

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989 Amended by Acts 2001, 77th Leg., ch. 345, Sec. 5, eff. Sept. 1, 2001

Sec. 395.045. APPROVAL OF LAND USE ASSUMPTIONS AND CAPITAL IMPROVEMENTS PLAN REQUIRED.

- (a) After the public hearing on the land use assumptions and capital improvements plan, the political subdivision shall determine whether to adopt or reject an ordinance, order, or resolution approving the land use assumptions and capital improvements plan.
- (b) The political subdivision, within 30 days after the date of the public hearing, shall approve or disapprove the land use assumptions and capital improvements plan.
- (c) An ordinance, order, or resolution approving the land use assumptions and capital improvements plan may not be adopted as an emergency measure.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989 Amended by Acts 2001, 77th Leg., ch. 345, Sec. 5, eff. Sept. 1, 2001.

Sec. 395.0455. SYSTEMWIDE LAND USE ASSUMPTIONS.

- (a) In lieu of adopting land use assumptions for each service area, a political subdivision may, except for storm water, drainage, flood control, and roadway facilities, adopt systemwide land use assumptions, which cover all of the area subject to the jurisdiction of the political subdivision for the purpose of imposing impact fees under this chapter.
- (b) Prior to adopting systemwide land use assumptions, a political subdivision shall follow the public notice, hearing, and other requirements for adopting land use assumptions.
- (c) After adoption of systemwide land use assumptions, a political subdivision is not required to adopt additional land use assumptions for a service area for water supply, treatment, and distribution facilities or wastewater collection and treatment facilities as a prerequisite to the adoption of a capital improvements plan or impact fee, provided the capital improvements plan and impact fee are consistent with the systemwide land use assumptions.

Added by Acts 1989, 71st Leg., ch. 566, Sec. 1(b), eff. Aug. 28, 1989.

Sec. 395.047. HEARING ON IMPACT FEE. On adoption of the land use assumptions and capital improvements plan, the governing body shall adopt an order or resolution setting a public hearing to discuss the imposition of the impact fee. The public hearing must be held by the governing body of the political subdivision to discuss the proposed ordinance, order, or resolution imposing an impact fee.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989 Amended by Acts 2001, 77th Leg., ch. 345, Sec. 5, eff. Sept. 1, 2001.

Sec. 395.049. NOTICE OF HEARING ON IMPACT FEE.

- (a) Before the 30th day before the date of the hearing on the imposition of an impact fee, the political subdivision shall send a notice of the hearing by certified mail to any person who has given written notice by certified or registered mail to the municipal secretary or other designated official of the political subdivision requesting notice of the hearing within two years preceding the date of adoption of the order or resolution setting the public hearing.
- (b) The political subdivision shall publish notice of the hearing before the 30th day before the date set for the hearing, in one or more newspapers of general circulation in each county in which the political subdivision lies. However, a river authority that is authorized elsewhere by state law to charge fees that function as impact fees may publish the required newspaper notice only in each county in which the service area lies.

(c) The notice must contain the following:

- (1) a headline to read as follows:

"NOTICE OF PUBLIC HEARING ON ADOPTION OF IMPACT FEES".

- (2) the time, date, and location of the hearing;

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(3) a statement that the purpose of the hearing is to consider the adoption of an impact fee;

(4) the amount of the proposed impact fee per service unit; and

(5) a statement that any member of the public has the right to appear at the hearing and present evidence for or against the plan and proposed fee.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989. Amended by Acts 2001, 77th Leg., ch. 345, Sec. 5, eff. Sept. 1, 2001

Sec. 395.050. ADVISORY COMMITTEE COMMENTS ON IMPACT FEES. The advisory committee created under Section 395.058 shall file its written comments on the proposed impact fees before the fifth business day before the date of the public hearing on the imposition of the fees.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989. Amended by Acts 2001, 77th Leg., ch. 345, Sec. 5, eff. Sept. 1, 2001.

Sec. 395.051. APPROVAL OF IMPACT FEE REQUIRED.

(a) The political subdivision, within 30 days after the date of the public hearing on the imposition of an impact fee, shall approve or disapprove the imposition of an impact fee.

(b) An ordinance, order, or resolution approving the imposition of an impact fee may not be adopted as an emergency measure.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989. Amended by Acts 2001, 77th Leg., ch. 345, Sec. 5, eff. Sept. 1, 2001.

Sec. 395.052. PERIODIC UPDATE OF LAND USE ASSUMPTIONS AND CAPITAL IMPROVEMENTS PLAN REQUIRED.

(a) A political subdivision imposing an impact fee shall update the land use assumptions and capital improvements plan at least every five years. The initial five-year period begins on the day the capital improvements plan is adopted.

(b) The political subdivision shall review and evaluate its current land use assumptions and shall cause an update of the capital improvements plan to be prepared in accordance with Subchapter B.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989. Amended by Acts 2001, 77th Leg., ch. 345, Sec. 6, eff. Sept. 1, 2001.

Sec. 395.053. HEARING ON UPDATED LAND USE ASSUMPTIONS AND CAPITAL IMPROVEMENTS PLAN. The governing body of the political subdivision shall, within 60 days after the date it receives the update of the land use assumptions and the capital improvements plan, adopt an order setting a public hearing to discuss and review the update and shall determine whether to amend the plan.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 395.054. HEARING ON AMENDMENTS TO LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENTS PLAN, OR IMPACT FEE. A public hearing must be held by the governing body of the political subdivision to discuss the proposed ordinance, order, or resolution amending land use assumptions, the capital improvements plan, or the impact fee. On or before the date of the first publication of the notice of the hearing on the amendments, the land use assumptions and the capital improvements plan, including the amount of any proposed amended impact fee per service unit, shall be made available to the public.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 395.055. NOTICE OF HEARING ON AMENDMENTS TO LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENTS PLAN, OR IMPACT FEE.

(a) The notice and hearing procedures prescribed by Sections 395.044(a) and (b) apply to a hearing on the amendment of land use assumptions, a capital improvements plan, or an impact fee.

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(b) The notice of a hearing under this section must contain the following:

(1) a headline to read as follows:

"NOTICE OF PUBLIC HEARING ON AMENDMENT OF IMPACT FEES"

(2) the time, date, and location of the hearing;

(3) a statement that the purpose of the hearing is to consider the amendment of land use assumptions and a capital improvements plan and the imposition of an impact fee; and

(4) a statement that any member of the public has the right to appear at the hearing and present evidence for or against the update

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989. Amended by Acts 2001, 77th Leg., ch. 345, Sec. 7, eff. Sept. 1, 2001.

Sec. 395.056. ADVISORY COMMITTEE COMMENTS ON AMENDMENTS. The advisory committee created under Section 395.058 shall file its written comments on the proposed amendments to the land use assumptions, capital improvements plan, and impact fee before the fifth business day before the date of the public hearing on the amendments.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 395.057. APPROVAL OF AMENDMENTS REQUIRED.

(a) The political subdivision, within 30 days after the date of the public hearing on the amendments, shall approve or disapprove the amendments of the land use assumptions and the capital improvements plan and modification of an impact fee.

(b) An ordinance, order, or resolution approving the amendments to the land use assumptions, the capital improvements plan, and imposition of an impact fee may not be adopted as an emergency measure.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 395.0575. DETERMINATION THAT NO UPDATE OF LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENTS PLAN OR IMPACT FEES IS NEEDED.

(a) If, at the time an update under Section 395.052 is required, the governing body determines that no change to the land use assumptions, capital improvements plan, or impact fee is needed, it may, as an alternative to the updating requirements of Sections 395.052-395.057, do the following:

(1) The governing body of the political subdivision shall, upon determining that an update is unnecessary and 60 days before publishing the final notice under this section, send notice of its determination not to update the land use assumptions, capital improvements plan, and impact fee by certified mail to any person who has, within two years preceding the date that the final notice of this matter is to be published, give written notice by certified or registered mail to the municipal secretary or other designated official of the political subdivision requesting notice of hearings related to impact fees. The notice must contain the information in Subsections (b)(2)-(5).

(2) The political subdivision shall publish notice of its determination once a week for three consecutive weeks in one or more newspapers with general circulation in each county in which the political subdivision lies. However, a river authority that is authorized elsewhere by state law to charge fees that function as impact fees may publish the required newspaper notice only in each county in which the service area lies. The notice of public hearing may not be in the part of the paper in which legal notices and classified ads appear and may not be smaller than one-quarter page of a standard-size or tabloid-size newspaper, and the headline on the notice must be in 18-point or larger type.

(b). The notice must contain the following:

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- (1) a headline to read as follows:

"NOTICE OF DETERMINATION NOT TO UPDATE LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENTS PLAN, OR IMPACT FEES";

- (2) a statement that the governing body of the political subdivision has determined that no change to the land use assumptions, capital improvements plan, or impact fee is necessary;
- (3) an easily understandable description and a map of the service area in which the updating has been determined to be unnecessary;
- (4) a statement that if, within a specified date, which date shall be at least 60 days after publication of the first notice, a person makes a written request to the designated official of the political subdivision requesting that the land use assumptions, capital improvements plan, or impact fee be updated, the governing body must comply with the request by following the requirements of Sections 395.052-395.057, and
- (5) a statement identifying the name and mailing address of the official of the political subdivision to whom a request for an update should be sent.
- (c) The advisory committee shall file its written comments on the need for updating the land use assumptions, capital improvements plans, and impact fee before the fifth business day before the earliest notice of the government's decision that no update is necessary is mailed or published.
- (d) If, by the date specified in Subsection (b)(4), a person requests in writing that the land use assumptions, capital improvements plan, or impact fee be updated, the governing body shall cause an update of the land use assumptions and capital improvements plan to be prepared in accordance with Sections 395.052-395.057.
- (e) An ordinance, order, or resolution determining the need for updating land use assumptions, a capital improvements plan, or an impact fee may not be adopted as an emergency measure.

Added by Acts 1989, 71st Leg., ch. 566, Sec. 1(d), eff. Aug. 28, 1989.

Sec. 395.058. ADVISORY COMMITTEE.

- (a) On or before the date on which the order, ordinance, or resolution is adopted under Section 395.042, the political subdivision shall appoint a capital improvements advisory committee.
- (b) The advisory committee is composed of not less than five members who shall be appointed by a majority vote of the governing body of the political subdivision. Not less than 40 percent of the membership of the advisory committee must be representatives of the real estate, development, or building industries who are not employees or officials of a political subdivision or governmental entity. If the political subdivision has a planning and zoning commission, the commission may act as the advisory committee if the commission includes at least one representative of the real estate, development, or building industry who is not an employee or official of a political subdivision or governmental entity. If no such representative is a member of the planning and zoning commission, the commission may still act as the advisory committee if at least one such representative is appointed by the political subdivision as an ad hoc voting member of the planning and zoning commission when it acts as the advisory committee. If the impact fee is to be applied in the extraterritorial jurisdiction of the political subdivision, the membership must include a representative from that area.
- (c) The advisory committee serves in an advisory capacity and is established to:
- (1) advise and assist the political subdivision in adopting land use assumptions;
 - (2) review the capital improvements plan and file written comments;
 - (3) monitor and evaluate implementation of the capital improvements plan;

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(4) file semiannual reports with respect to the progress of the capital improvements plan and report to the political subdivision any perceived inequities in implementing the plan or imposing the impact fee, and

(5) advise the political subdivision of the need to update or revise the land use assumptions, capital improvements plan, and impact fee.

