction activities.
- (G) *Oil and gas production and transportation.* Storm water runoff from construction activities associated with the exploration, development, or production of oil or gas or geothermal resources, including transportation of crude oil or natural gas by pipeline, are not under the authority of the city and are not eligible for coverage under this chapter. If discharges of storm water require authorization under federal NPDES regulations, authority for these discharges must be obtained from the EPA.
- (H) *Storm water discharges from agricultural activities.* Storm water discharges from agricultural activities that are not point source discharges of storm water are not subject to the requirements or restrictions of this chapter. Where properly zoned for such uses, these activities may include clearing and cultivating ground for crops, construction of fences to contain livestock, construction of stock ponds, and other similar agricultural activities.
- (I) *Other .* Nothing in this chapter is intended to negate any person's ability to assert the force majeure (act of God, war, strike, riot, or other catastrophe) defenses found in 30 TAC § 70.7.

§ 55.10 - CONCRETE BATCH PLANTS PROHIBITED.

Concrete batch plants are prohibited in the city.

§ 55.11 - CONCRETE TRUCK WASH-OUT REQUIREMENTS.

Wash-out of concrete trucks at construction sites is permitted provided that the following requirements are satisfied.

- (A) Land disposal of concrete truck wash-out water is permitted only from concrete trucks that are associated with off-site production facilities. Disposal of concrete truck wash-out water associated with on-site concrete production facilities is specifically prohibited within the city.
- (B) Direct discharge of concrete truck wash-out water to surface water in the state, including discharge to storm sewers, is prohibited.
- (C) Concrete truck wash-out water shall be discharged to areas at the construction site where structural controls have been established to prevent direct discharge to surface waters, or to areas that have a minimal slope that allow infiltration and filtering of wash-out water to prevent direct discharge to surface waters. Structural controls may consist of temporary berms, temporary shallow pits, temporary storage tanks with slow rate release, or other reasonable measures to prevent runoff from the construction site.
- (D) Wash-out of concrete trucks during rainfall events shall be minimized. The direct discharge of concrete truck wash-out water is prohibited at all times, and the operator shall insure that its best management practices are sufficient to prevent the discharge of concrete truck washout as the result of rain.
- (E) The discharge of wash-out water shall not cause or contribute to ground water contamination.
- (F) If a Storm Water Pollution Prevention Plan (SWP3) is required to be implemented, the SWP3 shall include concrete wash-out areas on the associated map.

§ 55.12 - DEADLINES FOR OBTAINING DISCHARGE AUTHORIZATION.

(A) *Large construction activities.*

- (1) *New construction.* Discharges from sites where the commencement of construction occurs on or after the effective date of this chapter must be authorized, either according to this chapter or a separate permit issued by the city, prior to the commencement of those construction activities.
- (2) *Ongoing construction.* Operators of large construction activities operating prior to the effective date of this chapter, and continuing to operate after the effective date of a permit issued under this chapter, must submit an NOI or NOT to the City Manager, the City Engineer, or Building Official to renew authorization of any permit issued under any previous law, chapter or rule under which construction activity began within 90 days of this chapter. During this interim period, as a requirement of issuance of such permit under this chapter, the operator must continue to meet the conditions and requirements of any previous permit.

(B) *Small construction activities.*

- (1) *New construction.* Discharges from sites where the commencement of construction occurs on or after the effective date of this chapter must be authorized under this chapter prior to the commencement of those construction activities.
- (2) *Ongoing construction.* Discharges from ongoing small construction activities that commenced prior to the effective date of this chapter, and that would not meet the conditions to qualify for termination of a permit issued under this chapter must meet the requirements to be authorized under this chapter within 90 days of the effective date of this chapter. During this interim period, as a requirement of a permit issued under this

chapter, the operator must continue to meet the conditions and requirements of any previous permit issued by the city under which construction activities began.

§ 55.13 - PERMIT EXPIRATION.

- (A) *Initial term.* A permit issued under this chapter is issued for a term not to exceed 1 year. Unless otherwise specified in the permit issued, all active discharge authorizations expire 1 year from the date provided in the permit. The city, through the City Council or City Manager, may amend, revoke, or cancel a permit issued under this chapter at any time.
- (B) *Notice of intent to renew.* If the city officially provides, in writing, a notice of the intent to renew or amend a permit before the expiration date, the permit will remain in effect for existing, authorized discharges until the city takes final action on the permit. Upon issuance of a renewed or amended permit, permittees may be required to submit an NOI within 90 days following the effective date of the renewed or amended permit, unless that permit provides for an alternative method for obtaining authorization. A renewal or amended permit may not be for a period in excess of 6 months. The fee for issuance of a renewal or amended permit shall be equal to one-half of the review fee for the permit being renewed or amended.
- (C) *New permit.* If the city does not propose to renew or amend a permit within 90 days before the expiration date, permittees shall apply for authorization under a new permit if activity requiring a permit will continue after expiration of the initial permit. If the NOI for a new permit is submitted before the expiration date, authorization under the expiring permit remains in effect until the issuance or denial of a new permit. No new NOIs will be accepted nor new authorizations honored under the original permit after the expiration date. If a new permit is requested, the permittee shall submit an application in accordance with § 55.07 and a new review fee must be paid.

§ 55.14 - RETENTION OF RECORDS.

The permittee must retain the following records for a minimum period of 3 years from the date that an NOT is submitted as required by this chapter. For activities in which an NOT is not required, records shall be retained for a minimum period of 3 years from the date that the operator terminates coverage as provided under this chapter. Records include:

- (A) A copy of the SWP3;
- (B) All reports and actions required by this permit, including a copy of the construction site notice;
- (C) All data used to complete the NOI, if an NOI is required for coverage under this general permit; and
- (D) All records of submittal of forms submitted to the operator of any MS4 receiving the discharge and to the secondary operator of a large construction site, if applicable.

§ 55.15 - STANDARD PERMIT CONDITIONS.

- (A) *Duty to comply.* The permittee has a duty to comply with all permit conditions. Failure to comply with any permit condition is a violation of the permit and statutes under which it was issued, and is grounds for enforcement action, for terminating, revoking and reissuance, or modification, or denying coverage under a permit issued under this chapter, or for requiring a discharger to apply for and obtain an individual permit under this chapter.
- (B) *Permit suspension or revocation.* Authorization under a permit issued under this chapter may be modified, suspended, revoked and reissued, terminated or otherwise suspended for cause, based on rules located in TWC §23.086, 30 TAC §305.66 and 40 CFR §122.41(f). Filing a notice of planned changes or anticipated noncompliance by the permittee does not stay any permit condition imposed by this chapter. The permittee must furnish to the City Manager, the City Engineer, or Building Official, upon request and within a reasonable time, any information necessary for the City Manager, the City Engineer, or Building Official to determine whether cause exists for modifying, revoking and reissuing, terminating or, otherwise suspending authorization under any permit issued in compliance with this chapter. Additionally, the permittee must provide to the City Manager, the City Engineer, or Building Official, upon request, copies of all records that the permittee is required to maintain as a condition of this chapter.
- (C) *Limit on defense.* It is not a defense for a discharger in an enforcement action that it would have been necessary to halt or reduce the permitted activity to maintain compliance with the permit conditions.
- (D) *Inspection and entry.* Inspection and entry by the city shall be allowed under Tex. Water Code Chapters 26-28, Tex. Health and Safety Code § 361.032-361.033 and 361.037, and 40 CFR § 122.41(i).
- (E) *Water code penalties apply.* The discharger is subject to administrative, civil, and criminal penalties, as applicable, for violations including, but not limited to, the following:
 - (1) Negligently or knowingly violating the federal Clean Water Act (CWA) §§ 301, 302, 306, 307, 308, 318, or 405, or any condition or limitation implementing any sections in a permit issued under CWA § 402, or any requirement imposed in a pretreatment program approved under CWA § 402(a)(3) or 402(b)(8);
 - (2) Knowingly making any false statement, representation, or certification in any record or other document submitted or required to be maintained under a permit, including monitoring reports or reports of compliance or noncompliance; and
 - (3) Knowingly violating CWA §303 and placing another person in imminent danger of death or serious bodily injury.
- (F) *Signing of reports.* All reports and other information requested by the City Manager, the City Engineer, or Building Official must be signed by the person and in the manner required by 30 TAC § 305.128 (relating to Signatories to Reports).
- (G) *Authorization does not convey property or waive rights.* Authorization under this chapter does not convey property or water rights of any sort and does not grant any exclusive privilege.
- (H) *Additional provisions.* Nothing in this chapter shall be construed to allow storm water runoff from any construction and/or land-disturbing activity onto any other public or private property except as expressly provided by this chapter. Additionally, any permittee under this chapter is specifically required to complete internal final stabilization of the entirety of a

permitted construction and/or land disturbance area prior to the city's acceptance of an NOI, or the issuance by the city of any certificate of occupancy.

§ 55.16 - FEES.

- (A) *Review fee.* A review fee as defined by this chapter must be submitted along with the NOI.
- (B) *When fees are due.* Fees are due upon submission of the application documents, including the NOI. An application will not be declared administratively complete unless the associated fee has been paid in full.
- (C) *Fees of other entities.* Any fee assessed under the terms of the TCEQ general construction permit, or any other permit required by any other federal, state or local governmental entity or agency, is a separate fee, and it is the sole responsibility of the prospective permittee to satisfy any such fee requirement(s).

§ 55.17 - NOTICE OF VIOLATION.

- (A) Whenever the City Building Official or his or her designee finds that a person has violated a prohibition or failed to meet a requirement of this chapter, the city may order compliance by written notice of violation to the responsible person. Such notice may require, without limitation:
 - (1) The performance of monitoring, analysis, and reporting;
 - (2) The elimination of construction site storm water runoff;
 - (3) That violating construction practices or operations shall cease and desist;
 - (4) The abatement or remediation of construction storm water runoff and the restoration of any affected property;
 - (5) Payment of a fine to cover administrative and remediation costs; and/or
 - (6) The implementation of construction storm water runoff BMPs.
- (B) If abatement of a violation and/or restoration of affected property are required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor, and the expense thereof shall be charged to the violator.

§ 55.18 - APPEAL OF NOTICE OF VIOLATION.

Any person receiving a Notice of Violation from the Building Official or his or her designee may appeal the determination to the City Manager by filing a Notice of Appeal with the City Secretary not later than 10 days after the date of the Notice of Violation. The City Manager shall conduct a hearing on the appeal within 30 days of the date of filing of the Notice of Appeal. Notice of the date, time, and place of such hearing will be sent by first class mail to the person

submitting the Notice of Appeal not less than 7 days prior to the date of the hearing. The City Building Official and/or his or her designee and the person submitting the Notice of Appeal may present evidence at the hearing. The decision of the City Manager will be rendered at the close of the hearing or within 30 days thereafter. The decision of the City Manager shall be final.

§ 55.19 - ENFORCEMENT MEASURES.

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, then representatives of the City shall enter upon the subject construction site and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, partnership, corporation, agent or person in possession of any premises to refuse to allow the City Manager, the City Engineer and/or any contractor or employee designated by the City, the City Manager and/or the City Engineer to enter upon the premises for the purposes set forth above.

