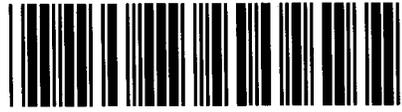




Control Number: 43132



Item Number: 20

Addendum StartPage: 0

2015 SEP 30 PM 2:15

APPLICATION OF PEACH CREEK	§	BEFORE THE STATE OFFICE
DAM AND LAKE CLUB WATER	§	
SYSTEM AND CITY OF PATTON	§	
VILLAGE FOR SALE, TRANSFER, OR	§	OF
MERGER OF FACILITIES AND	§	
CERTIFICATE OF CONVENIENCE	§	
AND NECESSITY IN MONTGOMERY	§	
COUNTY, TEXAS (37915-S)	§	ADMINISTRATIVE HEARINGS

FILING CLERK

**CITY OF PATTON VILLAGE'S
STATUS REPORT: SEPTEMBER 30, 2015**

COMES NOW, the City of Patton Village ("City"), by and through its attorney of record, and, in accordance with this Court's Order No. 3 Granting Motion to Continue Abatement files this its Status Report of September 30, 2015, would show the following:

I.

In this proceeding, the City must demonstrate adequate financial and managerial capabilities for the provision of continuous and adequate service of the Peach Creek Dam and Lake Club Water System upon acquisition of the system by the City. To accomplish this, the City applied in February 2015 for a \$350,000 Community Development Block Grant ("CDBG") from the Texas Department of Agriculture ("TDA").

The City is pleased to announce that TDA has awarded it a \$350,000 grant for the water system improvements. *See* Exhibit A, Letter of Texas Department of Agriculture (August 28, 2015). The money will be used to address the deficiencies identified in its TDA application. *See* Exhibit B, Description of Needs Addressed in this Application. As the project progresses, the

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City will draw down funding upon TDA approval from an account setup with the state comptroller's office.

Further, implementation of the project has begun. A TDA representative met recently with City Council for the agency's initial site and setup visits. It was also announced that the project contract date is October 15, 2015. *See Exhibit C, Minutes of Special Council Meeting (September 14, 2015).* The contract is for a 24-month project completion within that time period. Within the next six months, project design will be performed, environmental clearances obtained and construction will begin.

II. REQUEST FOR ADMINISTRATIVE REVIEW

The City respectfully requests that this proceeding continue with an administrative review and recommendation by Commission Staff. The City will submit all documentation necessary for said review. Following this, the City requests that this Court issue its proposal for decision for Commission consideration and administrative approval.

Attachments:

- Exhibit A: Letter of Texas Department of Agriculture (August 28, 2015)
- Exhibit B: Description of Needs Addressed in this Application
- Exhibit C: Minutes of Special Council Meeting (September 14, 2015)

DATE: September 30, 2015

Respectfully submitted,

Alan J. Bojorquez
State Bar No. 00796224

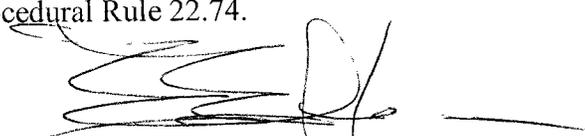


Elizabeth Elleson
State Bar No. 14865575
Attorneys for City of Patton Village

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Austin, Texas 78750
Phone: (512) 250-0411
Fax: (512) 250-0749
Elizabeth@TexasMunicipalLawyers.com

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on September 30, 2015, in accordance with P.U.C. Procedural Rule 22.74.



Elizabeth Elleson



TEXAS DEPARTMENT OF AGRICULTURE
COMMISSIONER SID MILLER

August 28, 2015

The Honorable Leah Tarrant
Mayor, City of Patton Village
16940 Main Street
Splendora, Texas 77372

Dear Mayor Tarrant:

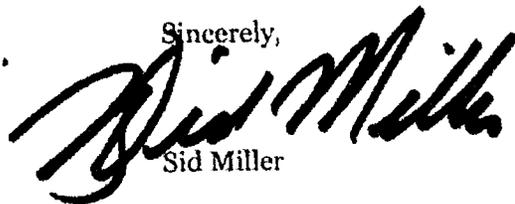
I am pleased to inform you that the Texas Department of Agriculture (TDA) has approved a Community Development Fund award for the City of Patton Village in the amount of \$350,000 for water improvements.

The contract is being drafted and should be mailed to you within the next 30 to 60 days. The contract must be signed and returned within 30 days of receipt. In addition, TDA acknowledges receipt of your pre-agreement request for administrative and engineering services in your application and approves the request. Costs incurred on or after February 27, 2015, may be considered eligible if all other federal, state, and program requirements have been met.

In an effort to ensure funds are spent in a timely manner, TDA requires any issues related to the approved project to be addressed within 90 days after the date of this award letter - (4 T.A.C. 30.31(b)). Any issues TDA brings to your attention must be addressed within this 90-day period so that the contract can be written and funding for the project can be secured.

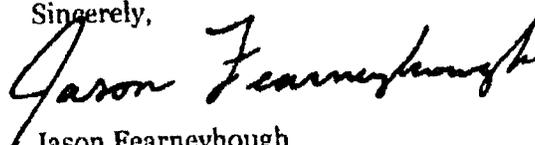
Thank you for your efforts on behalf of the citizens of rural Texas. Please feel free to contact your Contract Specialist, Cindy Miller, at (512) 936-6702 should you have questions about the award.