(d) The political subdivision shall make available to the advisory committee any professional reports with respect to developing and implementing the capital improvements plan

(e) The governing body of the political subdivision shall adopt procedural rules for the advisory committee to follow in carrying out its duties.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

SUBCHAPTER D. OTHER PROVISIONS

Sec. 395.071. DUTIES TO BE PERFORMED WITHIN TIME LIMITS. If the governing body of the political subdivision does not perform a duty imposed under this chapter within the prescribed period, a person who has paid an impact fee or an owner of land on which an impact fee has been paid has the right to present a written request to the governing body of the political subdivision stating the nature of the unperformed duty and requesting that it be performed within 60 days after the date of the request. If the governing body of the political subdivision finds that the duty is required under this chapter and is late in being performed, it shall cause the duty to commence within 60 days after the date of the request and continue until completion.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989

Sec. 395.072. RECORDS OF HEARINGS. A record must be made of any public hearing provided for by this chapter. The record shall be maintained and be made available for public inspection by the political subdivision for at least 10 years after the date of the hearing.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989

Sec. 395.073. CUMULATIVE EFFECT OF STATE AND LOCAL RESTRICTIONS. Any state or local restrictions that apply to the imposition of an impact fee in a political subdivision where an impact fee is proposed are cumulative with the restrictions in this chapter.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 395.074. PRIOR IMPACT FEES REPLACED BY FEES UNDER THIS CHAPTER. An impact fee that is in place on June 20, 1987, must be replaced by an impact fee made under this chapter on or before June 20, 1990. However, any political subdivision having an impact fee that has not been replaced under this chapter on or before June 20, 1988, is liable to any party who, after June 20, 1988, pays an impact fee that exceeds the maximum permitted under Subchapter B by more than 10 percent for an amount equal to two times the difference between the maximum impact fee allowed and the actual impact fee imposed, plus reasonable attorney's fees and court costs

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989

Sec. 395.075. NO EFFECT ON TAXES OR OTHER CHARGES. This chapter does not prohibit, affect, or regulate any tax, fee, charge, or assessment specifically authorized by state law.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 395.076. MORATORIUM ON DEVELOPMENT PROHIBITED. A moratorium may not be placed on new development for the purpose of awaiting the completion of all or any part of the process necessary to develop, adopt, or update land use assumptions, a capital improvements plan, or an impact fee

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989 Amended by Acts 2001, 77th Leg., ch. 441, Sec. 2, eff. Sept. 1, 2001

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Sec. 395.077. APPEALS.

- (a) A person who has exhausted all administrative remedies within the political subdivision and who is aggrieved by a final decision is entitled to trial de novo under this chapter.
- (b) A suit to contest an impact fee must be filed within 90 days after the date of adoption of the ordinance, order, or resolution establishing the impact fee.
- (c) Except for roadway facilities, a person who has paid an impact fee or an owner of property on which an impact fee has been paid is entitled to specific performance of the services by the political subdivision for which the fee was paid.
- (d) This section does not require construction of a specific facility to provide the services.
- (e) Any suit must be filed in the county in which the major part of the land area of the political subdivision is located. A successful litigant shall be entitled to recover reasonable attorney's fees and court costs.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989

Sec. 395.078. SUBSTANTIAL COMPLIANCE WITH NOTICE REQUIREMENTS. An impact fee may not be held invalid because the public notice requirements were not complied with if compliance was substantial and in good faith.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 395.079. IMPACT FEE FOR STORM WATER, DRAINAGE, AND FLOOD CONTROL IN POPULOUS COUNTY.

- (a) Any county that has a population of 3.3 million or more or that borders a county with a population of 3.3 million or more, and any district or authority created under Article XVI, Section 59, of the Texas Constitution within any such county that is authorized to provide storm water, drainage, and flood control facilities, is authorized to impose impact fees to provide storm water, drainage, and flood control improvements necessary to accommodate new development.

- (b) The imposition of impact fees authorized by Subsection (a) is exempt from the requirements of Sections 395.025, 395.052-395.057, and 395.074 unless the political subdivision proposes to increase the impact fee.

- (c) Any political subdivision described by Subsection (a) is authorized to pledge or otherwise contractually obligate all or part of the impact fees to the payment of principal and interest on bonds, notes, or other obligations issued or incurred by or on behalf of the political subdivision and to the payment of any other contractual obligations.

- (d) An impact fee adopted by a political subdivision under Subsection (a) may not be reduced if:

- (1) the political subdivision has pledged or otherwise contractually obligated all or part of the impact fees to the payment of principal and interest on bonds, notes, or other obligations issued by or on behalf of the political subdivision; and
- (2) the political subdivision agrees in the pledge or contract not to reduce the impact fees during the term of the bonds, notes, or other contractual obligations.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989. Amended by Acts 2001, 77th Leg., ch. 669, Sec. 107, eff. Sept. 1, 2001.

Sec. 395.080. CHAPTER NOT APPLICABLE TO CERTAIN WATER-RELATED SPECIAL DISTRICTS.

- (a) This chapter does not apply to impact fees, charges, fees, assessments, or contributions:

- (1) paid by or charged to a district created under Article XVI, Section 59, of the Texas Constitution to another district created under that constitutional provision if both districts are required by law to obtain approval of their bonds by the Texas Natural Resource Conservation Commission; or

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(2) charged by an entity if the impact fees, charges, fees, assessments, or contributions are approved by the Texas Natural Resource Conservation Commission.

(b) Any district created under Article XVI, Section 59, or Article III, Section 52, of the Texas Constitution may petition the Texas Natural Resource Conservation Commission for approval of any proposed impact fees, charges, fees, assessments, or contributions. The commission shall adopt rules for reviewing the petition and may charge the petitioner fees adequate to cover the cost of processing and considering the petition. The rules shall require notice substantially the same as that required by this chapter for the adoption of impact fees and shall afford opportunity for all affected parties to participate.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989. Amended by Acts 1995, 74th Leg., ch. 76, Sec. 11.257, eff. Sept. 1, 1995.

Sec. 395.081. FEES FOR ADJOINING LANDOWNERS IN CERTAIN MUNICIPALITIES.

(a) This section applies only to a municipality with a population of 115,000 or less that constitutes more than three-fourths of the population of the county in which the majority of the area of the municipality is located.

(b) A municipality that has not adopted an impact fee under this chapter that is constructing a capital improvement, including sewer or waterline or drainage or roadway facilities, from the municipality to a development located within or outside the municipality's boundaries, in its discretion, may allow a landowner whose land adjoins the capital improvement or is within a specified distance from the capital improvement, as determined by the governing body of the municipality, to connect to the capital improvement if:

(1) the governing body of the municipality has adopted a finding under Subsection (c); and

(2) the landowner agrees to pay a proportional share of the cost of the capital improvement as determined by the governing body of the municipality and agreed to by the landowner.

(c) Before a municipality may allow a landowner to connect to a capital improvement under Subsection (b), the municipality shall adopt a finding that the municipality will benefit from allowing the landowner to connect to the capital improvement. The finding shall describe the benefit to be received by the municipality.

(d) A determination of the governing body of a municipality, or its officers or employees, under this section is a discretionary function of the municipality and the municipality and its officers or employees are not liable for a determination made under this section.

Added by Acts 1997, 75th Leg., ch. 1150, Sec. 1, eff. June 19, 1997.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1043, Sec. 5, eff. June 17, 2011.

Acts 2011, 82nd Leg., R.S., Ch. 1163, Sec. 100, eff. September 1, 2011.

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APPENDIX B

References

- "City of Tomball Infrastructure Master Plan and Capital Recovery Fee Determination 2002 to 2012", PBS&J, Houston, Texas, May 2002.
- "City of Tomball Infrastructure Master Plan and Impact Fee Determination 2007 to 2017", LAN, Houston, Texas, October 2008.
- "Tomball Comprehensive Plan - Vision 2030", adopted by Ordinance No. 2009-33, December 7, 2009.
- "2035 Regional Growth Forecast", Houston-Galveston Area Council.
- 2010 U.S. Census Report SF-1, City of Tomball, Texas, U.S. Census Bureau and the Texas State Data Center, 2011.
- "Subcounty Total Resident Population Estimates (Vintage 2012): April 1, 2010 to July 1, 2012", U.S. Census Bureau, released via Internet on May 23, 2013.
- "Local Grand Parkway construction upcoming...", Community Impact Newspaper, Northwest Houston Edition, Volume 4, Issue 5, January 24 - February 20, 2013.
- "Expansion of 249 moving plans for Aggie Expressway along", www.yourhoustonnews.com, by Lindsey Vaculin, posted December 19, 2012.
- "Work to begin on Hwy. 249 tollway...", Community Impact Newspaper, Northwest Houston Edition, Volume 4, Issue 9, May 16 - June 19, 2013.

APPENDIX C
Unit Cost Data

Water System Unit Cost Data			
8-inch Water Line	Unit	Unit Price	
8-inch Water Line	LF	\$ 35.00	
Fire Hydrant ⁽¹⁾	LF	\$ 6.86	
Trench Safety	LF	\$ 1.00	
Subtotal		\$ 43.00	
Augering & Roadway Repairs	20%	\$ 8.60	
Easement Acquisition	15%	\$ 6.45	
Pipeline Relocation	30%	\$ 12.90	
Contingencies	15%	\$ 6.45	
Engineering & Surveying	25%	\$ 10.75	
Total 8-inch Water Line per LF		\$ 88.00	
12-inch Water Line	Unit	Unit Price	
12-inch Water Line	LF	\$ 54.00	
Fire Hydrant ⁽¹⁾	LF	\$ 6.86	
Trench Safety	LF	\$ 1.00	
Subtotal		\$ 62.00	
Augering & Roadway Repairs	20%	\$ 12.40	
Easement Acquisition	15%	\$ 9.30	
Pipeline Relocation	30%	\$ 18.60	
Contingencies	15%	\$ 9.30	
Engineering & Surveying	25%	\$ 15.50	
Total 12-inch Water Line per LF		\$ 127.00	
(1) Assumes Fire Hydrants are spaced every 350 feet.			
Miscellaneous Items Used in Water Lines above:			
Fire Hydrant Assembly	EA	\$ 2,400.00	
Water Well Plant Estimate			
Well	Qty	Unit Cost Est	Total Cost
GST	1000 gpm	\$ 1,420.00	\$ 1,420,000.00
Boosters	400000 gal	\$ 2.50	\$ 1,000,000.00
Maintenance Bldg	1800 gpm	\$ 37.00	\$ 66,600.00
HPT	1 LS	\$ 216,000.00	\$ 216,000.00
Emer. Gen 275kW	10000 gal	\$ 4.15	\$ 41,500.00
	300 kW	\$ 300.00	\$ 90,000.00
Contingencies	15%		\$ 283,410.00
Engineering & Surveying	25%		\$ 708,525.00
			\$ 3,826,035.00

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Ex. DME-7

Sanitary Sewer Unit Cost Data			
Item	Unit	Unit Price	
8-Inch Gravity Sanitary Sewer			
8-inch Gravity Sanitary Sewer (all depths)	LF	\$ 40.00	
Sanitary Sewer Manhole(1)	LF	\$ 5.00	
Trench Safety	LF	\$ 1.00	
Subtotal		\$ 46.00	
Augering & Roadway Repairs	15%	\$ 6.90	
Easement Acquisition	15%	\$ 6.90	
Pipeline Relocation	30%	\$ 13.80	
Contingencies	15%	\$ 6.90	
Engineering & Surveying	25%	\$ 11.50	
Indirect Cost Subtotal	100%	\$ 46.00	
8-Inch Gravity Sanitary Sewer Total		\$ 92.00	
10-Inch Gravity Sanitary Sewer			
10-inch Gravity Sanitary Sewer (all depths)	LF	\$ 50.00	
Sanitary Sewer Manhole(1)	LF	\$ 5.00	
Trench Safety	LF	\$ 1.00	
Subtotal		\$ 56.00	
Indirect Cost Subtotal (2)	LF	\$ 56.00	
10-Inch Gravity Sanitary Sewer Total		\$ 112.00	
12-Inch Gravity Sanitary Sewer			
12-inch Gravity Sanitary Sewer (all depths)	LF	\$ 65.00	
Sanitary Sewer Manhole(1)	LF	\$ 5.00	
Trench Safety	LF	\$ 1.00	
Subtotal		\$ 71.00	
Indirect Cost Subtotal (2)	LF	\$ 71.00	
12-Inch Gravity Sanitary Sewer Total		\$ 142.00	
15-Inch Gravity Sanitary Sewer			
15-inch Gravity Sanitary Sewer (all depths)	LF	\$ 85.00	
Sanitary Sewer Manhole(1)	LF	\$ 5.00	
Trench Safety	LF	\$ 1.00	
Subtotal		\$ 91.00	
Indirect Cost Subtotal (2)	LF	\$ 91.00	
15-Inch Gravity Sanitary Sewer Total		\$ 182.00	
18-Inch Gravity Sanitary Sewer			
18-inch Gravity Sanitary Sewer (all depths)	LF	\$ 105.00	
Sanitary Sewer Manhole(1)	LF	\$ 5.00	
Trench Safety	LF	\$ 1.00	
Subtotal		\$ 111.00	
Indirect Cost Subtotal (2)	LF	\$ 111.00	
18-Inch Gravity Sanitary Sewer Total		\$ 222.00	