§ 55.20 - COST OF ABATEMENT OF VIOLATIONS.

Within 10 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within 5 days. If the amount due is not paid within a timely manner as determined by the decision of the City Manager, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. Any person violating any of the provisions of this chapter shall become liable to the city by reason of such violation. The liability shall be paid in not more than 12 equal payments.

§ 55.21 - INJUNCTIVE RELIEF.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. If a person has violated or continues to violate the provisions of this chapter, the city may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

§ 55.22 - VIOLATIONS DEEMED A PUBLIC NUISANCE.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

§ 55.23 - ENFORCEMENT.

- (A) *Stop work order; revocation of permit.* In the event that any person holding a site development permit pursuant to this chapter violates the terms of the permit or implements site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or development site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the City Manager or the City Council may suspend or revoke the site development permit.
- (B) *Violation and penalties.* No person shall construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or cause the same to be done, contrary to or in violation of any terms of this chapter. Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and each day during which any violation of any of the provisions of this chapter is committed, continued, or permitted, shall constitute a separate offense. Upon conviction of any such violation, such person, partnership, or corporation shall be punished by a fine of not more than \$500 for each offense. In addition to any other penalty authorized by this section, any person, partnership, or corporation convicted of violating any of the provisions of this chapter shall be required to bear the expense of such restoration. Each day that a violation occurs shall be a separate offense.

§ 55.24 - PROSECUTION.

Any person that has violated or continues to violate this chapter shall be liable to prosecution to the fullest extent of the law, and shall be subject to a fine or penalty of \$500 per violation per day. Each day that a violation occurs shall be a separate offense. The city may recover all attorneys' fees, court costs and other expenses associated with enforcement of this chapter, including sampling and monitoring expenses.

§ 55.99 - PENALTY.

- (A) *Civil penalty.* In an action against the owner of property or the owner's representative with control over the premises or property (including, without limitation, a site), the city may recover a civil penalty of up to \$1,000 per day for a violation of this chapter if the defendant was actually notified of the provisions of this chapter and thereafter committed acts in violation of this chapter or failed to take action necessary for compliance with this chapter. Each day that a violation occurs shall be a separate offense.
- (B) *Remedies not exclusive.*
- (1) The remedies listed in this chapter are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the city to seek cumulative remedies.
 - (2) If any section, subsection, phrase, sentence or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be stricken from the chapter, and such holding shall not affect the validity of the remaining portions thereof. The balance of the chapter shall be construed as 1 instrument and as if the offending portion had not been included.

Section 2. This Ordinance shall be in full force and effect upon passage and adoption on second reading. All prior ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Passed on first reading on the 14th day of July, 2022.

Passed and adopted on second reading on the 25th day of August, 2022.

KIMBERLY ALDRICH, Mayor

ATTEST:

Patty Cox, City Secretary

<input type="checkbox"/>	DISCUSSION AND POSSIBLE ACTION ITEMS
<input type="checkbox"/>	SPECIAL CONSIDERATION
<input type="checkbox"/>	CONSENT AGENDA
<input type="checkbox"/>	PUBLIC HEARING
<input type="checkbox"/>	PRESENTATION
<input checked="" type="checkbox"/>	WORKSHOP

**CITY OF KIRBY
CITY COUNCIL MEETING
A G E N D A I T E M S U M M A R Y**

DATE: AUGUST 11, 2022

AGENDA ITEM: 8. c.

8. Discussion And Possible Action

Discussion And Possible Action To Award A Bid For Group Insurance

Jenni Haff from Marsh McLennan Agency will provide a presentation and recommendations for employee Health, Vision, Dental and Life Insurances.

City of Kirby



Health and Welfare Benefits Proposal

Effective

October 1, 2022



Jenni Haff

jenni.haff@marshmna.com

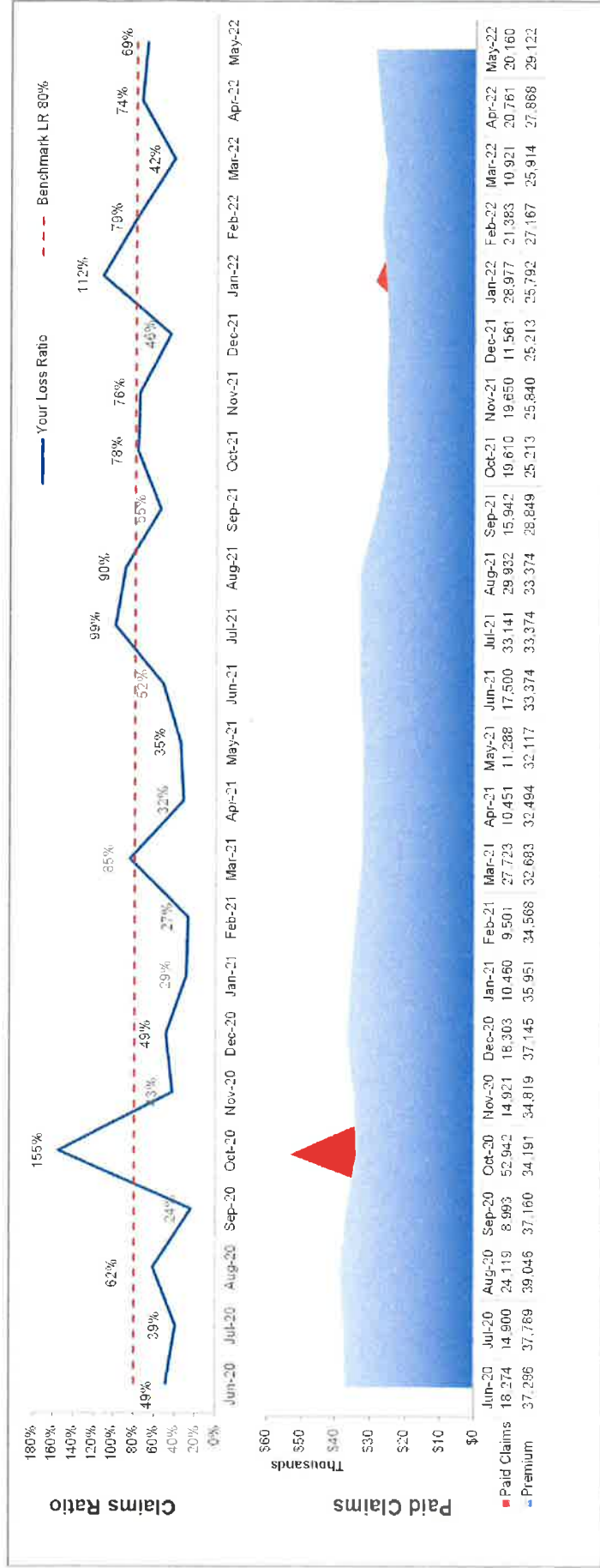
Office: 210-249-2346

131 Interpark Blvd San Antonio, TX 78216

Plan Review

Plan/Service Type	Renewal Date	Carrier/ Administrator	Description	Renewal	Comments
Medical	10/1/2022	BCBSTX	Single Option	2.5%	Negotiated down from 12.8%
Dental	10/1/2022	BCBSTX	Single Option	0%	Negotiated down from 5%
Vision	10/1/2022	BCBSTX (Dearborn)	Single Option	0%	Rate Pass
Life and AD&D	10/1/2022	BCBSTX (Dearborn)	Employer Paid	0%	Rate Pass
Voluntary Life	10/1/2022	BCBSTX (Dearborn)	Single Option	0%	Rate Pass
Worksite Benefits	10/1/2022	Colonial Life	Individual Policies		
Sec. 125 Premium Only Plan (POP)	10/1/2022	AmeriFlex			
Benefits Admin System - Employee Navigator	10/1/2022	Marsh McLennan Agency	Basic system setup, administration and eligibility processing included complementary with broker contract.		
COBRA Admin	10/1/2022	Medcom			

Medical Loss Ratio



62% Premium to Claims Ratio



Your Team



Jenni Haff
210-249-2346
jenni.haff@marshmma.com



Robin Green
210-249-2394
robin.green@marshmma.com



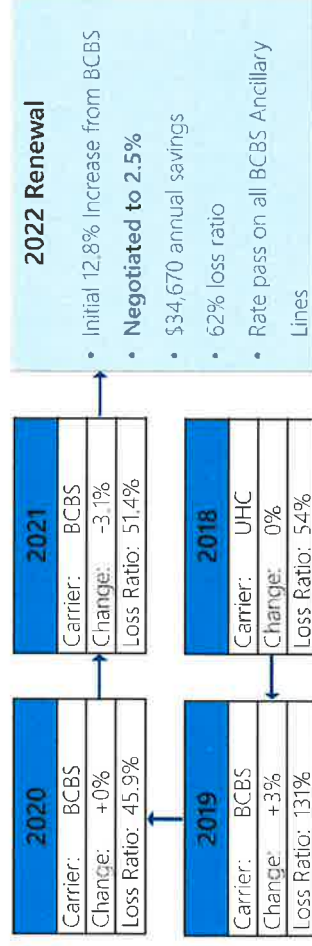
Holly Simon
210-249-2358
holly.simon@marshmma.com

Proud partners
with The City of
Kirby since
2002

About Us

Marsh, which dates back to 1871, is a member of **Marsh & McLennan Companies**, a global professional services firm with **65,000 employees** worldwide and annual revenue exceeding **\$14 billion**. Other members of the MMC family include Guy Carpenter, the risk and reinsurance specialist; Mercer, a leading provider of human capital consulting and related financial services; Oliver Wyman, our management consultancy practice and the recently acquired Jardine Lloyd Thompson Group (JLT), one of the leading specialty insurance brokers in the world. Marsh & McLennan Companies stock (MMC) is listed on the New York, Chicago, and London stock exchanges.