Sincerely,



Sid Miller

Sincerely,



Jason Fearneyhough
Deputy Commissioner

cc: The Honorable Kevin Brady
The Honorable Brandon Creighton
The Honorable Will Metcalf

Assessment Type:	Public Hearing	Assessment Date:	Jan 12, 2014
Assessment Type:	Community Survey	Assessment Date:	Jan 15, 2014
Assessment Type:	Community Meeting	Assessment Date:	Jan 12, 2015
Assessment Type:	Community Meeting	Assessment Date:	Dec 22, 2014
Assessment Type:	Community Meeting	Assessment Date:	Dec 17, 2014

DESCRIPTION OF THE NEED(S) ADDRESSED IN THIS APPLICATION

Provide a brief description of the needs addressed in this application. Identify the service(s) / problem(s) being addressed. Describe the problem(s) in terms of deficiencies.

The City of Patton Village needs to provide 76 households with First Time municipal water service for the very low income area of Peach Creek Dam and Lake Club (PCDLC neighborhood). The city needs to provide a water storage facility, updated water well, pumping capacity, new water distribution pipeline and service connections. The system needs to provide fire protection as well as sufficient levels of chlorine residuals to prevent water contamination. Finally the city needs to be able to measure and properly invoice the homes for actual water usage and track any system water loss.

Summary

The entire water system serving the PCDLC neighborhood is in severe disrepair. TCEQ has issued several citations outlining the system deficiencies. In addition to the TCEQ citations, the system's undersized lines cannot provide TCEQ levels at the minimum flow rate and pressure.

NEEDS ADDRESSED IN THIS APPLICATION

Deficiency 1. Water Storage Facility TCEQ 30 TAC Reg 290.45(b)(1)(B)(ii)
The existing antiquated tank does not provide the TCEQ required minimum storage capacity of 200 gallons per connection.

Deficiency 2. Well capacity TCEQ 30 TAC Reg 290(45) (b).
The existing well cannot produce the TCEQ required minimum capacity of 0.60 gallons per minute per residential connection.

Deficiency 3. Pressure Facility
TCEQ 30 TAC Reg 290.45(b)(1)(B)(III), 30 TAC Reg 290.43(d)(3)
The existing single service pump cannot provide the TCEQ required minimum pumping capacity of 2.0 gpm per connection and does not provide a flow rate of at least 1.5 gallons per minute per connection as required by TCEQ

Deficiency 4. Substandard Pressure and Volume TCEQ 30 TAC Reg 290.44(c)
The existing 1 1/2" and 2.0" diameter water distribution lines do not provide the TCEQ required minimum pressure and flow rate of at least 1.5 gallons per minute per connection.

Deficiency 5 Looping and chlorine residuals TCEQ 30 TAC Reg 290.110(b)(4).
The existing unlooped lines cannot provide TCEQ required minimum chlorine residuals. The dead ends lose chlorine residuals and become contaminated. Water throughout the system is vulnerable to contamination.

Deficiency 6. Meters TCEQ 30 TAC Reg 290.44(d)(4)
The existing system cannot meter water usage. The WSC cannot accurately measure water usage as required by TCEQ. Many residences do not have a water meter. The meters currently in the system do provide accurate readings.

Deficiency 7. No fire hydrants TCEQ 30 TAC Reg 290.45(x)(4)
The existing 1 1/2" and 2" water lines cannot support fire hydrants. The WSC cannot provide fire protection in compliance with TCEQ requirements.

The City needs to rebuild the existing water system to provide first time municipal water service to these low income residents

September 14, 2015

MINUTES OF SPECIAL COUNCIL MEETING

Minutes of Regular Meeting
City of Patton Village
County of Montgomery
State of Texas

On the 14th day of September, 2015, the Council of the City of Patton Village convened in an Open Session at the City Hall Building located at 16940 Main Street, Splendora, Texas, the meeting being open to the public and notice of said meeting, the date, place and subject having been posted as pursuant to the provisions of Chapter 551 of the Texas Government Code.

11:39 PM Special Session Opened

- 1. Call to Order
- 2. Invocation
- 3. Quorum Check:

Mayor Leah Tarrant	Present
Councilman Jon Whitworth	Present
Councilman James Jensen	Absent
Councilwoman Jeanne Reeves	Present
Councilman Randy LeFevre	Present
Councilman Clyde Reeves	Present

4. New Business:

A. Prior to discussion with Council at City Hall, Mayor Tarrant accompanied Kristen Lambrecht, Texas Department of Agriculture representative, to view the proposed site for the Peach Creek Dam & Lake water system which has been awarded a \$350,000 grant.

12:12 PM Session Continued at City Hall

Ms. Lambrecht took pictures of the Peach Creek site. It was determined that documentation that the TDA had needed to be revised to change Lakeview Circle to Lakeview Court. She informed the Mayor and Council they would be receiving a conference call with more details on the project, and that the contract date for the project would be October 15, 2015. Various other aspects of the project was discussed as well.

12:19 PM Special Session Closed

Sudie Dawson
City Secretary