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COT1807

Ex. DME-7

Sanitary Sewer Unit Cost Data (Cont.)			
21-Inch Gravity Sanitary Sewer			
21-inch Gravity Sanitary Sewer (all depths)	LF	\$	120.00
Sanitary Sewer Manhole(1)	LF	\$	5.00
Trench Safety	LF	\$	1.00
Subtotal		\$	126.00
Indirect Cost Subtotal (2)	LF	\$	126.00
21-Inch Gravity Sanitary Sewer Total		\$	252.00
4-Inch Force Main			
4-Inch Force Main	LF	\$	25.00
Trench Safety	LF	\$	1.00
Subtotal		\$	26.00
Indirect Cost Subtotal (2)	LF	\$	26.00
4-Inch Force Main Total		\$	52.00
6-Inch Force Main			
6-Inch Force Main	LF	\$	30.00
Trench Safety	LF	\$	1.00
Subtotal		\$	31.00
Indirect Cost Subtotal (2)	LF	\$	31.00
6-Inch Force Main Total		\$	62.00
8-Inch Force Main			
8-Inch Force Main	LF	\$	35.00
Trench Safety	LF	\$	1.00
Subtotal		\$	36.00
Indirect Cost Subtotal (2)	LF	\$	36.00
8-Inch Force Main Total		\$	72.00
Miscellaneous Items Used in Sanitary Sewer Lines Above			
Sanitary Sewer Manhole	EA	\$	2,000.00
Lift Station (300-500 gpm)			
Lift Station (300-500 gpm) including contingencies	EA	\$	320,000.00
Engineering & Testing	EA	\$	80,000.00
Total		\$	400,000.00
Lift Station (1,000-1,500 gpm)			
Lift Station (1,000-1,500 gpm) including contingencies	EA	\$	440,000.00
Engineering & Testing	EA	\$	110,000.00
Total		\$	550,000.00
Lift Station (1,500-2,000 gpm)			
Lift Station (1,500-2,000 gpm) including contingencies	EA	\$	820,000.00
Engineering & Testing	EA	\$	205,000.00
Total		\$	1,025,000.00
Wastewater Treatment Plant Capacity			
Wastewater Treatment Plant Capacity incl. contig	gpd	\$	6.00
Contingencies	gpd	\$	0.50
Engineering & Testing	gpd	\$	1.50
Total per gpd		\$	8.40
(1) Manhole placed every 400 feet			
(2) Indirect cost percentages are as shown for all sizes of sanitary sewer lines and force mains. The percentages are shown in the cost data for U.S. Sanitary Sewer line.			

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Direct Testimony of David Esquivel, P.E.

COT1808

Ex. DME-7

Drainage Unit Cost Calculation		
Item	Unit	Unit Price
Drainage Ditch		
Drainage Channel Excavation (10' bottom, 12' depth, 4:1 SS)*	LF	\$ 257.78
Backslope Swale & Interceptor**	LF	\$ 56.00
Sod (160' ROW)	LF	\$ 53.33
Misc (Clearing, SWPPP, Etc)	15%	\$ 55.07
Subtotal		\$ 422.18
Contingencies	15%	\$ 63.33
Engineering & Surveying	25%	\$ 105.54
Indirect Cost Subtotal	40%	\$ 168.87
Drainage Ditch Total		\$ 691.05

* Excavation Haul Off Assumed
 ** 250 ft spacing

Detention Unit Cost Calculation		
Item	Unit	Unit Price
Detention Facility		
Detention Excavation (12' depth, 4:1 SS)*	Acre-Ft	\$16,130.00
Backslope Swale & Interceptor**	Acre-Ft	\$ 583.33
Sod	Acre-Ft	\$ 440.00
Misc (Clearing, SWPPP, Etc)	15%	\$ 2,573.00
Subtotal		\$19,726.33
Contingencies	15%	\$ 2,958.95
Engineering & Surveying	25%	\$ 4,931.58
Indirect Cost Subtotal	40%	\$ 7,890.53
Detention Facility Total		\$27,616.87

* Excavation Haul Off Assumed
 ** 250 ft spacing

Unit Cost Data		
Item	Unit	Unit Price
Mobilization		4%
SWPPP		2.5%
Excavation - Haul Off	CY	\$ 10.00
Backslope Swale	Ea	\$ 6,000.00
Backslope Interceptor	LF	\$ 4.00
Sod	SY	\$ 3.00
Sod	Acre	\$ 4,840.00
Clearing & Grubbing	Acre	\$ 5,000.00

APPENDIX D Maximum Capital Recovery Fee Determination Spreadsheets

Water System Capital Improvements Construction Costs per LUE, 2012 to 2022

Total Connections in City Only, 2012 = 6,679 LUE
 Total Projected Connections in City & ETJ, 2022 = 7,874 LUE
 Total Projected Additional Connections = 1,195 LUE

Component	Outstanding Capital Cost	LUE Capacity	Cost Basis per LUE	New LUE's Served from 2012 to 2022	Cost Distribution 2012 to 2022	Total Capital Cost per LUE 2012 to 2022
<u>Facilities constructed with 2007 CIP⁽¹⁾</u>						
Distribution Lines	\$535,900	7,874	\$68.06	1,195	\$81,331	
Water Wells	\$4,491,570	1,667	\$2,694.94	979	\$2,638,348	
<u>Proposed Facilities with 2012 CIP</u>						
Water Well	\$1,420,000	1,667	\$852.00	216	\$184,032	
Ground Storage Tanks	\$1,000,000	2,000	\$500.00	216	\$108,000	
Booster Pumps	\$66,600	1,667	\$39.96	216	\$8,631	
Facility (Bldg, H-Tank & Generator)	\$347,500	1,667	\$208.50	216	\$45,036	
WP Engineering, Surveying & Contingencies	\$991,935	1,667	\$595.16	216	\$128,555	
Distribution Lines	\$13,223,100	7,874	\$1,679.34	1,195	\$2,006,808	
Water (1/3 2012-2022 CIP Preparation Fees)					\$50,333	
Total				1,195	\$5,251,075	\$4,394.20

(1) Existing facility costs are from Tomball staff.

Wastewater System Capital Improvements Construction Costs per LUE, 2012 to 2022

Total Connections in City Only, 2012 = 6,679 LUE
 Total Projected Connections in City & ETJ, 2022 = 7,874 LUE
 Total Projected Additional Connections = 1,195 LUE

Component	Outstanding Bond Principal	Outstanding Capital Cost	LUE Capacity	Cost Basis per LUE	New LUE's Served from 2012 to 2022	Cost Distribution 2012 to 2022	Total Capital Cost per LUE 2012 to 2022
<u>Facilities constructed with 1996 & 1999 CIP⁽¹⁾</u>							
South Wastewater Treatment Plant	\$2,465,000		3,333	\$739.50	753	\$556,733	
<u>Facilities constructed with 2002 CIP⁽¹⁾</u>							
Trunklines		\$4,263,701	7,874	\$541.49	1,195	\$647,082	
<u>Facilities constructed with 2007 CIP⁽¹⁾</u>							
Trunk Lines 2007 CIP		\$888,503	7,874	\$112.84	1,195	\$134,844	
<u>Proposed Facilities with 2012CIP</u>							
Lift Stations 2012 CIP		\$1,350,000	6,804	\$198.41	1,195	\$237,098	
Trunk Lines 2012 CIP		\$13,495,200	7,874	\$1,713.89	1,195	\$2,048,103	
Water (1/3 2012-2022 CIP Preparation Fees)						<u>\$50,333</u>	
Total					1,195	\$3,674,193	\$3,074.64

(1) Existing Facility costs from Tomball staff. Costs shown are outstanding bond amounts.
 (2) Buildout to WWTP's maximum capacities.

Drainage System Capital Improvements Construction Costs per Acre, 2012 to 2022												
HCPCD Channel No.	Construction Project	Estimated Improvement Costs	Collected Funds ¹	2012 Assessable Improvement Costs ²	Total Basin Area Served (Acres)	Existing City of Tomball 2012 Development ³	Estimated Floodway Acreage	Areas outside City and ETJ	Net Acreage to Bear Fee	1/3 2012-2022 CIP Fees per Usage Acre ⁴	Capital Cost Basis per Acre	Total Cost Basis per Acre
J131 ⁴	Detention & Conveyance	\$0	\$0	\$0	3,156	57	18	387	3,156		\$0.00	
J132 ⁴	Channel	\$0	\$0	\$0	250	57	4	0	250	\$ -	\$0.00	
J133 ⁴	Channel	\$0	\$0	\$0	500	57	9	0	500	\$ -	\$0.00	
M116 ⁴	Channel	\$0	\$0	\$0	1,575	57	0	550	1,575		\$0.00	
M118	N of EDC Project	\$2,423,300										
M118	EDC Project	\$1,359,412										
M118	S of Holderlyth + Detention	\$1,730,741										
		\$5,573,454	\$0	\$5,573,454	732	57	51	0	732	\$ -	\$7,614.01	\$ 7,622.23
M121 East	Channel	\$2,216,433										
M121 East	Detention	\$4,335,848										
		\$6,552,281	(\$9,591)	\$6,561,872	629	170	27	0	629	\$ -	\$10,432.23	\$ 10,440.46
M121 West	Channel	\$1,448,070										
M121 West	Channel	\$2,807,482										
M121 West	Detention	\$5,937,626										
		\$10,193,178	(\$92,485)	\$10,275,664	1,161	225	49	0	1,161	\$ -	\$8,850.70	\$ 8,858.92
M124 ⁴	Channel	\$2,364,196		\$2,364,196								
M124	Channel	\$26,377,589		\$26,377,589								
M124	Detention	\$21,818,344		\$21,818,344								
		\$50,560,129	\$0	\$50,560,129	2,930	373	100	877	2,930	\$ -	\$17,256.02	\$ 17,264.24
M125	Detention	\$543,805	(\$40,431)	\$584,237	675	373	14	19	675	\$ -	\$865.54	\$ 873.76
(1) Existing Facility costs from Tomball staff based on outstanding bond amounts, plus Proposed Facilities estimates, including engineering & contingencies												
(2) Limited to Proposed Facility construction estimates, including engineering & contingencies when no improvements exist												
(3) Existing Areas previously assessed impact fees												
(4) The current CIP does not include channel or detention construction within the next ten years due to funding constraints												

(1) Existing Facility costs from Tomball staff based on outstanding bond amounts, plus Proposed Facilities estimates, including engineering & contingencies

(2) Limited to Proposed Facility construction estimates, including engineering & contingencies when no improvements exist

(3) Existing Areas previously assessed impact fees

(4) The current CIP does not include channel or detention construction within the next ten years due to funding constraints