Medical Plan Renewal History



City of Kirby 2022-2023 Medical Plan

Services	In-Network
Coinurance	100% after Deductible
Preventive Care	Paid at 100%
Office Visit (Primary/Specialist)	\$35 / \$70 Copay
Calendar Year Deductible (CYD)	\$3,000 Single/ \$9,000 Family
Calendar Year Out-of-Pocket	\$3,500 Single/ \$10,500 Family
Urgent Care Center	\$75 Copay
Virtual Visits	\$35 Copay
Emergency Room Services	\$500 Copay then \$0 after Deductible
Inpatient / Outpatient Surgery	\$0 after Deductible
Diagnostic testing	\$0 after Deductible
Prescription Drug Coverage	\$10 / \$20 / \$70 / \$120

ENROLLMENT & RATES

BlueCross BlueShield of Texas
MTBCP025

	Current	Renewal
Employee Only	30 608.81	686.69
Employee + Spouse	3 1,339.39	1,510.75
Employee + Child(ren)	5 1,156.74	1,304.72
Employee + Family	0 1,948.20	2,197.44

TOTAL PREMIUM

38	Monthly	Annually
Current	\$28,066	\$336,794
Renewal	\$31,657	\$379,879
Annual Change	12.8%	\$43,085

TOTAL EMPLOYER COST

Employer Contribution:
100% EO Cost & 45% of Dep Costs

38	Monthly	Annually
Current	\$25,354	\$304,247
Renewal	\$28,597	\$343,168
Annual Change	12.8%	\$38,921

PER PAY DEDUCTIONS (26) Pays Per Year

Current	EE	ES	EC	EF
Renewal/Proposed	0.00	185.45	139.09	340.00
	0.00	209.18	156.88	383.50

BENEFITS

Plan Type	EE	ES	EC	EF
Deductible(Ded.)	0.00	185.45	139.09	340.00
Coinurance (Co/ins.)	0.00	209.18	156.88	383.50
Out-Of-Pocket Max				
Primary Care/Specialist				
Urgent Care				
Virtual Visits				
ER Facility/ ER Physician Services				
Hospitalization				
Out-Patient Procedures				
Routine Lab & Xray				
Complex Imaging/Diagnostic				
RX Deductible				
Rx (Tier 1/2/3/4)				
RX Specialty				
Non-Network Deductible				
Non-Network Coinurance				
Non-Network Out-of-Pocket Max				

Plan Type	EE	ES	EC	EF
Deductible(Ded.)	0.00	190.09	142.57	348.50
Coinurance (Co/ins.)				
Out-Of-Pocket Max				
Primary Care/Specialist				
Urgent Care				
Virtual Visits				
ER Facility/ ER Physician Services				
Hospitalization				
Out-Patient Procedures				
Routine Lab & Xray				
Complex Imaging/Diagnostic				
RX Deductible				
Rx (Tier 1/2/3/4)				
RX Specialty				
Non-Network Deductible				
Non-Network Coinurance				
Non-Network Out-of-Pocket Max				

CVS is no longer a network pharmacy.

CVS is no longer a network pharmacy.

SURCHARGE
10% TO EMPLOYEE COST W/O PHYSICAL
BETWEEN 11/1/2022 - 11/30/2022

Medical

BlueCross BlueShield of Texas
MTBCP025

	Current	Renewal
Employee Only	30 608.81	686.69
Employee + Spouse	3 1,339.39	1,510.75
Employee + Child(ren)	5 1,156.74	1,304.72
Employee + Family	0 1,948.20	2,197.44

38

38	Monthly	Annually
Current	\$28,066	\$336,794
Proposed	\$28,767	\$345,210
Annual Change	2.5%	\$8,415

38	Monthly	Annually
Current	\$25,354	\$304,247
Proposed	\$25,987	\$311,849
Annual Change	2.5%	\$7,602

Dental

ENROLLMENT & RATES

BlueCross BlueShield of Texas
Dental - DTNLM38

	Current	Renewal
Employee Only	25	17.85
Employee + Spouse	4	35.70
Employee + Child(ren)	5	49.03
Employee + Family	3	73.72

37

TOTAL PREMIUM

	Monthly	Annually
Current	\$1,055	\$12,664
Renewal	\$1,055	\$12,664
Annual Change	0.0%	\$0

TOTAL EMPLOYER COST

Employer Contribution:
50% EO Cost

	Monthly	Annually
Current	\$330	\$3,963
Renewal	\$330	\$3,963
Annual Change	0.0%	\$0

PER PAY DEDUCTIONS

(26) Pays Per Year

	EE	ES	EC	EF
Current	4.12	12.36	18.51	29.91
Renewal/Proposed	4.12	12.36	18.51	29.91

NETWORK BENEFITS

Calendar Year Maximum (CY)	DPPO
Deductible(Ded.)	\$1,500 (CY Max)
Rollover Benefit	\$50 (Ind) \$150 (Fam)
PREVENTIVE SERVICES	Not Included
- Includes	100% Ded. Waived
BASIC SERVICES	80% After Ded.
- Includes	Routine Exams, Cleanings, X-Rays, Fluoride
MAJOR SERVICES	50% After Ded.
- Includes	Fillings, Sealants, Space Maintainers, Periodontal Maintenance, General Anesthesia
PLAN FEATURES	50% After Ded.
Filling Type	Oral Surgery, Root Canal, Inlay/Onlay, Crowns, Bridges, Dentures
Periodontics / Endodontics	Composite Front: Amalgam Back
Implants	50% After Ded.
Oral Surgery	50% After Ded.
Waiting Periods	50% After Ded.
ORTHODONTIA	None
- Coinsurance/Max	Covered - Children & Adults
Non-Network Reimbursement	50% Ded. Waived \$1,000 (Lifetime)
RATE GUARANTEE	Maximum Allowable Charge
	12 Months

ENROLLMENT & RATES

Vision

BCBS Dearborn
Vision - Plan 6

		Current	Renewal
Employee Only	26	10.32	10.32
Employee + Spouse	4	19.62	19.62
Employee + Child(ren)	1	20.65	20.65
Employee + Family	3	30.37	30.37
	34		

TOTAL PREMIUM

	Monthly	Annually
Current	\$459	\$5,503
Renewal	\$459	\$5,503
Annual Change	0.0%	\$0

TOTAL EMPLOYER COST

Employer Contribution:
50% EO Cost

	Monthly	Annually
Current	\$175	\$2,105
Renewal	\$175	\$2,105
Annual Change	0.0%	\$0

PER PAY DEDUCTIONS

(26) Pays Per Year

	EE	ES	EC	EF
Current	2.38	6.67	7.15	11.64
Renewal/Proposed	2.38	6.67	7.15	11.64

BENEFITS

	Network	Non-Network
EYE EXAM	Once Every 12 Months	Once Every 12 Months
	\$10 Copay	Up to \$30 Reimbursement
CORRECTIVE LENSES	Once Every 12 Months	Once Every 12 Months
Single	\$10 Copay	Up to \$25 Reimbursement
Bifocal	\$10 Copay	Up to \$40 Reimbursement
Trifocal	\$10 Copay	Up to \$55 Reimbursement
Lens Options	Other lens option discounts may be available.	
CONTACT LENSES	Once Every 12 Months (In-lieu of lenses)	Once Every 12 Months
Medically Necessary	Covered in Full	Up to \$210 Reimbursement
Elective	\$150 + 15% off Balance	Up to \$120 Reimbursement
Fitting & Evaluation	Included	Not Included
FRAMES	Once Every 12 Months	Once Every 12 Months
	\$150 + 20% off Balance	Up to \$75 Reimbursement
LASER CORRECTION	Retail Allowance	Retail Allowance
	Network Provider Discounts may be available.	
RATE GUARANTEE	24 Months	24 Months

ENROLLMENT & RATES

Basic Life

BCBS Dearborn
Basic Life and AD&D

	Current	Renewal
Life Rate (Per \$1,000)	\$0.159	\$0.159
AD&D Rate (Per \$1,000)	Included	Included
Participants	43	
Volume	\$2,100,000	

TOTAL EMPLOYER COST

Current	Monthly	Annually
Renewal/Proposed	\$334	\$4,007
Annual Change	0.0%	\$4,007
		\$0

BENEFITS

Term Life Benefit	\$50,000
Employee	\$10,000, not to exceed 50% of Employee
Spouse	\$1,000 or \$2,500
Children	Same as Life Benefit
Accidental Death & Dismemberment	\$50,000
Guarantee Issue	Yes
Waiver of Premium	Yes
Conversion Privilege	Yes
Actively At Work Required	75% of benefit not to exceed \$250,000
Accelerated Death Benefit	35% of In-force Benefit at Age 65
Age Reduction Schedule	50% of In-force Benefit at Age 70
UNDERWRITING REQUIREMENTS (Participation and Contribution)	ER Paid for EE Only - 100% Participation
RATE GUARANTEE	12 Months

RATES

Voluntary Life

BlueCross BlueShield of Texas (Dearborn)
Voluntary Life and AD&D

		Current / Renewal	
	Rate	Employee	Spouse
Under 20		0.119	0.119
20 - 24		0.119	0.119
25 - 29		0.119	0.119
30 - 34		0.126	0.126
35 - 39		0.165	0.165
40 - 44		0.238	0.238
45 - 49		0.341	0.341
50 - 54		0.526	0.526
55 - 59		0.800	0.800
60 - 64		1.092	1.092
65 - 69		1.976	1.976
70 - 74		3.214	3.214
75 - 79		3.214	3.214
Child Life and AD&D		0.257	
AD&D		Included	

BENEFIT

EMPLOYEE Increments Guarantee Issue	\$10,000 to \$300,000 \$10,000 Under 70, \$100,000; Over 70, \$10,000
	\$5,000 to \$100,000 (Cannot Exceed 100% of Employee) \$5,000 Under 70, \$30,000; Over 70, \$10,000
SPOUSE Increments Guarantee Issue	\$5,000 or \$10,000 \$10,000 Same as Life Benefit
CHILD Guarantee Issue Accidental Death & Dismemberment	75% of benefit not to exceed \$250,000 Yes Yes Yes Yes 35% of In-force Benefit at Age 65 50% of In-force Benefit at Age 70
PROVISIONS Accelerated Death Benefit Portable Convertible Premium Waiver Actively At Work Required Age Reduction	
UNDERWRITING REQUIREMENTS (Participation and Contribution)	
RATE GUARANTEE 12 Months	

Birth to 6 months, benefit \$1,000 max.

GENERAL DISCLAIMER

This proposal is for illustrative purposes only. It is not to be construed as either an application for insurance or an offer by Marsh & McLennan Agency LLC.

The benefits described in this proposal or issued to your company in a master policy from the insurance company, although comparable to your current benefits, are not guaranteed to be a duplicate of those benefits provided under your current group policy.

The participating providers for quoted carriers in this proposal are independent contractors and are not employees of Marsh & McLennan Agency LLC. All health care decisions are strictly between the patient and the provider. Marsh & McLennan Agency LLC does not participate in the patient-provider relationship.

The premiums appearing herein are estimates based upon data submitted and current rates. Actual premiums will be based upon final number of employees insured and location, gender, ages, health status of all full-time employees and dependents, earnings, dependent status and amount of insurance at the time of enrollment as of the effective date of the policy of insurance.

Every effort has been made to ensure that the information in this summary is accurate; however, no warranty of complete accuracy is made. If a discrepancy is found between this summary and the benefits you selected or the Summary Plan Description (SPD), your selections and the provisions of the SPD will govern.

Marsh & McLennan Agency LLC is not a law firm and does not provide legal advice. Its employees are not acting as your attorney. While we hope that you find the information we provide to be of high quality, it is general legal information and should not be construed as legal advice to be applied to any specific factual situation. If you are unsure how the law applies to your particular situation, or even if you are sure, you should consult a lawyer experienced in the subject matter (e.g., ERISA and/or employee benefits compliance). The information we provide, while hopefully insightful, is not a substitute for the advice of a lawyer.

CREDIT WORTHINESS OF CARRIERS

At the time of the creation of this proposal and unless otherwise noted, all the carriers quoted are rated at or better than A- by AM Best or BBB by Standard and Poors. Ratings and additional information may be found at:

<http://www.ambest.com>

<http://www2.standardandpoors.com>.

ADDITIONAL SERVICES

Marsh & McLennan Agency LLC offers a comprehensive portfolio of services, including insurance brokerage, claim management, loss control, risk management, personal life insurance and employee benefits. Below are just a few of the many products and services we offer.

Employee Benefits

Medical (fully insured and self-funded)
Dental
Vision
Group Life and Accidental Death & Dismemberment
Group Short and Long-Term Disability
Voluntary Life and Disability
Health Savings Accounts (HSA)
Health Reimbursement Accounts (HRA)
Flexible Spending Accounts (FSA)
Section 125/ Cafeteria Plans
Supplemental Benefit Programs
Business Travel Accident Insurance
International Benefits
Individual Life Health and Disability
Executive Benefits

Other Insurance Services

Workers Compensation
Employee Practice Liability Insurance (EPLI)
General Liability
Property
Personal Lines
Agricultural
Indemnity and Financial
Oil and Gas
Malpractice
Surety Bonds

<u> X </u>	DISCUSSION AND POSSIBLE ACTION ITEMS
<u> </u>	SPECIAL CONSIDERATION
<u> </u>	CONSENT AGENDA
<u> </u>	PUBLIC HEARING
<u> </u>	PRESENTATION
<u> </u>	WORKSHOP

**C I T Y O F K I R B Y
C I T Y C O U N C I L M E E T I N G
A G E N D A I T E M S U M M A R Y**

DATE: AUGUST 11, 2022

AGENDA ITEM: 8. d.

8. Discussion And Possible Action

Discussion And Possible Action On Employee Wellness Program For Fiscal Year 2022-2023

Staff recommends approval of the Employee Wellness Program for the upcoming Fiscal Year.



The City of Kirby values the health of its employees and is implementing a wellness initiative. Employees and dependents who participate in the wellness initiative are asked to have an annual physical examination. Physical examinations are paid in full by Blue Cross Blue Shield if visiting an in-network provider. You must make an appointment and take our form with you to be completed by the medical care provider. **Please note employees who participate in the wellness initiative are not being asked or required to provide any medical information to the City.**

Currently the City pays for 100% of each full-time employee and 45% dependent health insurance coverage. Only those employees and dependents who participate in the wellness initiative by receiving an annual physical examination and returning their form to Human Resources by November 30, 2022 will continue to enjoy this benefit. Employees who do not participate in the wellness initiative will be required to pay 10% of their health insurance coverage through payroll deductions beginning next fiscal year. No dependent health insurance coverage will be paid by the City unless each dependent participates in the wellness initiative.

Employees that waived the insurance is part of this program as well. If you choose not to participate, you will have 10% deducted from premiums paid to employees that waived the insurance.

If you have any questions, please contact Monique Vernon at 210-661-3198.





DATE:

EMPLOYEE NAME:

EMPLOYEE DEPENDENT(S):

The City of Kirby values the health of its employees. As part of our commitment to promoting healthy habits, the City implemented a wellness initiative. Employees and/or dependents who wish to participate in the City's wellness initiative are asked to undergo an annual physical examination. The City will continue paying 100% of the health insurance cost for those full-time employees and pay 45% for their dependents who participate in the wellness initiative and provide proof of annual physical examination. Employees who do not to participate in the City's wellness initiative will be responsible for 10% of the cost of the employee's health insurance coverage for the upcoming fiscal year. No dependent health insurance coverage will be paid by the City unless each dependent participates in the wellness initiative. **The City is not asking for any results or information related to an employee's physical examination.** This form is intended only to serve as confirmation an employee and or their dependents have received an annual physical examination in the current year running from December 1, 2021 to November 30, 2022.

Physical ☐ Yes ☐ No, I do not wish to participate in the City's wellness initiative.*

Name of Physician

Address

City, State and Zip

Signature of Physician

Date of Physical Examination:

*Employees who do not wish to participate in the wellness initiative on religious or other grounds should speak with the City Manager to discuss possible accommodations.

<input checked="" type="checkbox"/>	DISCUSSION AND POSSIBLE ACTION ITEMS
<input type="checkbox"/>	SPECIAL CONSIDERATION
<input type="checkbox"/>	CONSENT AGENDA
<input type="checkbox"/>	PUBLIC HEARING
<input type="checkbox"/>	PRESENTATION
<input type="checkbox"/>	WORKSHOP

**CITY OF KIRBY
CITY COUNCIL MEETING
A G E N D A I T E M S U M M A R Y**

DATE: AUGUST 11, 2022

AGENDA ITEM: 8. e.

8. Discussion And Possible Action

On Vehicle Request From The Kirby Volunteer Fire Department

Volunteer Fire Department Board President Casey Hawkins will be present to answer questions.

Monique Vernon

From: Casey Hawkins
Sent: Friday, July 29, 2022 11:12 AM
To: Info
Subject: Chief's truck

Good afternoon Monique.

The Kirby Volunteer Firefighters would like to formally request the City of Kirby to donate the Chief's Ford truck to the Volunteers.

The truck was originally purchased by the Volunteers, for the Chief, then turned over to the City for insurance reasons.

I am aware that this request has to go through City Council first.

Thank you for your time Ma'am and have a great weekend.

Casey Hawkins

Lt. /Crisis Response / Board of Directors President

Kirby Volunteer Fire Department

Total Control Panel

[Login](#)

To: info@cityofkirby.org

Message Score: 10

High (60): Pass

From:

My Spam Blocking Level: Custom

Medium (75): Pass

Low (90): Pass

[Block this sender](#)

Custom (45): Pass

[Block gmail.com](#)

This message was delivered because the content filter score did not exceed your filter level.

<input checked="" type="checkbox"/>	DISCUSSION AND POSSIBLE ACTION ITEMS
<input type="checkbox"/>	SPECIAL CONSIDERATION
<input type="checkbox"/>	CONSENT AGENDA
<input type="checkbox"/>	PUBLIC HEARING
<input type="checkbox"/>	PRESENTATION
<input type="checkbox"/>	WORKSHOP

**CITY OF KIRBY
CITY COUNCIL MEETING
A G E N D A I T E M S U M M A R Y**

DATE: AUGUST 11, 2022

AGENDA ITEM: 8. f.

8. Discussion And Possible Action

Discussion And Possible Action On An Agreement Between Texas Spartans And
City Of Kirby For Use Of Friendship Park

The Texas Spartans Lease Agreement expires August 14, 2022. Mr. Brian Medina will attend the meeting to provide an update on future plans.

A copy of the current agreement is included.

LEASE AGREEMENT

This Lease Agreement is made by and between the City of Kirby (hereinafter called "City") and the Texas Spartans Youth Football (hereinafter called "Tenant").

1. Lease: City hereby leases to Tenant a tract of land owned by the City of Kirby and located within the corporate limits of the City and described as follows:

Fields located at 5745 Binz Engleman CB 5092 P-13B ABS 134

2. Use: Tenant may use the Property for the purpose of conducting athletic functions sponsored by Tenant to include a Youth Football Program (as that term is recognized by the Texas Youth Football and Cheerleading Association).

It is the desire of the City that as many children as possible have the opportunity to participate in the athletic programs of Tenant. It is therefore agreed that Tenant will operate a Youth Football Program under the official rules and regulations of the Texas Youth Football Association (TYFA), and under the rules and regulations established by Tenant's Board of Directors.

It is expressly understood and agreed that Tenant shall indemnify and hold City harmless from any liability for payment of any obligations due to any improvements or other things placed in or upon said Premises by Tenant. Tenant shall not encumber, in any manner, nor permit a lien of any type to be placed on said Premises, and Tenant agrees to indemnify and hold harmless City concerning any such financial obligations, liens, or encumbrances of any kind.

3. Term and Utilities: The term of this Lease is *two (2) years beginning August 14, 2020 and terminating August 14, 2022*, provided that City may at any time terminate this Lease and take possession of the Property without being guilty in any manner of trespass; and every claim for damages for and by reason of such re-entry are hereby expressly waived by Tenant. It is understood that if the City terminates this Agreement for any reason, Tenant shall be given a hearing before the City Council prior to the effective date of such action to discuss such termination.

4. Rent: Tenant shall pay City rent in the amount of \$500.00 per year, payable annually on or before September 1 of each year during the term of this Lease.

5. Improvements to Property It is further agreed that the City Council shall have the right to approve all plans and specifications before any improvements are made to the Property by Tenant, other than normal maintenance, and Tenant shall submit all such plans and specifications to the City Council for review and approval. Upon termination or expiration of this Agreement, Tenant shall have the right to remove all physical improvements placed upon the Property, provided that Tenant shall repair any damage to the Premises resulting from said removal.

6. Concession Stand: Tenant shall be permitted to operate a concession stand on the Premises and shall be permitted to sell merchandise and non-alcoholic beverages during Little League functions for the period from one (1) hour immediately before said function commences until one (1) hour immediately after said function. The concession stand will not be allowed to operate during the 4th of July Celebration. Tenant shall provide adequate and suitable containers for collecting discarded cups, papers, and trash from the operation of said concession stand and shall be responsible for keeping the entire Premises free of all papers, cups, and trash resulting from the operation of said concession stand. At no time shall Tenant sell or allow the sale of beer, wine, or any other alcoholic beverage. Tenant must have an updated Kirby food handler permit along with an updated Kirby food permit in order to sell concessions.

7. Equal Opportunity: It is agreed and understood between the parties hereto that the Premises owned by the City are the subject of this contract and that in the conduct of Tenant's operation thereon, discrimination on account of race, color, sex, religion, age, disability, or national origin, directly or indirectly, is strictly prohibited.

8. Maintenance and Responsibility:

a) It is understood that the Tenant will maintain in a good condition all property furnished to it by City and further that Tenant will maintain the Premises herein demised in a condition satisfactory to City.

b) In return for services rendered by Tenant to the youth of the City, City will provide such maintenance that requires the use of heavy equipment. Such equipment shall be operated ONLY by a City employee and such maintenance shall be authorized by the City Manager ONLY, and scheduled by her designated representative. Other maintenance by City shall be at the discretion of the City Council upon written request by the City Manager.

9. Advertising: All advertising shall be maintained in a state of good repair. All signs shall be removed at the end of the regular football season.

10. Annual Report and Financial Statement: It is agreed that Tenant shall furnish to City, through the City Manager, a financial statement of the past year's operation by **October 15th** of each year. Said financial statement shall contain the same information as is furnished in Tenant's Annual Report to the Texas Youth Football Association. If said annual report is not submitted, said financial statement shall contain the following information:

- a. Value of physical improvements placed on the Property
- b. Statement of assets and liabilities
- c. Disbursement of physical improvements

- d. Disbursements for utilities, itemized as to water, electricity, and gas
- e. Number of children in league
- f. Gross receipts from advertising sold
- g. Gross receipts from all donations
- h. Gross receipts from concessions
- i. Disbursements for concessions
- j. All other receipts and disbursements
- k. A complete inventory of all San Antonio Spartans equipment used within the concession stand

The Spartans Treasurer must, upon written request by the City Manager, furnish the Team's Bank balance within ten (10) days of the date of such written request.