(5) (1/3 2012-2022 CIP) Fee Dispersed by acreage for M118, M121, & M125

Projected Cost of Implementing the CIP

Component	Capital Cost per LUE 2012 to 2022	Estimated Bond Soft Costs per LUE ⁽¹⁾	Estimated Total Bond Amount per LUE	Interest per LUE ⁽²⁾	Total Debt Service per LUE
Water	\$4,394.20	\$351.54	\$4,745.74	\$1,893.00	\$6,638.74
Wastewater	\$3,074.64	\$245.97	\$3,320.61	\$1,324.54	\$4,645.15
Drainage Service Area	Capital Cost per Acre 2012 to 2022	Estimated Bond Soft Costs	Estimated Bond Amount per Acre ⁽¹⁾	Interest per Acre ⁽²⁾	Total Debt Service per Acre
J131	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
J132	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
J133	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
M116	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
M118	\$7,622.23	\$609.78	\$8,232.01	\$3,283.61	\$11,515.62
M121E	\$10,440.45	\$835.24	\$11,275.69	\$4,497.69	\$15,773.37
M121W	\$8,858.92	\$708.71	\$9,567.63	\$3,816.37	\$13,384.01
M124	\$17,264.24	\$1,381.14	\$18,645.38	\$7,437.34	\$26,082.71
M125	\$873.76	\$0.00	\$0.00	\$0.00	\$873.76

(1) Assumes a bond soft costs of 8.0%

(2) Assumes an interest rate of 3.5% and 40 semi-annual payments

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**Capital Improvement Plan Debt Service Credit and
Maximum Impact Fees**

Component	Total Debt Service per LUE	Debt Service Credit per LUE (1)	Maximum Impact Fee per LUE
Water	\$6,638.74	\$3,319.37	\$3,319.37
Wastewater	\$4,645.15	\$2,322.57	\$2,322.57
Drainage Service Area	Total Debt Service per Acre	Debt Service Credit per Acre (1)	Maximum Impact Fee per Acre
J131	\$0.00	\$0.00	\$0.00
J132	\$0.00	\$0.00	\$0.00
J133	\$0.00	\$0.00	\$0.00
M116	\$0.00	\$0.00	\$0.00
M118	\$11,515.62	\$5,757.81	\$5,757.81
M121E	\$15,773.37	\$7,886.69	\$7,886.69
M121W	\$13,384.01	\$6,692.00	\$6,692.00
M124	\$26,082.71	\$13,041.36	\$13,041.36
M125	\$873.76	\$436.88	\$436.88

(1) Credit equal to 50% of the total projected cost of implementing the CIP.

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Maximum Impact Fee for Various Types and Sizes of Water Meters					
Meter Type	Meter Size	Living Unit Equivalent (LUE)	Water Impact Fee by Meter Size	Wastewater Impact Fee by Meter Size	Total Impact Fee by Meter Size
Simple	3/4"	1.0	\$ 3,319.37	\$ 2,322.57	\$ 5,641.94
Simple	1"	2.5	\$ 8,298.42	\$ 5,806.43	\$ 14,104.86
Simple	1-1/2"	5.0	\$ 16,596.85	\$ 11,612.87	\$ 28,209.71
Compound Turbine	2"	8.0	\$ 26,554.96	\$ 18,580.58	\$ 45,135.54
Compound Turbine	2"	10.0	\$ 33,193.70	\$ 23,225.73	\$ 56,419.43
Compound Turbine	3"	16.0	\$ 53,109.92	\$ 37,161.17	\$ 90,271.09
Compound Turbine	3"	24.0	\$ 79,664.88	\$ 55,741.75	\$ 135,406.63
Compound Turbine	4"	25.0	\$ 82,984.25	\$ 58,064.33	\$ 141,048.57
Compound Turbine	4"	42.0	\$ 139,413.53	\$ 97,548.07	\$ 236,961.60
Compound Turbine	6"	50.0	\$ 165,968.49	\$ 116,128.65	\$ 282,097.14
Compound Turbine	6"	92.0	\$ 305,382.02	\$ 213,676.72	\$ 519,058.74
Compound Turbine	8"	80.0	\$ 265,549.58	\$ 185,805.84	\$ 451,355.43
Compound Turbine	8"	160.0	\$ 531,099.17	\$ 371,611.68	\$ 902,710.85
Compound Turbine	10"	115.0	\$ 381,727.53	\$ 267,095.90	\$ 648,823.42
Compound Turbine	10"	250.0	\$ 829,842.45	\$ 580,643.25	\$ 1,410,485.70
Compound Turbine	12"	330.0	\$ 1,095,392.04	\$ 766,449.09	\$ 1,861,841.13

LUE is determined on the basis of the American Water Works Association (AWWA) standards C700-09, C701-12, and C702-10 recommended maximum rate for continuous duty flow of the meter, purchased at the sale of tap based on the Uniform Plumbing Code meter size and type.

Disposition of Collected Impact Fees

Water Impact Fees Collected and Interest Earnings as of 12/31/12

Water System Improvements, completed from 1996 CIP

1. 12" water main along Zion Road from Ulrich to Neal St.
2. 12" water main along SH 249 from Brown to Baker
3. 12" water main along S. Cherry from Agg to Theis
4. 12" water main along Theis from S. Cherry to SH 249
5. 2000 gpm water well

Total

<u>Amount</u>	<u>Wells</u>	<u>EST</u>	<u>Water lines</u>
\$2,460,861			
\$97,200			\$97,200
\$50,000			\$50,000
\$210,600			\$210,600
\$194,499			\$194,499
\$600,000	\$600,000		
\$1,152,299	\$600,000	\$0	\$552,299

Water System Improvements, completed from 1999 CIP

1. 12" water main along FM 2920 from Lowes to Calvert
2. 750,000 gallon elevated storage tank
3. 6" parallel water main on Graham and Holderreith

Total

<u>Amount</u>	<u>Wells</u>	<u>EST</u>	<u>Water lines</u>
\$54,810			\$54,810
\$1,200,000		\$1,200,000	
\$124,981			\$124,981
\$1,379,791	\$0	\$1,200,000	\$179,791

Total Water System Improvements from 1996 and 1999 CIP

<u>Amount</u>	<u>Wells</u>	<u>EST</u>	<u>Water lines</u>
\$2,532,090	\$600,000	\$1,200,000	\$732,090

Water System Improvements, completed from 2002 CIP

1. 12" Water main on SH 249 from Theis to Holderreith
2. 12" Water main on Holderreith from School St ext. to SH 249
3. 12" Water main on Holderreith from School St ext. to Cherry
4. 12" Water main on Holderreith from S. Cherry to Hufsmith-Korhville
5. 12" Water main along S. Cherry from Theis to Holderreith
6. 12" Water main along Brown Rd to E. Hufsmith Extension
7. 8" Water main along Johnson Rd from Michel to shopping center
8. 12" Water main along Hufsmith-Korhville from FM 2920 to Holderreith
9. Install 1200 gpm pump at Baker St. well
10. 12" Water main along Alice Rd from SH 249 to SH 249 Bypass
11. 12" Water main along FM 2920 from Persimmon to ETJ
12. 8" Water main on Willow St from Carrell to Texas

Total

<u>Amount</u>	<u>Wells</u>	<u>EST</u>	<u>Water lines</u>
\$172,800			\$172,800
\$86,400			\$86,400
\$103,680			\$103,680
\$311,040			\$311,040
\$164,160			\$164,160
\$216,000			\$216,000
\$37,260			\$37,260
\$492,480			\$492,480
\$270,000	\$270,000		
\$86,400			\$86,400
\$181,440			\$181,440
\$34,155			\$34,155
\$2,155,815	\$270,000	\$0	\$1,885,815

Water System Improvements, completed from 2007 CIP

1. 8-Inch Water Line along the Future Michel Road extension from Commercial Park Drive to

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<u>Amount</u>	<u>Wells</u>	<u>EST</u>	<u>Water lines</u>
\$796			\$796

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School Street					
2. 12-inch Water Line along Quinn Road from Baker Drive to Inwood Street	\$195,978				\$195,978
3. 12-inch Water Line along Future Brown-Hufsmith Road from SH 249 to Quinn Road	\$407,486				\$407,486
4. 12-inch Water Line along Tomball Cemetery Road North of 2920 (Private Funding)	\$0				
5. 12-inch Water Line along Future Brown-Hufsmith Road from Quinn Road to Baker Drive	\$126,058				\$126,058
6. Water Line Extension on Mechanic Street	\$20,878				\$20,878
7. Water Wells 5 and 6/Plant	\$4,491,570	\$4,491,570			
Total	\$5,242,766	\$4,491,570	\$0		\$751,196
Not 50% Funded by Impact fee as of 12/13/2012	\$5,045,993	\$4,491,570	\$0		\$554,422
Less Impact Fee Balance	-\$18,522	0			-\$18,522
Remaining to be paid by Impact fees	\$5,027,471	\$4,491,570			\$535,900

Wastewater Impact Fees Collected and Interest Earnings as of 12/31/12
Balance as of 3/31/2008

	\$2,600,215				
	\$83,046				

	<u>Amount</u>	<u>N. WWTP</u>	<u>S. WWTP</u>	<u>Trunklines</u>
<u>Wastewater System Improvements, completed from 1996 CIP</u>				
1. 10" gravity sewer along SH 249 from McCoy's to FM 2920	\$103,200			\$103,200
2. 10" gravity sewer along Hooper from Bypass to SH 249	\$50,000			\$50,000
3. 10" gravity sewer along Hirschfield from SH 249 to Bypass	\$40,000			\$40,000
4. 1.5 MGD Wastewater Treatment Plant	\$6,117,000		\$6,117,000	
Total	\$6,310,200	\$0	\$6,117,000	\$193,200

Wastewater System Improvements, completed from 1999 CIP

1. 10" gravity line along FM 2920: Kroger to City Limit	\$14,144			\$14,144
2. 12" gravity line along FM 2920: City Limit to Calvert	\$151,948			\$151,948
3. 10" gravity line along Hirschfield: SH 249 and bypass	\$56,253			\$56,253
4. Temporary Lift Station at Calvert FM 2920	\$80,000			\$80,000
5. 6" force main along FM 2920 from temporary Lift Station to gravity sewer at Sh 249	\$39,387			\$39,387
6. 18" gravity trunk along Cherry from McPhail to Agg Road	\$127,374			\$127,374
7. 21" gravity trunk along Cherry from Agg to Theis	\$120,745			\$120,745
8. 24" gravity trunk along Cherry from Theis to Holderreith	\$305,597			\$305,597
9. 27" gravity trunk along Cherry from Holderreith to WWTP	\$158,165			\$158,165
10. 18" gravity line along Theis from LS to Cherry	\$83,278			\$83,278
11. Abandon Theis Lift Station	\$360			\$360
Total	\$1,137,251	\$0	\$0	\$1,137,251

Total Wastewater System Imp from 1996 and 1999 CIP

	\$7,447,451	\$0	\$6,117,000	\$1,330,451
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Wastewater System Improvements, completed from 2002 CIP