11. Insurance and Indemnification: As a condition precedent to the use of the Premises, Tenant agrees to indemnify and hold harmless City, its officials, employees, and agents from and against any and all costs, claims, and damages (including attorney's fees) that may be caused by the use of said Property, and shall protect and indemnify City from any and all claims costs, expenses, judgments, and causes of action arising out of the use of said Property, and shall defend (through legal counsel acceptable to the City) any litigation arising in connection with such use, all at Tenant's sole cost and expense. In addition, Tenant agrees to obtain an insurance policy protecting City from any liability and to have City named as co-insured in said policy. Such policy shall be for not less than \$500,000.00 per person for bodily injuries, not less than \$50,000.00 for property damage, and an aggregate limit of not less than \$1,000,000.00 per occurrence. Proof of payment of premium for said policy (and evidence of the existence of said policy) shall be delivered to and kept by the City Secretary of City and such insurance policy shall be maintained in full force by Tenant so long as this Agreement is in effect.

12. Non-Profit Status: The Tenant shall have on file at City Hall a completed application for non-profit, civic organization status for the City of Kirby, signed and approved by the City Manager. While working on team's non-profit status the Spartans must have a completed non-profit status through TYFA with the City.

13. Subleases: Tenant may not assign its rights under this Lease or sublease the Property without the prior express consent of the City Council of City as evidenced by a resolution or ordinance adopted at a regular or special meeting of the City Council of City.

14. Severability: Each section, subsection, provision, requirement, regulation or restriction established by this Agreement is hereby declared to be independent, and the holding of any part to be unconstitutional, invalid, or ineffective for any cause, shall not affect or render invalid this agreement or amendments hereto as a whole or any part thereof, except the particular part so declared to be invalid.

15. Entire Agreement: This Agreement constitutes the entire agreement between the City and the Tenant concerning lease of the Property.

16. Amendments: This Agreement may be amended only by a written amendment executed on behalf of the parties hereto.

17. Counterparts: This Agreement may be executed in counterparts which, when taken together, constitute one and the same agreement.

18. Facsimiles: This Agreement may be executed by a facsimile signature or a signature transmitted by facsimile and such signature shall be considered the same as an original signature for all purposes.

This Agreement is dated this 13th day of August, 2020.

CITY OF KIRBY

By: Patty Cox
Name: Patty Cox
Title: City Secretary

Texas Spartans Youth Football

By: Brian Medina
Name: Brian Medina
Title: President

CITY OF KIRBY
210-661-3198

REC#: 00240648 9/15/2020 11:14 AM
OPER: MAG TERM: 102
REF#:
PAID BY: MEDINA

TRAN: 414.0000 PARK AGREEMENTS
SPARTANS - BASEBALL FIELD
PARK AGREEMENTS 500.00CR

TENDERED: 500.00 CASH
APPLIED: 500.00-

CHANGE: 0.00

14. Severability: Each section, subsection, provision, requirement, regulation or restriction established by this Agreement is hereby declared to be independent, and the holding of any part to be unconstitutional, invalid, or ineffective for any cause, shall not affect or render invalid this agreement or amendments hereto as a whole or any part thereof, except the particular part so declared to be invalid.

15. Entire Agreement: This Agreement constitutes the entire agreement between the City and the Tenant concerning lease of the Property.

16. Amendments: This Agreement may be amended only by a written amendment executed on behalf of the parties hereto.

17. Counterparts: This Agreement may be executed in counterparts which, when taken together, constitute one and the same agreement.

18. Facsimiles: This Agreement may be executed by a facsimile signature or a signature transmitted by facsimile and such signature shall be considered the same as an original signature for all purposes.

This Agreement is dated this 13th day of August, 2020.

CITY OF KIRBY
210-661-3193

REC#: 00271327 8/30/2021 2:43 PM
OPER: MAG TERM: 102
REF#:
PAID BY: SPARTANS FOOTBALL RENTAL

ACCT #: XXXXXXXXXX
AUTH #: H96316
TRAN #: 000000329905

TYPE: PURCHASE
APP NAME: Visa
ENTRY MODE: CHIF

AMOUNT USD\$ 525.00

EMV DETAILS:
AC: 823ECCDE3F25A314
AID: A0000000031010
ATC: 0011
TSI: E800
TVR: 0030003000

TRAN: 414.0000 PARK AGREEMENTS
SPARTANS FOOTBALL RENTAL
PARK AGREEMENTS 500.00CR

TRAN: 900.0000 CREDIT CARD CONV. FE
OPERATIONAL EXPENSE 25.00CR

TENDERED: 525.00 CREDIT CARD
APPLIED: 525.00-

CITY OF KIRBY

By: Patty Cox
Name: Patty Cox
Title: City Secretary

Texas Spartans Youth Football

By: Brian Medina
Name: Brian Medina
Title: President

<input checked="" type="checkbox"/>	DISCUSSION AND POSSIBLE ACTION ITEMS
<input type="checkbox"/>	SPECIAL CONSIDERATION
<input type="checkbox"/>	CONSENT AGENDA
<input type="checkbox"/>	PUBLIC HEARING
<input type="checkbox"/>	PRESENTATION
<input type="checkbox"/>	WORKSHOP

**CITY OF KIRBY
CITY COUNCIL MEETING
A G E N D A I T E M S U M M A R Y**

DATE: AUGUST 11, 2022

AGENDA ITEM: 8. g.

8. Discussion And Possible Action

Discussion And Possible Action On Funding And Timeline For ADA Compliance At
The Kirby Senior Center

Council approved the included quote from Hayden Paving in the amount of \$20,269. A new quote for the parking lot and remaining ADA compliance is included in the amount of \$32,041.

Untitled Map

Write a description for your map.

Legend



Kirby Senior Center



Kirby Senior Center

Google Earth

Image Landsat / Copernicus

100 ft

John H St
N





HAYDEN PAVING, INC.

5655 Wexford Dr. Kirby, TX 78219 Phone: 210-802-4343 Fax: 210-802-4346

Quotation

Job Name: Kirby Senior Center ADA

Quote Number: 31069

Quote Date: 5/11/2022

Quoted By: John Pearson

Contact	Good Through	Payment Terms	Job Location
	6/10/2022	Net 30 Days	
Item	Base Bid	Amount	
Supply material, labor and equipment to perform the following:			
1	Demo, remove and haul offsite approximately 964 SF of noncompliant sidewalk. Install approximately 964 SF of 4" thick concrete sidewalk per plan. Repair approximately 1 foot of asphalt along edge of existing parking lot and new concrete sidewalks. Price figures doing project half at a time to maintain access to the building. ** Asphalt will NOT be ADA compliant.	\$20,269.00	
2	Sawcut, remove, and haul off-site non compliant parking area. Place and compact 2" of Type 'D' PG 64-22 asphalt on existing base material prepared to meet ADA specifications. Area totaling approximately 2,800 SF. Price figures doing project half at a time to maintain access to the building.	\$14,751.00	
3	Pavement markings per plan, install 4 new wheel stops, install 4 new ADA compliant signs on new posts. Price figures 1 mobilization to complete this work at the end of the project.	\$2,376.00	
Base		\$37,396	
Bond Cost		\$0	
Subtotal		\$37,396	
Exempt - contingent upon receipt of Tax Certificate 8.25%		\$0	
Base Bid		\$37,396	

Lump Sum Bid \$20,269.00

Acceptance of proposal - The above prices and specifications, and the terms and conditions listed on final page of proposal are satisfactory and are hereby accepted. Hayden Paving, Inc is authorized to do the work as specified. Payment will be made as described by payment terms listed above. Hayden Paving, Inc. reserves the right to repossess any material that is not paid in full within 90 days of the job completion.

Signature _____

Date _____

Print Name _____



HAYDEN PAVING, INC.

5655 Wexford Dr. Kirby, TX 78219 Phone: 210-802-4343 Fax: 210-802-4346

Quote Number: 31069
Quote Date: 5/11/2022
Quoted By: John Pearson

Terms & Conditions

Material prices quoted are firm for 90 calendar days from quote date. If any portion of the project is constructed after this date material prices are subject to change for that portion of work.

Quoted prices exclude: drug testing costs, background check costs, material testing, permits, bonding, traffic control, lane closures, safety slope install/removal, unsuitable subgrade removal and replacement, subgrade stabilization, herbicide, sweeping/cleaning prior to paving, staking, layout, night work, removals, excavation, saw-cutting, backfilling, utility or sewer adjustments, pavement markings, signage, wheelstops, bollards.

Prices included in this quote are based on information provided to date and are subject to change if new information is provided or differing site conditions exist.

Quality Control will be required, provided for, and scheduled by others, on the day of paving, if the project has required asphalt compaction specifications.

Additional scope of work not specified or quoted will require an executed change order in advance.

Pricing contingent upon mutually agreeable contract.

Hayden Paving shall not warranty asphalt failures caused by sub-grade or base failures where asphalt is placed on existing sub-grade, base, or asphalt surface which was not installed by Hayden Paving.

Customer shall reimburse Hayden Paving for any and all costs and attorneys fees incurred as a result of any default of any prtion of this proposal.

Asphalt paving industry's recommended slope for proper drainage of asphalt surfaces is 2% or greater. Ponding of water will occur on the surface of asphalt pavement with a designed/existing slope of less than 1.5%. Hayden Paving shall not guarantee zero ponding on surfaces designed with less than 1.5% slope. Ponding in these areas is not covered under the material and workmanship warranty.



HAYDEN PAVING, INC.

5655 Wexford Dr. Kirby, TX 78219 Phone: 210-802-4343 Fax: 210-802-4346

Quotation

Job Name: Kirby Senior Center Parking Lot

Quote Number: 31373

Quote Date: 8/5/2022

Quoted By: Garrett Hungerford

Contact	Good Through	Payment Terms	Job Location
	9/4/2022	Net 30 Days	

Item	Base Bid	Amount
Supply material, labor and equipment to perform the following:		
1	Wedge cut existing asphalt and remove at concrete joints. Haul off demolished asphalt. Crackfill existing cracks as needed (approximately 750 LF). Remove and stockpile existing wheel stops.	\$32,041.00
2	Apply CSS1-H tack coat per specifications, place and compact nominal 2" of Type 'D' PG 64-22 HMAC over existing asphalt as overlay to ensure ADA compliance. Area totaling approximately 9,060 SF.	
3	Re-stripe 14 standard parking stalls, 4 ADA stalls, and 4 hashout stalls. Install 4 new ADA signs. Place back 23 parking stops.	
All demolition/prep work to be completed on day 1. Asphalt paving completion and striping to be done on day 2.		
Quoted Prices are based on 1 mobilization. Additional mobilizations will be \$5,500 each.		

Base	\$32,041
Bond Cost	\$0
Subtotal	\$32,041
Exempt - contingent upon receipt of Tax Certificate 8.25%	\$0
Lump Sum Base Bid	\$32,041

Item	Alternates	Amount
Supply material, labor and equipment to perform the following:		
Add to Base Bid		\$0

Acceptance of proposal - The above prices and specifications, and the terms and conditions listed on final page of proposal are satisfactory and are hereby accepted. Hayden Paving, Inc is authorized to do the work as specified. Payment will be made as described by payment terms listed above. Hayden Paving, Inc. reserves the right to repossess any material that is not paid in full within 90 days of the job completion.

Signature _____

Date _____

Print Name _____



HAYDEN PAVING, INC.

5555 Wexford Dr. Kirby, TX 78219 Phone: 210-802-4343 Fax: 210-802-4346

Quote Number: 31373
Quote Date: 8/5/2022
Quoted By: Garrett Hungerford

Terms & Conditions

Material prices quoted are firm for **30** calendar days from quote date. If any portion of the project is constructed after this date material prices are subject to change for that portion of work.

Quoted prices exclude: drug testing costs, background check costs, material testing, permits, bonding, traffic control, lane closures, safety slope install/removal, unsuitable subgrade removal and replacement, subgrade stabilization, herbicide, sweeping/cleaning prior to paving, staking, layout, night work, removals, excavation, saw-cutting, backfilling, utility or sewer adjustments, pavement markings, signage, wheelstops, bollards.

Prices included in this quote are based on information provided to date and are subject to change if new information is provided or differing site conditions exist.

Quality Control will be required, provided for, and scheduled by others, on the day of paving, if the project has required asphalt compaction specifications.

Additional scope of work not specified or quoted will require an executed change order in advance.

Pricing contingent upon mutually agreeable contract.

Hayden Paving shall not warranty asphalt failures caused by sub-grade or base failures where asphalt is placed on existing sub-grade, base, or asphalt surface which was not installed by Hayden Paving.

Customer shall reimburse Hayden Paving for any and all costs and attorneys fees incurred as a result of any default of any prtion of this proposal.

Asphalt paving industry's recommended slope for proper drainage of asphalt surfaces is 2% or greater. Ponding of water will occur on the surface of asphalt pavement with a designed/existing slope of less than 1.5%. Hayden Paving shall not guarantee zero ponding on surfaces designed with less than 1.5% slope. Ponding in these areas is not covered under the material and workmanship warranty.

Monique Vernon

From: John Donnelly <jdonnelly@seguintexas.gov>
Sent: Wednesday, July 27, 2022 3:12 PM
To: Monique Vernon
Subject: FW: Kirby parking lot

Ms. Vernon,

I have worked very hard to put together a cost estimate. As you can see from what I sent Steve after lunch I am just not able to get there next week. I have too many roads on our FY plan for this year to stop and accomplish your project. I am heart struck because I really like to help others but at this point I am unable to make it happen.

Please let me know if you have any questions.

Thank you and good luck.

From: John Donnelly
Sent: Wednesday, July 27, 2022 1:52 PM
To: Steve Parker <sparker@seguintexas.gov>
Subject: Kirby parking lot

Steve,

I have put together a cost estimate for the parking lot at the Senior Center in Kirby. The cost come at just under \$45.00 a SY and there is 936 SY for a grand total of \$42,120.00.

I know Ms. Vernon said this needed to be done next week. That just is not possible due to the schedule I have put together for our 5 year plan. We are starting a 4 road project on Monday that is 1.5 miles in length. If everything goes good with all we have to accomplish it will be the last week in September before we could ever consider doing outside work.

Please let me know if I need to pass this along to Ms. Vernon.

Thank you for everything.

John Donnelly
Director of Public Works
816 Fred Byrd Drive
Seguin Tx 78156
(830) 386-2516



<input checked="" type="checkbox"/>	DISCUSSION AND POSSIBLE ACTION ITEMS
<input type="checkbox"/>	SPECIAL CONSIDERATION
<input type="checkbox"/>	CONSENT AGENDA
<input type="checkbox"/>	PUBLIC HEARING
<input type="checkbox"/>	PRESENTATION
<input type="checkbox"/>	WORKSHOP

**CITY OF KIRBY
CITY COUNCIL MEETING
A G E N D A I T E M S U M M A R Y**

DATE: AUGUST 11, 2022

AGENDA ITEM: 8. h.

8. Discussion And Possible Action

Update And Discussion On Kirby Water Distribution System And Well Site Improvements Plan

Well #2 is located at 107 Peppermint and has a 250,000-gallon elevated storage tank.

Well #3 is located at 900 Springfield and has a 500,000-gallon elevated storage tank and a 1,000,000-gallon ground storage tank.

Water System information from the 2021 Comprehensive Plan is included.

WATER SYSTEM

An adequate supply of water for drinking, household use, sanitation, fire protection, and other uses is basic to the maintenance of the public health and welfare. Growth and development of commerce and industry also depend on an adequate water supply.

STANDARD & CRITERIA

The criteria of the Texas Commission on Environmental Quality and the Texas State Board of Insurance were used to determine the adequacy of existing facilities and the future needs of the City. The standards are being met by the City of Kirby water system.

WATER DEMAND (CITY OF KIRBY UPDATE WATER DEMAND CHART)

The following table shows the projected water demand for water usage through 2030; Currently the amount of water produced is meeting the current demand. Projected demand would be based on the future development of the existing vacant properties. The size of the development will determine future demands.

PROJECTED WATER DEMAND

Year	Population	Av. Demand	Peak Demand
2030	9,200	2,300 GPM	6,250 GPM

GPM – gallons per minute

EXISTING WATER SYSTEM

Water Supply

The City of Kirby obtains water from two wells that are about 1,130 feet deep. At the present time the wells provide an adequate supply of water in accordance with the State Board of Insurance.

Water Treatment

Water from the two wells is slightly mineralized. Chlorine is injected into the water systems at the well heads as required by the Texas Commission on Environmental Quality (TCEQ).

Water Storage

The City operates two elevated storage tanks with a total capacity of 750,000 gallons and one ground storage tank with a capacity of 1,000,000 gallons.

The 500,000-gallon elevated storage tank located at well #3 was built in 1972. Its maximum capacity is 2,400 GPM. A backup generator was installed in December of 2017 at the well #3 location to provide continual water service for a period of 24 hours in the case of a power outage. The generator will turn on as needed and will run only as needed.

The 250,000-gallon elevated storage tank at well #2 was built in 1964. Its maximum capacity is approximately 1,200 GPM (well production). A backup generator is being installed in August of 2021.

The 1,000,000-gallon ground level storage tank was built in 1981.

Water Distribution System

Besides the water pressure from the elevated tank, well #3 has three distribution booster pumps. The pumps operate automatically and have a total capacity of 2,400 gallons per minute. The capacity of two pumps is adequate to meet the present needs of Kirby. A network of mains, lines, and service leads, that range in size from 1 ½ through 12-inches, supply water to residences, commercial establishments, and fire hydrants.

WATER PLAN

Treatment

The existing chlorinator facilities at the water well production sites have been upgraded with new chlorinator pumps, chlorine feeders, chlorine injectors, a new chlorine building at well #2, and meet TCEQ standards.

Elevated Storage

The existing 750,000-gallon elevated storage tank and 1,000,000-gallon ground level storage tank will adequately serve the City through the Planning Period. A thorough inspection of the tank is made once a year as required by TCEQ. The 500,000-gallon tank was repaired, cleaned and painted in 2016 and the 250,000-gallon tank was repaired, cleaned and painted in 2020.

Distribution

All fire hydrants should be connected to water mains with a minimum diameter of six inches. The City will continue to install additional fire hydrants in various locations to provide adequate fire protection to all parts of the City as needed.

WASTE WATER

GENERAL

A community sanitary sewer system has the function of collecting, transporting domestic, commercial, and industrial wastes. Ordinary domestic household sewage and some ground up garbage constitute the bulk of sewage and normally create no unique problems. Commercial and industrial wastes should be given proper considerations, but usually can be handled with domestic sewage. The transportation of waste-water away from homes, businesses, and industries, and the subsequent treatment of the waste-water are elemental to the general public health and welfare of the community.

CRITERIA & STANDARDS

The Texas Commission on Environmental Quality (TCEQ) establishes requirements for waste water collection and disposal.

EXISTING SEWAGE SYSTEM

Collection System

There are a few areas within the corporate limits of the City which are not presently being served. These areas will need sewer lines installed as the land is developed.

Existing Sewage Lift Station

Major improvements to the lift station were made in March 2010. A new wet well was installed with two new submersible pumps. Additionally, the force main was connected to the existing sewer main on Pageland, thereby expanding its capabilities. One submersible pump has been replaced and one has been rebuilt as of November 2018. In November 2020 we installed two new Flygt Model NP-3085.060 3" volute Submersible pumps. In September 2021 we will install a backup 15 KW Generator.

SEWAGE PLAN

Collection Systems

Sewage collection facilities should be constructed as land development creates a need for the facilities. Extension of the lines will have to be made as the development of the City increases.

Lift Station

The capacity of the lift station and force main is adequate to handle maximum flows. Improvements have been made to increase the capacity of the lift station and force main.

Sewage Treatment

Sewage treatment for the City of Kirby is provided by San Antonio Water System.

RECREATION & OPEN SPACE

Kirby has four city parks at the present time. The seven-acre Hugo Lentz, 87.9-acre Friendship Park, 3.75 Pryor Smith Park and a small quarter acre Ignacio Ceja Park on Autumn Lane. In addition to the foregoing City parks, the Little League complex is owned by the City and leased to the Greater Northeast Little League (GNELL).

EXISTING PARKS

Hugo Lentz Park, dedicated in May 1979, consists of a 40 X 60 picnic pavilion with four picnic tables, one small type barbeque pit, portable restroom and a large parking lot. Friendship Park, dedicated in May 1982, consists of a 60 X 100 picnic pavilion, stage, twenty picnic tables with five barbecue grills, playground equipment, two baseball fields, one softball field, one football field, one lighted tennis court, one basketball court, restrooms, and parking facilities. There is a concession stand located by the Little League fields.

H. Pryor Smith Park is adjacent to the John Sterling Building and Pool. It consists of new playground equipment and a shade structure installed in 2017.

Ignacio "Nacho" Ceja Park (formally Autumn Lane Park), was re-named in 2017 in honor of longtime resident and City employee. It is an odd sized lot in a residential area, consists of playground equipment, a swing set, picnic table and benches.

Friendship Park is an 87.9-acre location, which includes the Rosillo Creek and extends north and south along its path between Seguin Road and Binz Engleman Road, has great potential and area for development, this area is in the one-hundred year flood plain. Timothy J. Wilson Walking Trail was constructed in 2018 and is approximately 7900 linear feet or about 1.5 miles.