	<u>Amount</u>	<u>N. WWTP</u>	<u>S. WWTP</u>	<u>Trunklines</u>
1. (8) 12" gravity line along W. Hufsmith from Quinn Ext to SH 249	\$164,160			\$164,160
2. (10) 18" gravity line along FM 2920 from Calvert to Park St	\$228,960			\$228,960
3. (11) 6" force main from Temp Lift Station at Park/FM 2920 to Calvert	\$73,440			\$73,440
4. (12) 12" gravity line along FM 2920 from Park Rd to Tomball Cem. Rd	\$145,935			\$145,935
5. (14) Temp Lift Station at FM 2920 and Park Rd	\$107,933			\$107,933
6. (16) 10" gravity line on SH 249 from Hirschfield Rd to Alice Rd	\$64,800			\$64,800
7. (17) 21" gravity line on SH 249 from Alice Rd to Holderreith Rd	\$528,255			\$528,255
8. (18) 18" gravity line on Alice Rd from SH 249 Bypass to SH 249	\$128,790			\$128,790
9. (19) 30" gravity line on Holderreith Ext west of SH 249	\$79,488			\$79,488
10. (20) 30" gravity line on Holderreith from SH 249 and S. WWTP	\$864,000			\$864,000
11. (25) 8" gravity line along Johnson	\$40,500			\$40,500
12. (28) Abandon Cherry St Lift Station	\$13,500			\$13,500
13. (29) 27" gravity line on Holderreith from S. WWTP Trunk Line to BNRR	\$577,800			\$577,800
14. (30) 27" gravity line on Holderreith from BNRR to Hufsmith-Kohrville Rd	\$288,900			\$288,900
15. (31) 24" gravity line on Hufsmith-Kohrville Rd from Holderreith to Sutton Ln	\$790,560			\$790,560
16. (32) 18" gravity line on Hufsmith-Kohrville Rd from Sutton Ln to FM 2920	\$357,750			\$357,750
Total	\$4,454,771	\$0	\$0	\$4,454,771
Not 50% Funded by Impact fee as of 12/13/2012	\$4,290,611			\$4,290,611
Less Impact Fee Balance	-\$26,910			-\$26,910
Remaining to be paid by Impact fees	\$4,263,701			\$4,263,701

Wastewater System Improvements, completed from 2007 CIP

1. 10-inch Gravity Sanitary Sewer along Future Brown-Hufsmith Road from SH 249 to Quinn Road	\$329,227			\$329,227
2. 12-inch Gravity Sanitary Sewer along Tomball Cementary Road (Private Funding)	\$0			\$0
3. 8-inch Gravity Sanitary Sewer along Future Brown-Hufsmith Road from Quinn Road to Baker Drive	\$88,565			\$88,565
4. 8" gravity line on Mechanic Street	\$4,378			\$4,378
5. Tomball Hills Lift Station	\$466,333			\$466,333
Total	\$888,503	\$0	\$0	\$888,503

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APPENDIX A

TEXAS LOCAL GOVERNMENT CODE CHAPTER 395

The following requirements, extracted from the Texas Local Government Code Chapter 395, were utilized for preparation of this report.

TITLE 12. PLANNING AND DEVELOPMENT

SUBTITLE C. PLANNING AND DEVELOPMENT PROVISIONS APPLYING TO MORE THAN ONE TYPE OF LOCAL GOVERNMENT

CHAPTER 395. FINANCING CAPITAL IMPROVEMENTS REQUIRED BY NEW DEVELOPMENT IN MUNICIPALITIES, COUNTIES, AND CERTAIN OTHER LOCAL GOVERNMENTS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 395.001. DEFINITIONS. In this chapter:

(1) "Capital improvement" means any of the following facilities that have a life expectancy of three or more years and are owned and operated by or on behalf of a political subdivision:

(A) water supply, treatment, and distribution facilities; wastewater collection and treatment facilities; and storm water, drainage, and flood control facilities, whether or not they are located within the service area; and

(B) roadway facilities.

(2) "Capital improvements plan" means a plan required by this chapter that identifies capital improvements or facility expansions for which impact fees may be assessed.

(3) "Facility expansion" means the expansion of the capacity of an existing facility that serves the same function as an otherwise necessary new capital improvement, in order that the existing facility may serve new development. The term does not include the repair, maintenance, modernization, or expansion of an existing facility to better serve existing development

(4) "Impact fee" means a charge or assessment imposed by a political subdivision against new development in order to generate revenue for funding or recouping the costs of capital improvements or facility expansions necessitated by and attributable to the new development. The term includes amortized charges, lump-sum charges, capital recovery fees, contributions in aid of construction, and any other fee that functions as described by this definition. The term does not include:

(A) dedication of land for public parks or payment in lieu of the dedication to serve park needs,

(B) dedication of rights-of-way or easements or construction or dedication of on-site or off-site water distribution, wastewater collection or drainage facilities, or streets, sidewalks, or curbs if the dedication or construction is required by a valid ordinance and is necessitated by and attributable to the new development;

(C) lot or acreage fees to be placed in trust funds for the purpose of reimbursing developers for oversizing or constructing water or sewer mains or lines; or

(D) other pro rata fees for reimbursement of water or sewer mains or lines extended by the political subdivision.

However, an item included in the capital improvements plan may not be required to be constructed except in accordance with Section 395.019(2), and an owner may not be required to construct or dedicate facilities and to pay impact fees for those facilities.

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- (5) "Land use assumptions" includes a description of the service area and projections of changes in land uses, densities, intensities, and population in the service area over at least a 10-year period.
- (6) "New development" means the subdivision of land, the construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure; or any use or extension of the use of land, any of which increases the number of service units.
- (7) "Political subdivision" means a municipality; a district or authority created under Article III, Section 52, or Article XVI, Section 59, of the Texas Constitution, or, for the purposes set forth by Section 395.079, certain counties described by that section.
- (8) "Roadway facilities" means arterial or collector streets or roads that have been designated on an officially adopted roadway plan of the political subdivision, together with all necessary appurtenances. The term includes the political subdivision's share of costs for roadways and associated improvements designated on the federal or Texas highway system, including local matching funds and costs related to utility line relocation and the establishment of curbs, gutters, sidewalks, drainage appurtenances, and rights-of-way.
- (9) "Service area" means the area within the corporate boundaries or extraterritorial jurisdiction, as determined under Chapter 42, of the political subdivision to be served by the capital improvements or facilities expansions specified in the capital improvements plan, except roadway facilities and storm water, drainage, and flood control facilities. The service area, for the purposes of this chapter, may include all or part of the land within the political subdivision or its extraterritorial jurisdiction, except for roadway facilities and storm water, drainage, and flood control facilities. For roadway facilities, the service area is limited to an area within the corporate boundaries of the political subdivision and shall not exceed six miles. For storm water, drainage, and flood control facilities, the service area may include all or part of the land within the political subdivision or its extraterritorial jurisdiction, but shall not exceed the area actually served by the storm water, drainage, and flood control facilities designated in the capital improvements plan and shall not extend across watershed boundaries.
- (10) "Service unit" means a standardized measure of consumption, use, generation, or discharge attributable to an individual unit of development calculated in accordance with generally accepted engineering or planning standards and based on historical data and trends applicable to the political subdivision in which the individual unit of development is located during the previous 10 years.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989. Amended by Acts 1989, 71st Leg., ch. 566, Sec. 1(e), eff. Aug. 28, 1989; Acts 2001, 77th Leg., ch. 345, Sec. 1, eff. Sept. 1, 2001.

SUBCHAPTER B. AUTHORIZATION OF IMPACT FEE

Sec. 395.011. AUTHORIZATION OF FEE.

- (a) Unless otherwise specifically authorized by state law or this chapter, a governmental entity or political subdivision may not enact or impose an impact fee.
- (b) Political subdivisions may enact or impose impact fees on land within their corporate boundaries or extraterritorial jurisdictions only by complying with this chapter, except that impact fees may not be enacted or imposed in the extraterritorial jurisdiction for roadway facilities.
- (c) A municipality may contract to provide capital improvements, except roadway facilities, to an area outside its corporate boundaries and extraterritorial jurisdiction and may charge an impact fee under the contract, but if an impact fee is charged in that area, the municipality must comply with this chapter.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 395.012. ITEMS PAYABLE BY FEE.

- (a) An impact fee may be imposed only to pay the costs of constructing capital improvements or facility expansions, including and limited to the:

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- (1) construction contract price;
 - (2) surveying and engineering fees;
 - (3) land acquisition costs, including land purchases, court awards and costs, attorney's fees, and expert witness fees; and
 - (4) fees actually paid or contracted to be paid to an independent qualified engineer or financial consultant preparing or updating the capital improvements plan who is not an employee of the political subdivision.
- (b) Projected interest charges and other finance costs may be included in determining the amount of impact fees only if the impact fees are used for the payment of principal and interest on bonds, notes, or other obligations issued by or on behalf of the political subdivision to finance the capital improvements or facility expansions identified in the capital improvements plan and are not used to reimburse bond funds expended for facilities that are not identified in the capital improvements plan.
- (c) Notwithstanding any other provision of this chapter, the Edwards Underground Water District or a river authority that is authorized elsewhere by state law to charge fees that function as impact fees may use impact fees to pay a staff engineer who prepares or updates a capital improvements plan under this chapter.
- (d) A municipality may pledge an impact fee as security for the payment of debt service on a bond, note, or other obligation issued to finance a capital improvement or public facility expansion if
- (1) the improvement or expansion is identified in a capital improvements plan; and
 - (2) at the time of the pledge, the governing body of the municipality certifies in a written order, ordinance, or resolution that none of the impact fee will be used or expended for an improvement or expansion not identified in the plan.
- (e) A certification under Subsection (d)(2) is sufficient evidence that an impact fee pledged will not be used or expended for an improvement or expansion that is not identified in the capital improvements plan.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989. Amended by Acts 1995, 74th Leg., ch. 90, Sec. 1, eff. May 16, 1995.

Sec. 395.013. ITEMS NOT PAYABLE BY FEE. Impact fees may not be adopted or used to pay for:

- (1) construction, acquisition, or expansion of public facilities or assets other than capital improvements or facility expansions identified in the capital improvements plan,
- (2) repair, operation, or maintenance of existing or new capital improvements or facility expansions;
- (3) upgrading, updating, expanding, or replacing existing capital improvements to serve existing development in order to meet stricter safety, efficiency, environmental, or regulatory standards;
- (4) upgrading, updating, expanding, or replacing existing capital improvements to provide better service to existing development;
- (5) administrative and operating costs of the political subdivision, except the Edwards Underground Water District or a river authority that is authorized elsewhere by state law to charge fees that function as impact fees may use impact fees to pay its administrative and operating costs,
- (6) principal payments and interest or other finance charges on bonds or other indebtedness, except as allowed by Section 395.012.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 395.014. CAPITAL IMPROVEMENTS PLAN.

(a) The political subdivision shall use qualified professionals to prepare the capital improvements plan and to calculate the impact fee. The capital improvements plan must contain specific enumeration of the following items:

- (1) a description of the existing capital improvements within the service area and the costs to upgrade, update, improve, expand, or replace the improvements to meet existing needs and usage and stricter safety, efficiency, environmental, or regulatory standards, which shall be prepared by a qualified professional engineer licensed to perform the professional engineering services in this state;
 - (2) an analysis of the total capacity, the level of current usage, and commitments for usage of capacity of the existing capital improvements, which shall be prepared by a qualified professional engineer licensed to perform the professional engineering services in this state;
 - (3) a description of all or the parts of the capital improvements or facility expansions and their costs necessitated by and attributable to new development in the service area based on the approved land use assumptions, which shall be prepared by a qualified professional engineer licensed to perform the professional engineering services in this state;
 - (4) a definitive table establishing the specific level or quantity of use, consumption, generation, or discharge of a service unit for each category of capital improvements or facility expansions and an equivalency or conversion table establishing the ratio of a service unit to various types of land uses, including residential, commercial, and industrial;
 - (5) the total number of projected service units necessitated by and attributable to new development within the service area based on the approved land use assumptions and calculated in accordance with generally accepted engineering or planning criteria;
 - (6) the projected demand for capital improvements or facility expansions required by new service units projected over a reasonable period of time, not to exceed 10 years; and
 - (7) a plan for awarding:
 - (A) a credit for the portion of ad valorem tax and utility service revenues generated by new service units during the program period that is used for the payment of improvements, including the payment of debt, that are included in the capital improvements plan, or
 - (B) in the alternative, a credit equal to 50 percent of the total projected cost of implementing the capital improvements plan.
- (b) The analysis required by Subsection (a)(3) may be prepared on a systemwide basis within the service area for each major category of capital improvement or facility expansion for the designated service area.
- (c) The governing body of the political subdivision is responsible for supervising the implementation of the capital improvements plan in a timely manner.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989 Amended by Acts 2001, 77th Leg., ch. 345, Sec. 2, eff. Sept. 1, 2001.

Sec. 395.015. MAXIMUM FEE PER SERVICE UNIT.

- (a) The impact fee per service unit may not exceed the amount determined by subtracting the amount in Section 395.014(a)(7) from the costs of the capital improvements described by Section 395.014(a)(3) and dividing that amount by the total number of projected service units described by Section 395.014(a)(5).

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- (b) If the number of new service units projected over a reasonable period of time is less than the total number of new service units shown by the approved land use assumptions at full development of the service area, the maximum impact fee per service unit shall be calculated by dividing the costs of the part of the capital improvements necessitated by and attributable to projected new service units described by Section 395.014(a)(6) by the projected new service units described in that section.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989. Amended by Acts 2001, 77th Leg., ch. 345, Sec. 3, eff. Sept. 1, 2001.

Sec. 395.016. TIME FOR ASSESSMENT AND COLLECTION OF FEE.

- (a) This subsection applies only to impact fees adopted and land platted before June 20, 1987. For land that has been platted in accordance with Subchapter A, Chapter 212, or the subdivision or platting procedures of a political subdivision before June 20, 1987, or land on which new development occurs or is proposed without platting, the political subdivision may assess the impact fees at any time during the development approval and building process. Except as provided by Section 395.019, the political subdivision may collect the fees at either the time of recordation of the subdivision plat or connection to the political subdivision's water or sewer system or at the time the political subdivision issues either the building permit or the certificate of occupancy.
- (b) This subsection applies only to impact fees adopted before June 20, 1987, and land platted after that date. For new development which is platted in accordance with Subchapter A, Chapter 212, or the subdivision or platting procedures of a political subdivision after June 20, 1987, the political subdivision may assess the impact fees before or at the time of recordation. Except as provided by Section 395.019, the political subdivision may collect the fees at either the time of recordation of the subdivision plat or connection to the political subdivision's water or sewer system or at the time the political subdivision issues either the building permit or the certificate of occupancy.
- (c) This subsection applies only to impact fees adopted after June 20, 1987. For new development which is platted in accordance with Subchapter A, Chapter 212, or the subdivision or platting procedures of a political subdivision before the adoption of an impact fee, an impact fee may not be collected on any service unit for which a valid building permit is issued within one year after the date of adoption of the impact fee.
- (d) This subsection applies only to land platted in accordance with Subchapter A, Chapter 212, or the subdivision or platting procedures of a political subdivision after adoption of an impact fee adopted after June 20, 1987. The political subdivision shall assess the impact fees before or at the time of recordation of a subdivision plat or other plat under Subchapter A, Chapter 212, or the subdivision or platting ordinance or procedures of any political subdivision in the official records of the county clerk of the county in which the tract is located. Except as provided by Section 395.019, if the political subdivision has water and wastewater capacity available:
- (1) the political subdivision shall collect the fees at the time the political subdivision issues a building permit;
 - (2) for land platted outside the corporate boundaries of a municipality, the municipality shall collect the fees at the time an application for an individual meter connection to the municipality's water or wastewater system is filed; or
 - (3) a political subdivision that lacks authority to issue building permits in the area where the impact fee applies shall collect the fees at the time an application is filed for an individual meter connection to the political subdivision's water or wastewater system.
- (e) For land on which new development occurs or is proposed to occur without platting, the political subdivision may assess the impact fees at any time during the development and building process and may collect the fees at either the time of recordation of the subdivision plat or connection to the political subdivision's water or sewer system or at the time the political subdivision issues either the building permit or the certificate of occupancy.
- (f) An "assessment" means a determination of the amount of the impact fee in effect on the date of occurrence provided in this section and is the maximum amount that can be charged per service unit of such development. No specific act by the political subdivision is required.
- (g) Notwithstanding Subsections (a)-(e) and Section 395.017, the political subdivision may reduce or waive an impact fee for any service unit that would qualify as affordable housing under 42 U.S.C. Section 12745, as amended, once the service unit is constructed. If affordable housing as defined by 42 U.S.C. Section 12745, as amended, is not

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constructed, the political subdivision may reverse its decision to waive or reduce the impact fee, and the political subdivision may assess an impact fee at any time during the development approval or building process or after the building process if an impact fee was not already assessed.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989. Amended by Acts 1997, 75th Leg., ch. 980, Sec. 52, eff. Sept. 1, 1997; Acts 2001, 77th Leg., ch. 345, Sec. 4, eff. Sept. 1, 2001.

Sec. 395.017. ADDITIONAL FEE PROHIBITED; EXCEPTION. After assessment of the impact fees attributable to the new development or execution of an agreement for payment of impact fees, additional impact fees or increases in fees may not be assessed against the tract for any reason unless the number of service units to be developed on the tract increases. In the event of the increase in the number of service units, the impact fees to be imposed are limited to the amount attributable to the additional service units.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 395.018. AGREEMENT WITH OWNER REGARDING PAYMENT. A political subdivision is authorized to enter into an agreement with the owner of a tract of land for which the plat has been recorded providing for the time and method of payment of the impact fees.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 395.019. COLLECTION OF FEES IF SERVICES NOT AVAILABLE. Except for roadway facilities, impact fees may be assessed but may not be collected in areas where services are not currently available unless:

- (1) the collection is made to pay for a capital improvement or facility expansion that has been identified in the capital improvements plan and the political subdivision commits to commence construction within two years, under duly awarded and executed contracts or commitments of staff time covering substantially all of the work required to provide service, and to have the service available within a reasonable period of time considering the type of capital improvement or facility expansion to be constructed, but in no event longer than five years;
- (2) the political subdivision agrees that the owner of a new development may construct or finance the capital improvements or facility expansions and agrees that the costs incurred or funds advanced will be credited against the impact fees otherwise due from the new development or agrees to reimburse the owner for such costs from impact fees paid from other new developments that will use such capital improvements or facility expansions, which fees shall be collected and reimbursed to the owner at the time the other new development records its plat; or
- (3) an owner voluntarily requests the political subdivision to reserve capacity to serve future development, and the political subdivision and owner enter into a valid written agreement.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 395.020. ENTITLEMENT TO SERVICES. Any new development for which an impact fee has been paid is entitled to the permanent use and benefit of the services for which the fee was exacted and is entitled to receive immediate service from any existing facilities with actual capacity to serve the new service units, subject to compliance with other valid regulations.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 395.021. AUTHORITY OF POLITICAL SUBDIVISIONS TO SPEND FUNDS TO REDUCE FEES. Political subdivisions may spend funds from any lawful source to pay for all or a part of the capital improvements or facility expansions to reduce the amount of impact fees.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 395.022. AUTHORITY OF POLITICAL SUBDIVISION TO PAY FEES. (a) Political subdivisions and other governmental entities may pay impact fees imposed under this chapter.

(b) A school district is not required to pay impact fees imposed under this chapter unless the board of trustees of the district consents to the payment of the fees by entering a contract with the political subdivision that imposes the fees. The contract may contain terms the board of trustees considers advisable to provide for the payment of the fees.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 250, Sec. 1, eff. May 25, 2007.

Sec. 395.023. CREDITS AGAINST ROADWAY FACILITIES FEES. Any construction of, contributions to, or dedications of off-site roadway facilities agreed to or required by a political subdivision as a condition of development approval shall be credited against roadway facilities impact fees otherwise due from the development.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 395.024. ACCOUNTING FOR FEES AND INTEREST.

(a) The order, ordinance, or resolution levying an impact fee must provide that all funds collected through the adoption of an impact fee shall be deposited in interest-bearing accounts clearly identifying the category of capital improvements or facility expansions within the service area for which the fee was adopted.

(b) Interest earned on impact fees is considered funds of the account on which it is earned and is subject to all restrictions placed on use of impact fees under this chapter.

(c) Impact fee funds may be spent only for the purposes for which the impact fee was imposed as shown by the capital improvements plan and as authorized by this chapter.

(d) The records of the accounts into which impact fees are deposited shall be open for public inspection and copying during ordinary business hours.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 395.025. REFUNDS.

(a) On the request of an owner of the property on which an impact fee has been paid, the political subdivision shall refund the impact fee if existing facilities are available and service is denied or the political subdivision has, after collecting the fee when service was not available, failed to commence construction within two years or service is not available within a reasonable period considering the type of capital improvement or facility expansion to be constructed, but in no event later than five years from the date of payment under Section 395.019(1).

(b) Repealed by Acts 2001, 77th Leg., ch. 345, Sec. 9, eff. Sept. 1, 2001.

(c) The political subdivision shall refund any impact fee or part of it that is not spent as authorized by this chapter within 10 years after the date of payment.

(d) Any refund shall bear interest calculated from the date of collection to the date of refund at the statutory rate as set forth in Section 302.002, Finance Code, or its successor statute.

(e) All refunds shall be made to the record owner of the property at the time the refund is paid. However, if the impact fees were paid by another political subdivision or governmental entity, payment shall be made to the political subdivision or governmental entity.

(f) The owner of the property on which an impact fee has been paid or another political subdivision or governmental entity that paid the impact fee has standing to sue for a refund under this section.

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Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989. Amended by Acts 1997, 75th Leg., ch. 1396, Sec. 37, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 62, Sec. 7.82, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 345, Sec. 9, eff. Sept. 1, 2001.

SUBCHAPTER C. PROCEDURES FOR ADOPTION OF IMPACT FEE

Sec. 395.041. COMPLIANCE WITH PROCEDURES REQUIRED. Except as otherwise provided by this chapter, a political subdivision must comply with this subchapter to levy an impact fee.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989

Sec. 395.0411. CAPITAL IMPROVEMENTS PLAN. The political subdivision shall provide for a capital improvements plan to be developed by qualified professionals using generally accepted engineering and planning practices in accordance with Section 395.014.

Added by Acts 2001, 77th Leg., ch. 345, Sec. 5, eff. Sept. 1, 2001.

Sec. 395.042. HEARING ON LAND USE ASSUMPTIONS AND CAPITAL IMPROVEMENTS PLAN. To impose an impact fee, a political subdivision must adopt an order, ordinance, or resolution establishing a public hearing date to consider the land use assumptions and capital improvements plan for the designated service area.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989. Amended by Acts 2001, 77th Leg., ch. 345, Sec. 5, eff. Sept. 1, 2001.

Sec. 395.043. INFORMATION ABOUT LAND USE ASSUMPTIONS AND CAPITAL IMPROVEMENTS PLAN AVAILABLE TO PUBLIC. On or before the date of the first publication of the notice of the hearing on the land use assumptions and capital improvements plan, the political subdivision shall make available to the public its land use assumptions, the time period of the projections, and a description of the capital improvement facilities that may be proposed.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989. Amended by Acts 2001, 77th Leg., ch. 345, Sec. 5, eff. Sept. 1, 2001.

Sec. 395.044. NOTICE OF HEARING ON LAND USE ASSUMPTIONS AND CAPITAL IMPROVEMENTS PLAN.

- (a) Before the 30th day before the date of the hearing on the land use assumptions and capital improvements plan, the political subdivision shall send a notice of the hearing by certified mail to any person who has given written notice by certified or registered mail to the municipal secretary or other designated official of the political subdivision requesting notice of the hearing within two years preceding the date of adoption of the order, ordinance, or resolution setting the public hearing.
- (b) The political subdivision shall publish notice of the hearing before the 30th day before the date set for the hearing, in one or more newspapers of general circulation in each county in which the political subdivision lies. However, a river authority that is authorized elsewhere by state law to charge fees that function as impact fees may publish the required newspaper notice only in each county in which the service area lies.