PUBLIC BUILDINGS

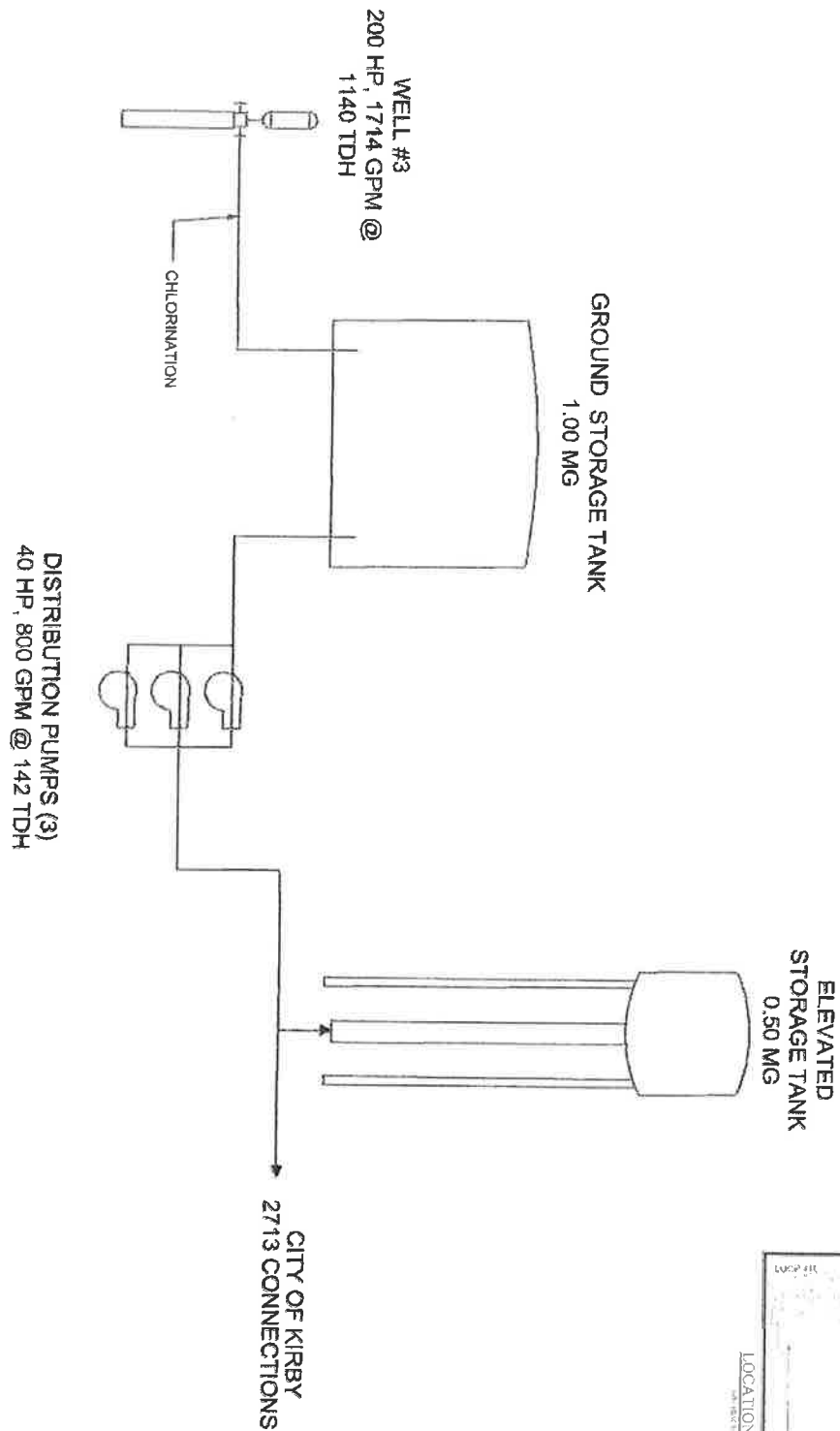
Various types of buildings are necessary for public services to be adequately and efficiently provided. Public service buildings considered in this section include City Hall, the Fire Station and Police Station.

CITY HALL (refer to ten year goals)

The existing City Hall located at 112 Bauman, built in 1993, is no longer adequate for the needs of the city government. Strong consideration should be given to establishing a new City Hall to better serve the community by an improved efficient operation and with



SCHEMATIC DIAGRAM
CITY OF KIRBY
WELL SITE NO. 2
107 PEPPERMINT, KIRBY, TEXAS



<input checked="" type="checkbox"/>	DISCUSSION AND POSSIBLE ACTION ITEMS
<input type="checkbox"/>	SPECIAL CONSIDERATION
<input type="checkbox"/>	CONSENT AGENDA
<input type="checkbox"/>	PUBLIC HEARING
<input type="checkbox"/>	PRESENTATION
<input type="checkbox"/>	WORKSHOP

**CITY OF KIRBY
CITY COUNCIL MEETING
A G E N D A I T E M S U M M A R Y**

DATE: AUGUST 11, 2022

AGENDA ITEM: 8. i.

8. Discussion And Possible Action

Discussion And Possible Action On Ordinance No. O-2022-914 An Ordinance Amending the 2021-2022 Municipal Budgets Of The City Of Kirby. This Is the First Reading.

A proposed Budget Amendment will be emailed to City Council.

AN ORDINANCE AMENDING THE 2021-2022
MUNICIPAL BUDGETS OF THE CITY OF KIRBY

WHEREAS, the City Council of the City of Kirby adopted the 2021-2022 municipal budgets by passage of Ordinance No. O-2021-901 on September 9, 2021; and

WHEREAS, the City Council of the City of Kirby has determined the need for an amendment to Ordinance No. O-2021-901, due to economic factors and city improvements; and

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Kirby, Texas, that:

The 2021-2022 municipal budgets of the City of Kirby be amended to reflect the changes to "Exhibit A" to Ordinance No. O-2021-901.

PASSED AND APPROVED on first reading the 11th day of August, 2022.

PASSED, APPROVED, AND ADOPTED on second reading the 25th day of August 2022

Kimberly Aldrich, Mayor

ATTEST:

Patty Cox, City Secretary

<input checked="" type="checkbox"/>	DISCUSSION AND POSSIBLE ACTION ITEMS
<input type="checkbox"/>	SPECIAL CONSIDERATION
<input type="checkbox"/>	CONSENT AGENDA
<input type="checkbox"/>	PUBLIC HEARING
<input type="checkbox"/>	PRESENTATION
<input type="checkbox"/>	WORKSHOP

**CITY OF KIRBY
CITY COUNCIL MEETING
A G E N D A I T E M S U M M A R Y**

DATE: AUGUST 11, 2022

AGENDA ITEM: 8. j.

8. Discussion And Possible Action

Discussion And Possible Action On Appointment Of A Member To The Economic
Development Committee

There is currently one vacancy. There are two applicants who have an interest in filling the vacancy. Theresa Martinez and Cecilia Padilla. A current roster is included.

ECONOMIC DEVELOPMENT COMMITTEE
2022

<u>MEMBER</u>	<u>TERM</u>
CORY A. MOBLEY	DECEMBER 31, 2023
VACANT	DECEMBER 31, 2023
MICHAEL LAWRENCE-WEDEN	DECEMBER 31, 2022
THOMAS HERNANDEZ	DECEMBER 31, 2022
JODY FLYNN	DECEMBER 31, 2023

(COUNCIL LIAISON: Sylvia Leos-Apodaca)

(July 19, 2022)

<input checked="" type="checkbox"/>	DISCUSSION AND POSSIBLE ACTION ITEMS
<input type="checkbox"/>	SPECIAL CONSIDERATION
<input type="checkbox"/>	CONSENT AGENDA
<input type="checkbox"/>	PUBLIC HEARING
<input type="checkbox"/>	PRESENTATION
<input type="checkbox"/>	WORKSHOP

C I T Y O F K I R B Y
CITY COUNCIL MEETING
A G E N D A I T E M S U M M A R Y

DATE: AUGUST 11, 2022

AGENDA ITEM: 8. k.

8. Discussion And Possible Action

Discussion And Possible Action To Establish An Ordinance Review Committee

Council Member Street requested this item. On June 11, 2015 the City established a committee to review the Code of Ordinances and recommend revisions to City Council. The members were: Lisa Pierce, Elisa Majors and Stephanie Faulkner, Council Liaison. Their last meeting was held on June 7, 2017.

<input checked="" type="checkbox"/>	DISCUSSION AND POSSIBLE ACTION ITEMS
<input type="checkbox"/>	SPECIAL CONSIDERATION
<input type="checkbox"/>	CONSENT AGENDA
<input type="checkbox"/>	PUBLIC HEARING
<input type="checkbox"/>	PRESENTATION
<input type="checkbox"/>	WORKSHOP

C I T Y O F K I R B Y
CITY COUNCIL MEETING
A G E N D A I T E M S U M M A R Y

DATE: AUGUST 11, 2022

AGENDA ITEM: 8.I.

8. Discussion And Possible Action

Discussion And Possible Action To Establish A City Of Kirby Fee Schedule

Council Member Street requested this item.

<u> X </u>	DISCUSSION AND POSSIBLE ACTION ITEMS
<u> </u>	SPECIAL CONSIDERATION
<u> </u>	CONSENT AGENDA
<u> </u>	PUBLIC HEARING
<u> </u>	PRESENTATION
<u> </u>	WORKSHOP

**C I T Y O F K I R B Y
C I T Y C O U N C I L M E E T I N G
A G E N D A I T E M S U M M A R Y**

DATE: AUGUST 11, 2022

AGENDA ITEM: 8. m.

8. Discussion And Possible Action

Discussion And Possible Action To Establish A 2023 Festival Planning Committee

Council Member Street requested this item.

<input checked="" type="checkbox"/>	DISCUSSION AND POSSIBLE ACTION ITEMS
<input type="checkbox"/>	SPECIAL CONSIDERATION
<input type="checkbox"/>	CONSENT AGENDA
<input type="checkbox"/>	PUBLIC HEARING
<input type="checkbox"/>	PRESENTATION
<input type="checkbox"/>	WORKSHOP

**CITY OF KIRBY
CITY COUNCIL MEETING
A G E N D A I T E M S U M M A R Y**

DATE: AUGUST 11, 2022

AGENDA ITEM: 8. n.

8. Discussion And Possible Action

Discussion And Direction On Ordinance No. O-2021-904 An Ordinance To Repeal Ordinance No. O-2005-618 And To Add A Stop Intersection North And South At Binz Engleman And Fred Haise To Schedule I Of Chapter 72 Of the Code of Ordinances

Council Member Garza requested this item.

AN ORDINANCE TO REPEAL ORDINANCE NO. O-2005-618 AND TO
ADD A STOP INTERSECTION NORTH AND SOUTH AT BINZ
ENGLEMAN AND FRED HAISE TO SCHEDULE I OF CHAPTER 72 OF
THE CODE OF ORDINANCES.

WHEREAS, Section I of Chapter 72 of the Code of Ordinances of the City of Kirby, Texas creates stop intersections at certain locations within the City; and

WHEREAS, the intersection of north and south at Binz Engleman and Fred Haise has been brought to the attention of the City Council; and

WHEREAS, the City Council believes that stop intersections north and south at Binz Engleman and Fred Haise should be added.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Kirby, Texas that:

- (1) Schedule I of Chapter 72 of the Code of Ordinances be and said Schedule I is hereby amended to add north and south at Binz Engleman and Fred Haise a stop intersection.
- (2) This ordinance shall be effective upon publication in the official newspaper of the City of Kirby once each week for two consecutive weeks after passage and approval by the City Council.