(c) The notice must contain:

- (1) a headline to read as follows:

"NOTICE OF PUBLIC HEARING ON LAND USE ASSUMPTIONS AND CAPITAL IMPROVEMENTS PLAN RELATING TO POSSIBLE ADOPTION OF IMPACT FEES"

- (2) the time, date, and location of the hearing;
- (3) a statement that the purpose of the hearing is to consider the land use assumptions and capital improvements plan under which an impact fee may be imposed; and
- (4) a statement that any member of the public has the right to appear at the hearing and present evidence for or against the land use assumptions and capital improvements plan

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Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989. Amended by Acts 2001, 77th Leg., ch. 345, Sec. 5, eff. Sept. 1, 2001.

Sec. 395.045. APPROVAL OF LAND USE ASSUMPTIONS AND CAPITAL IMPROVEMENTS PLAN REQUIRED.

- (a) After the public hearing on the land use assumptions and capital improvements plan, the political subdivision shall determine whether to adopt or reject an ordinance, order, or resolution approving the land use assumptions and capital improvements plan.
- (b) The political subdivision, within 30 days after the date of the public hearing, shall approve or disapprove the land use assumptions and capital improvements plan.
- (c) An ordinance, order, or resolution approving the land use assumptions and capital improvements plan may not be adopted as an emergency measure.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989. Amended by Acts 2001, 77th Leg., ch. 345, Sec. 5, eff. Sept. 1, 2001.

Sec. 395.0455. SYSTEMWIDE LAND USE ASSUMPTIONS.

- (a) In lieu of adopting land use assumptions for each service area, a political subdivision may, except for storm water, drainage, flood control, and roadway facilities, adopt systemwide land use assumptions, which cover all of the area subject to the jurisdiction of the political subdivision for the purpose of imposing impact fees under this chapter.
- (b) Prior to adopting systemwide land use assumptions, a political subdivision shall follow the public notice, hearing, and other requirements for adopting land use assumptions.
- (c) After adoption of systemwide land use assumptions, a political subdivision is not required to adopt additional land use assumptions for a service area for water supply, treatment, and distribution facilities or wastewater collection and treatment facilities as a prerequisite to the adoption of a capital improvements plan or impact fee, provided the capital improvements plan and impact fee are consistent with the systemwide land use assumptions.

Added by Acts 1989, 71st Leg., ch. 566, Sec. 1(b), eff. Aug. 28, 1989.

Sec. 395.047. HEARING ON IMPACT FEE. On adoption of the land use assumptions and capital improvements plan, the governing body shall adopt an order or resolution setting a public hearing to discuss the imposition of the impact fee. The public hearing must be held by the governing body of the political subdivision to discuss the proposed ordinance, order, or resolution imposing an impact fee.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989. Amended by Acts 2001, 77th Leg., ch. 345, Sec. 5, eff. Sept. 1, 2001.

Sec. 395.049. NOTICE OF HEARING ON IMPACT FEE.

- (a) Before the 30th day before the date of the hearing on the imposition of an impact fee, the political subdivision shall send a notice of the hearing by certified mail to any person who has given written notice by certified or registered mail to the municipal secretary or other designated official of the political subdivision requesting notice of the hearing within two years preceding the date of adoption of the order or resolution setting the public hearing.
- (b) The political subdivision shall publish notice of the hearing before the 30th day before the date set for the hearing, in one or more newspapers of general circulation in each county in which the political subdivision lies. However, a river authority that is authorized elsewhere by state law to charge fees that function as impact fees may publish the required newspaper notice only in each county in which the service area lies.
- (c) The notice must contain the following:
 - (1) a headline to read as follows:

"NOTICE OF PUBLIC HEARING ON ADOPTION OF IMPACT FEES"

- (2) the time, date, and location of the hearing;

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(3) a statement that the purpose of the hearing is to consider the adoption of an impact fee;

(4) the amount of the proposed impact fee per service unit; and

(5) a statement that any member of the public has the right to appear at the hearing and present evidence for or against the plan and proposed fee.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989. Amended by Acts 2001, 77th Leg., ch. 345, Sec. 5, eff. Sept. 1, 2001.

Sec. 395.050. ADVISORY COMMITTEE COMMENTS ON IMPACT FEES. The advisory committee created under Section 395.058 shall file its written comments on the proposed impact fees before the fifth business day before the date of the public hearing on the imposition of the fees.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989. Amended by Acts 2001, 77th Leg., ch. 345, Sec. 5, eff. Sept. 1, 2001.

Sec. 395.051. APPROVAL OF IMPACT FEE REQUIRED.

(a) The political subdivision, within 30 days after the date of the public hearing on the imposition of an impact fee, shall approve or disapprove the imposition of an impact fee.

(b) An ordinance, order, or resolution approving the imposition of an impact fee may not be adopted as an emergency measure.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989. Amended by Acts 2001, 77th Leg., ch. 345, Sec. 5, eff. Sept. 1, 2001.

Sec. 395.052. PERIODIC UPDATE OF LAND USE ASSUMPTIONS AND CAPITAL IMPROVEMENTS PLAN REQUIRED.

(a) A political subdivision imposing an impact fee shall update the land use assumptions and capital improvements plan at least every five years. The initial five-year period begins on the day the capital improvements plan is adopted.

(b) The political subdivision shall review and evaluate its current land use assumptions and shall cause an update of the capital improvements plan to be prepared in accordance with Subchapter B.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989. Amended by Acts 2001, 77th Leg., ch. 345, Sec. 6, eff. Sept. 1, 2001.

Sec. 395.053. HEARING ON UPDATED LAND USE ASSUMPTIONS AND CAPITAL IMPROVEMENTS PLAN. The governing body of the political subdivision shall, within 60 days after the date it receives the update of the land use assumptions and the capital improvements plan, adopt an order setting a public hearing to discuss and review the update and shall determine whether to amend the plan.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 395.054. HEARING ON AMENDMENTS TO LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENTS PLAN, OR IMPACT FEE. A public hearing must be held by the governing body of the political subdivision to discuss the proposed ordinance, order, or resolution amending land use assumptions, the capital improvements plan, or the impact fee. On or before the date of the first publication of the notice of the hearing on the amendments, the land use assumptions and the capital improvements plan, including the amount of any proposed amended impact fee per service unit, shall be made available to the public.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 395.055. NOTICE OF HEARING ON AMENDMENTS TO LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENTS PLAN, OR IMPACT FEE.

(a) The notice and hearing procedures prescribed by Sections 395.044(a) and (b) apply to a hearing on the amendment of land use assumptions, a capital improvements plan, or an impact fee.

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(b) The notice of a hearing under this section must contain the following.

(1) a headline to read as follows:

"NOTICE OF PUBLIC HEARING ON AMENDMENT OF IMPACT FEES"

(2) the time, date, and location of the hearing;

(3) a statement that the purpose of the hearing is to consider the amendment of land use assumptions and a capital improvements plan and the imposition of an impact fee; and

(4) a statement that any member of the public has the right to appear at the hearing and present evidence for or against the update.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989. Amended by Acts 2001, 77th Leg., ch. 345, Sec. 7, eff. Sept. 1, 2001.

Sec. 395.056. ADVISORY COMMITTEE COMMENTS ON AMENDMENTS. The advisory committee created under Section 395.058 shall file its written comments on the proposed amendments to the land use assumptions, capital improvements plan, and impact fee before the fifth business day before the date of the public hearing on the amendments.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 395.057. APPROVAL OF AMENDMENTS REQUIRED.

(a) The political subdivision, within 30 days after the date of the public hearing on the amendments, shall approve or disapprove the amendments of the land use assumptions and the capital improvements plan and modification of an impact fee.

(b) An ordinance, order, or resolution approving the amendments to the land use assumptions, the capital improvements plan, and imposition of an impact fee may not be adopted as an emergency measure.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 395.0575. DETERMINATION THAT NO UPDATE OF LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENTS PLAN OR IMPACT FEES IS NEEDED.

(a) If, at the time an update under Section 395.052 is required, the governing body determines that no change to the land use assumptions, capital improvements plan, or impact fee is needed, it may, as an alternative to the updating requirements of Sections 395.052-395.057, do the following:

(1) The governing body of the political subdivision shall, upon determining that an update is unnecessary and 60 days before publishing the final notice under this section, send notice of its determination not to update the land use assumptions, capital improvements plan, and impact fee by certified mail to any person who has, within two years preceding the date that the final notice of this matter is to be published, give written notice by certified or registered mail to the municipal secretary or other designated official of the political subdivision requesting notice of hearings related to impact fees. The notice must contain the information in Subsections (b)(2)-(5).

(2) The political subdivision shall publish notice of its determination once a week for three consecutive weeks in one or more newspapers with general circulation in each county in which the political subdivision lies. However, a river authority that is authorized elsewhere by state law to charge fees that function as impact fees may publish the required newspaper notice only in each county in which the service area lies. The notice of public hearing may not be in the part of the paper in which legal notices and classified ads appear and may not be smaller than one-quarter page of a standard-size or tabloid-size newspaper, and the headline on the notice must be in 18-point or larger type.

(b) The notice must contain the following:

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(1) a headline to read as follows

"NOTICE OF DETERMINATION NOT TO UPDATE LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENTS PLAN, OR IMPACT FEES";

- (2) a statement that the governing body of the political subdivision has determined that no change to the land use assumptions, capital improvements plan, or impact fee is necessary;
- (3) an easily understandable description and a map of the service area in which the updating has been determined to be unnecessary;
- (4) a statement that if, within a specified date, which date shall be at least 60 days after publication of the first notice, a person makes a written request to the designated official of the political subdivision requesting that the land use assumptions, capital improvements plan, or impact fee be updated, the governing body must comply with the request by following the requirements of Sections 395.052-395.057, and
- (5) a statement identifying the name and mailing address of the official of the political subdivision to whom a request for an update should be sent.
- (c) The advisory committee shall file its written comments on the need for updating the land use assumptions, capital improvements plans, and impact fee before the fifth business day before the earliest notice of the government's decision that no update is necessary is mailed or published
- (d) if, by the date specified in Subsection (b)(4), a person requests in writing that the land use assumptions, capital improvements plan, or impact fee be updated, the governing body shall cause an update of the land use assumptions and capital improvements plan to be prepared in accordance with Sections 395.052-395.057.
- (e) An ordinance, order, or resolution determining the need for updating land use assumptions, a capital improvements plan, or an impact fee may not be adopted as an emergency measure.

Added by Acts 1989, 71st Leg., ch. 566, Sec. 1(d), eff. Aug. 28, 1989.

Sec. 395.058. ADVISORY COMMITTEE.

- (a) On or before the date on which the order, ordinance, or resolution is adopted under Section 395.042, the political subdivision shall appoint a capital improvements advisory committee.
- (b) The advisory committee is composed of not less than five members who shall be appointed by a majority vote of the governing body of the political subdivision. Not less than 40 percent of the membership of the advisory committee must be representatives of the real estate, development, or building industries who are not employees or officials of a political subdivision or governmental entity. If the political subdivision has a planning and zoning commission, the commission may act as the advisory committee if the commission includes at least one representative of the real estate, development, or building industry who is not an employee or official of a political subdivision or governmental entity. If no such representative is a member of the planning and zoning commission, the commission may still act as the advisory committee if at least one such representative is appointed by the political subdivision as an ad hoc voting member of the planning and zoning commission when it acts as the advisory committee. If the impact fee is to be applied in the extraterritorial jurisdiction of the political subdivision, the membership must include a representative from that area.
- (c) The advisory committee serves in an advisory capacity and is established to:
- (1) advise and assist the political subdivision in adopting land use assumptions;
 - (2) review the capital improvements plan and file written comments;
 - (3) monitor and evaluate implementation of the capital improvements plan;

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(4) file semiannual reports with respect to the progress of the capital improvements plan and report to the political subdivision any perceived inequities in implementing the plan or imposing the impact fee, and

(5) advise the political subdivision of the need to update or revise the land use assumptions, capital improvements plan, and impact fee.

(d) The political subdivision shall make available to the advisory committee any professional reports with respect to developing and implementing the capital improvements plan.