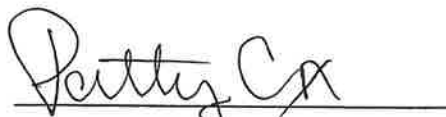
PASSED AND APPROVED ON FIRST READING, this the 14th day of October, 2021.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the 28th day of October, 2021.



Kimberly Aldrich, Mayor

ATTEST:



Patty Cox, TRMC, City Secretary

SCHEDULE "A"

FULL STOP SIGN LOCATIONS

THROUGH STREET

Ackermann Road
Ackermann Road
Ackermann Road
Ackermann Road
Ackermann Road
Ackermann Road
Ackermann Road
Ackermann Road
Ackermann Road
Ackerman Road
Ackerman Road
Allen Shepard Drive
Allen Shepard
Allen Sheppard Drive
Allen Sheppard Drive
Allen Sheppard Drive
Allen Shepard
Alen Shepard
Allen Shepard
Allen Shepard
Autumn Lane
Autumn Lane
Autumn Lane
Autumn Lane
Autumn Lane
Binz Englemann Road East
Binz Englemann Road East
Binz Englemann Road East
Bluejay Drive
Bluejay Drive
Borchers Drive
Borchers Drive
Borchers Drive
Buzz Aldrin Drive
Buzz Aldrin Drive

CROSS STREET

Binz Englemann Road
Boatman Road
Borchers Drive
Cinderella Lane
Harris Road
Kirby Elementary School Exit Driveway
Pageland Drive
Peppermint Lane
Pfiel Street
Sparkling Lane
Taube Drive
Aspen Wood Drive (#346)
Bill Anders Drive
Blue Spruce Drive (#346)
Cobb Valley (#346)
Corian Oak Drive (#346)
Dick Gordon Drive
Michael Collin Drive
Neil Armstrong Drive
Scott Carpenter
Cinderella Lane
Coral Mist Drive
Crown Lane
Kazen Drive
Petry Drive
Buzz Aldrin Drive
Crest Lane
Fred Haise Drive
Arneson Drive
Sir Robert Drive
Bluejay Drive
French Sea Drive (#313)
Telegraph Drive
Aspen Wood Drive (#346)
Bill Anders Drive

THROUGH STREET

Buzz Aldrin Drive
Buzz Aldrin Drive
Buzz Aldrin Drive
Buzz Aldrin Drive
Buzz Aldrin Drive
Buzz Aldrin Drive
Buzz Aldrin Drive
Buzz Aldrin Drive
Calico Drive
Calico Drive
Calico Drive
Calico Drive
Calico Drive
Charles Conrad Drive
Charles Conrad Drive
Charles Conrad Drive
Charles Conrad Drive
Charles Conrad Drive
Charles Conrad Drive
Charles Conrad Drive
Charles Conrad Drive
Cinderella Lane
Cinderella Lane
Crest Lane
Crest Lane
Crown Lane
Daffodil Lane
Deer Grove
Diadem
Diadem Drive
Diadem Drive
Diadem Drive
Diadem Drive
Diadem Drive
Edalyn Street
F.M. Highway 78
F.M. Highway 78
F.M. Highway 78
F.M. Highway 78
F.M. Highway 78
F.M. Highway 78
Fred Haise Drive

CROSS STREET

Blue Spruce Drive (#346)
Cinderella Lane
Cobb Valley Drive (#346)
Corian Oak Drive (#346)
Dick Gordon Drive
Explorer Drive
Michael Collilns Drive
Neil Armstrong Drive
Scott Carpenter Drive
Alan Bean (#266)
Fox Cross Drive
Gordon Cooper (#266)
Swann Lane
Tom Stafford (#266)
David Scott Drive
Ed White Drive
Frank Borman Drive
Gene Cernan Drive
John Young Drive
Rod Schaffe Drive (#295)
Thomas Paine Drive (#295)
Tom Stafford Drive
Walt Schirra Drive (#295)
Allen Shepard Drive.
Gaiety Lane
Allen Bean Drive (#288)
Gordon Cooper Drive (#288)
Crest Lane
Starburst Circle
Borchers Drive (#313)
Happiness Lane (#478)
Starfire Lane
Coral Mist Drive
Crown Lane
Kazen Lane
Redding Lane
Bauman Street
Buzz Aldrin Drive
Gibbs Sprawl Road
Jaenke Street
Otto Street
MacRae Lane
Old Seguin Road
Tom Stafford Drive

THROUGH STREET

French Sea
Gaiety Lane
Gibbs Sprawl Road
Gordon Cooper Drive
Gordon Cooper Drive
Gordon Cooper Drive
Gordon Cooper Drive
Happiness Lane
Harris Road
Hedwig Street
Hickory Hill Drive
Hoeneke Drive
Hoeneke Drive
Hoeneke Drive
Jaenke Street
Jaenke Street
James Lovell
James Lovell
Kazen Drive
Kazen Drive
Kazen Drive
Kirby Drive
Kirby Drive
Kirby Drive
Kirby Drive
Kirby Drive
Kirby Drive
Kirby Drive
Kirby Drive
Lehman Drive
Old Seguin Road
Old Seguin Road
Old Seguin Road
Old Seguin Road
Old Seguin Road
Pageland Drive
Peppermint Lane
Redding Lane
Redding Lane
Starfire Lane
Starfire Lane
Starfire Lane
Swann Lane
Swann Lane
Swann Lane

CROSS STREET

Borchers Drive
Sparkling Lane
Kirby Heights Street
Charles Conrad Drive (#508)
Fred Haise (#288)
James Webb Drive (#288)
Von Braun Drive (#288)
Crest Lane
Hoeneke Drive
Bauman Road
Taube Drive
Hickory Hill Drive
Lehman Drive
Pfiel Street
Edalyn Street
Hedwig Street
Alan Bean (#266)
Tom Stafford (#266)
Hauck Drive
Kazen Circle
Petry Drive
Autumn Lane
Daffodil Lane
Eclipse Lane
Happiness Lane (#313)
Peppermint Lane
Starfire Lane
Vinecrest Drive
Hickory Hill Drive
Ackerman Road
Charles Conrad Road
Gibbs Sprawl Road
Hoeneke Drive
MacRae Lane
Bluejay Drive
Gaiety Lane
Autumn Lane
Vinecrest Drive
Autumn Lane
Hauck Drive
Vinecrest Drive
Allen Sheppard Drive (#346)
Buzz Aldrin (#346)
Deer Grove Drive (#313)

THROUGH STREET

Swann Lane
Swann Lane
Swann Lane
Vinecrest Drive
Vinecrest Drive
Vinecrest Drive
Wheatland Drive
Wheatland Drive
Wheatland Drive
Wheatland Drive
Wheatland Drive

CROSS STREET

French Sea Drive (#313)
Scotsman Drive (#313)
Telegraph Drive
Cinderella Lane
Eclipse Lane
Velvet Lane
Boatman Road
Calico Drive
Roseville
Rutledge
Treadway Drive

THROUGH STREET

CROSS STREET

SCHEDULE "B"

FOUR WAY STOP SIGN LOCATION

Binz Engleman Road
Boatman Road
Borchers Drive
Calico Drive
Cinderella Lane
Cinderella Lane
Hickory Hill Drive
Swann Lane
Vinecrest Drive

Charles Conrad Road
Bluejay Drive
Scotsman Drive
Borchers Drive
Charles Conrad Drive
Diadem Drive
Harris Road
Crest Lane (#313)
Redding Drive (#313)

THROUGH STREET

CROSS STREET

SCHEDULE "C"

BLINKING TRAFFIC LIGHT LOCATIONS

BLINKING YELLOW

BLINKING RED

THROUGH STREET

CROSS STREET

F.M. Highway 78
F.M. Highway 78
Old Seguin Road

Gibbs Sprawl Road
Old Seguin Road
Gibbs Sprawl Road

THROUGH STREET

CROSS STREET

Schedule E – TOW AWAY ZONE

On both sides of Old Seguin Road from the east boundary of the city limits to the west boundary adjoining FM 78.

THROUGH STREET

CROSS STREET

SCHEDULE F

MULTI PURPOSE SECTION

THROUGH STREET

CROSS STREET

SCHEDULE I

(Unknown when Schedule I was created)

Add intersection of Vinecrest Drive and Cinderella Street as a stop intersection (#618)

Remove stop intersection at Vinecrest Drive at Cinderella Street (#842)

Add intersection of Swann Lane and Telegraph Street as a stop intersection (#618)

Remove intersection of Swann Lane and Telegraph Street as a stop intersection (#842)

Delete intersection of Diadem Street and Happiness as a stop intersection. (#656)

Add intersection of Kirby Drive and Cinderella Street as a stop intersection (#648)

Delete intersection of Gaiety Lane and Cinderella Street as a stop intersection (#648)

Add intersection of Duffek Drive and Ackerman Road as a stop intersection (#705)

Add intersection North and South at Binz Engleman and Fred Haise (#904)

<input checked="" type="checkbox"/>	DISCUSSION AND POSSIBLE ACTION ITEMS
<input type="checkbox"/>	SPECIAL CONSIDERATION
<input type="checkbox"/>	CONSENT AGENDA
<input type="checkbox"/>	PUBLIC HEARING
<input type="checkbox"/>	PRESENTATION
<input type="checkbox"/>	WORKSHOP

**C I T Y O F K I R B Y
C I T Y C O U N C I L M E E T I N G
A G E N D A I T E M S U M M A R Y**

DATE: AUGUST 11, 2022

AGENDA ITEM: 8. o.

8. Discussion And Possible Action

Discussion On The Policy For Allowing Contractors To Have Access To City Hall

Council Member Garza requested this item.

<input checked="" type="checkbox"/>	DISCUSSION AND POSSIBLE ACTION ITEMS
<input type="checkbox"/>	SPECIAL CONSIDERATION
<input type="checkbox"/>	CONSENT AGENDA
<input type="checkbox"/>	PUBLIC HEARING
<input type="checkbox"/>	PRESENTATION
<input type="checkbox"/>	WORKSHOP

**C I T Y O F K I R B Y
C I T Y C O U N C I L M E E T I N G
A G E N D A I T E M S U M M A R Y**

DATE: AUGUST 11, 2022

AGENDA ITEM: 8. p.

8. Discussion And Possible Action

Update And Discussion On December 2021 Customer Check Theft Incident

Council Member Garza requested this item.

<input checked="" type="checkbox"/>	DISCUSSION AND POSSIBLE ACTION ITEMS
<input type="checkbox"/>	SPECIAL CONSIDERATION
<input type="checkbox"/>	CONSENT AGENDA
<input type="checkbox"/>	PUBLIC HEARING
<input type="checkbox"/>	PRESENTATION
<input type="checkbox"/>	WORKSHOP

**C I T Y O F K I R B Y
C I T Y C O U N C I L M E E T I N G
A G E N D A I T E M S U M M A R Y**

DATE: AUGUST 11, 2022

AGENDA ITEM: 8. q.

8. Discussion And Possible Action

Discussion On The City Manager Treating Council Members The Same

Council Member Garza requested this item.