(e) The governing body of the political subdivision shall adopt procedural rules for the advisory committee to follow in carrying out its duties.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

SUBCHAPTER D. OTHER PROVISIONS

Sec. 395.071. DUTIES TO BE PERFORMED WITHIN TIME LIMITS. If the governing body of the political subdivision does not perform a duty imposed under this chapter within the prescribed period, a person who has paid an impact fee or an owner of land on which an impact fee has been paid has the right to present a written request to the governing body of the political subdivision stating the nature of the unperformed duty and requesting that it be performed within 60 days after the date of the request. If the governing body of the political subdivision finds that the duty is required under this chapter and is late in being performed, it shall cause the duty to commence within 60 days after the date of the request and continue until completion.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 395.072. RECORDS OF HEARINGS. A record must be made of any public hearing provided for by this chapter. The record shall be maintained and be made available for public inspection by the political subdivision for at least 10 years after the date of the hearing

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989

Sec. 395.073. CUMULATIVE EFFECT OF STATE AND LOCAL RESTRICTIONS. Any state or local restrictions that apply to the imposition of an impact fee in a political subdivision where an impact fee is proposed are cumulative with the restrictions in this chapter.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 395.074. PRIOR IMPACT FEES REPLACED BY FEES UNDER THIS CHAPTER. An impact fee that is in place on June 20, 1987, must be replaced by an impact fee made under this chapter on or before June 20, 1990. However, any political subdivision having an impact fee that has not been replaced under this chapter on or before June 20, 1988, is liable to any party who, after June 20, 1988, pays an impact fee that exceeds the maximum permitted under Subchapter B by more than 10 percent for an amount equal to two times the difference between the maximum impact fee allowed and the actual impact fee imposed, plus reasonable attorney's fees and court costs.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989

Sec. 395.075. NO EFFECT ON TAXES OR OTHER CHARGES. This chapter does not prohibit, affect, or regulate any tax, fee, charge, or assessment specifically authorized by state law.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 395.076. MORATORIUM ON DEVELOPMENT PROHIBITED. A moratorium may not be placed on new development for the purpose of awaiting the completion of all or any part of the process necessary to develop, adopt, or update land use assumptions, a capital improvements plan, or an impact fee

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989. Amended by Acts 2001, 77th Leg., ch. 441, Sec. 2, eff. Sept. 1, 2001.

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Sec. 395.077. APPEALS.

- (a) A person who has exhausted all administrative remedies within the political subdivision and who is aggrieved by a final decision is entitled to trial de novo under this chapter.
- (b) A suit to contest an impact fee must be filed within 90 days after the date of adoption of the ordinance, order, or resolution establishing the impact fee.
- (c) Except for roadway facilities, a person who has paid an impact fee or an owner of property on which an impact fee has been paid is entitled to specific performance of the services by the political subdivision for which the fee was paid.
- (d) This section does not require construction of a specific facility to provide the services.
- (e) Any suit must be filed in the county in which the major part of the land area of the political subdivision is located. A successful litigant shall be entitled to recover reasonable attorney's fees and court costs.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 395.078. SUBSTANTIAL COMPLIANCE WITH NOTICE REQUIREMENTS. An impact fee may not be held invalid because the public notice requirements were not complied with if compliance was substantial and in good faith.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 395.079. IMPACT FEE FOR STORM WATER, DRAINAGE, AND FLOOD CONTROL IN POPULOUS COUNTY.

- (a) Any county that has a population of 3.3 million or more or that borders a county with a population of 3.3 million or more, and any district or authority created under Article XVI, Section 59, of the Texas Constitution within any such county that is authorized to provide storm water, drainage, and flood control facilities, is authorized to impose impact fees to provide storm water, drainage, and flood control improvements necessary to accommodate new development.

- (b) The imposition of impact fees authorized by Subsection (a) is exempt from the requirements of Sections 395.025, 395.052-395.057, and 395.074, unless the political subdivision proposes to increase the impact fee.

- (c) Any political subdivision described by Subsection (a) is authorized to pledge or otherwise contractually obligate all or part of the impact fees to the payment of principal and interest on bonds, notes, or other obligations issued or incurred by or on behalf of the political subdivision and to the payment of any other contractual obligations.

- (d) An impact fee adopted by a political subdivision under Subsection (a) may not be reduced if

- (1) the political subdivision has pledged or otherwise contractually obligated all or part of the impact fees to the payment of principal and interest on bonds, notes, or other obligations issued by or on behalf of the political subdivision; and
- (2) the political subdivision agrees in the pledge or contract not to reduce the impact fees during the term of the bonds, notes, or other contractual obligations.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989. Amended by Acts 2001, 77th Leg., ch. 669, Sec. 107, eff. Sept. 1, 2001.

Sec. 395.080. CHAPTER NOT APPLICABLE TO CERTAIN WATER-RELATED SPECIAL DISTRICTS.

- (a) This chapter does not apply to impact fees, charges, fees, assessments, or contributions:

- (1) paid by or charged to a district created under Article XVI, Section 59, of the Texas Constitution to another district created under that constitutional provision if both districts are required by law to obtain approval of their bonds by the Texas Natural Resource Conservation Commission; or

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(2) charged by an entity if the impact fees, charges, fees, assessments, or contributions are approved by the Texas Natural Resource Conservation Commission.

(b) Any district created under Article XVI, Section 59, or Article III, Section 52, of the Texas Constitution may petition the Texas Natural Resource Conservation Commission for approval of any proposed impact fees, charges, fees, assessments, or contributions. The commission shall adopt rules for reviewing the petition and may charge the petitioner fees adequate to cover the cost of processing and considering the petition. The rules shall require notice substantially the same as that required by this chapter for the adoption of impact fees and shall afford opportunity for all affected parties to participate.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989. Amended by Acts 1995, 74th Leg., ch. 76, Sec. 11.257, eff. Sept. 1, 1995.

Sec. 395.081. FEES FOR ADJOINING LANDOWNERS IN CERTAIN MUNICIPALITIES.

(a) This section applies only to a municipality with a population of 115,000 or less that constitutes more than three-fourths of the population of the county in which the majority of the area of the municipality is located.

(b) A municipality that has not adopted an impact fee under this chapter that is constructing a capital improvement, including sewer or waterline or drainage or roadway facilities, from the municipality to a development located within or outside the municipality's boundaries, in its discretion, may allow a landowner whose land adjoins the capital improvement or is within a specified distance from the capital improvement, as determined by the governing body of the municipality, to connect to the capital improvement if:

(1) the governing body of the municipality has adopted a finding under Subsection (c); and

(2) the landowner agrees to pay a proportional share of the cost of the capital improvement as determined by the governing body of the municipality and agreed to by the landowner.

(c) Before a municipality may allow a landowner to connect to a capital improvement under Subsection (b), the municipality shall adopt a finding that the municipality will benefit from allowing the landowner to connect to the capital improvement. The finding shall describe the benefit to be received by the municipality.

(d) A determination of the governing body of a municipality, or its officers or employees, under this section is a discretionary function of the municipality and the municipality and its officers or employees are not liable for a determination made under this section.

Added by Acts 1997, 75th Leg., ch. 1150, Sec. 1, eff. June 19, 1997.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1043, Sec. 5, eff. June 17, 2011.

Acts 2011, 82nd Leg., R.S., Ch. 1163, Sec. 100, eff. September 1, 2011.

APPENDIX B

References

- "City of Tomball Infrastructure Master Plan and Capital Recovery Fee Determination 2002 to 2012", PBS&J, Houston, Texas, May 2002.
- "City of Tomball Infrastructure Master Plan and Impact Fee Determination 2007 to 2017", LAN, Houston, Texas, October 2008.
- "Tomball Comprehensive Plan - Vision 2030", adopted by Ordinance No. 2009-33, December 7, 2009.
- "2035 Regional Growth Forecast", Houston-Galveston Area Council
- 2010 U.S. Census Report SF-1, City of Tomball, Texas, U.S. Census Bureau and the Texas State Data Center, 2011.
- "Subcounty Total Resident Population Estimates (Vintage 2012): April 1, 2010 to July 1, 2012", U.S. Census Bureau, released via Internet on May 23, 2013.
- "Local Grand Parkway construction upcoming...", Community Impact Newspaper, Northwest Houston Edition, Volume 4, Issue 5, January 24 – February 20, 2013.
- "Expansion of 249 moving plans for Aggie Expressway along", www.yourhoustonnews.com, by Lindsey Vaculin, posted December 19, 2012.
- "Work to begin on Hwy. 249 tollway...", Community Impact Newspaper, Northwest Houston Edition, Volume 4, Issue 9, May 16 – June 19, 2013.

APPENDIX C
Unit Cost Data

Water System Unit Cost Data				
8-inch Water Line		Unit	Unit Price	
8-inch Water Line		LF	\$ 35.00	
Fire Hydrant ⁽¹⁾		LF	\$ 6.86	
Trench Safety		LF	\$ 1.00	
Subtotal			\$ 43.00	
Augering & Roadway Repairs	20%	LF	\$ 8.60	
Easement Acquisition	15%	LF	\$ 6.45	
Pipeline Relocation	30%	LF	\$ 12.90	
Contingencies	15%	LF	\$ 6.45	
Engineering & Surveying	25%	LF	\$ 10.75	
Total 8-inch Water Line per LF			\$ 88.00	
12-inch Water Line		Unit	Unit Price	
12-inch Water Line		LF	\$ 54.00	
Fire Hydrant ⁽¹⁾		LF	\$ 6.86	
Trench Safety		LF	\$ 1.00	
Subtotal			\$ 62.00	
Augering & Roadway Repairs	20%	LF	\$ 12.40	
Easement Acquisition	15%	LF	\$ 9.30	
Pipeline Relocation	30%	LF	\$ 18.60	
Contingencies	15%	LF	\$ 9.30	
Engineering & Surveying	25%	LF	\$ 15.50	
Total 12-inch Water Line per LF			\$ 127.00	
(1) Assumes Fire Hydrants are spaced every 350 feet				
Miscellaneous Items Used in Water Lines above				
Fire Hydrant Assembly		EA	\$ 2,400.00	
Water Well Plant Estimate				
Well	Qty	Unit Cost Est	Total Cost	
GST	1000 gpm	\$ 1,420.00	\$ 1,420,000.00	
Boosters	400000 gal	\$ 2.50	\$ 1,000,000.00	
Maintenance Bldg	1800 gpm	\$ 37.00	\$ 66,600.00	
HPT	1 LS	\$ 216,000.00	\$ 216,000.00	
Emer. Gen 275kW	10000 gal	\$ 4.15	\$ 41,500.00	
	300 kW	\$ 300.00	\$ 90,000.00	
			\$ 2,834,100.00	
Contingencies	15%		\$ 283,410.00	
Engineering & Surveying	25%		\$ 708,525.00	
			\$ 3,826,035.00	

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COT1835

Ex. DME-7

Sanitary Sewer Unit Cost Data			
Item	Unit	Unit Price	
8-Inch Gravity Sanitary Sewer			
8-inch Gravity Sanitary Sewer (all depths)	LF	\$ 40.00	
Sanitary Sewer Manhole(1)	LF	\$ 5.00	
Trench Safety	LE	\$ 1.00	
Subtotal		\$ 46.00	
Augering & Roadway Repairs	15%	\$ 6.90	
Easement Acquisition	15%	\$ 6.90	
Pipeline Relocation	30%	\$ 13.80	
Contingencies	15%	\$ 6.90	
Engineering & Surveying	25%	\$ 11.50	
Indirect Cost Subtotal	100%	\$ 46.00	
8-Inch Gravity Sanitary Sewer Total		\$ 92.00	
10-Inch Gravity Sanitary Sewer			
10-inch Gravity Sanitary Sewer (all depths)	LF	\$ 50.00	
Sanitary Sewer Manhole(1)	LF	\$ 5.00	
Trench Safety	LF	\$ 1.00	
Subtotal		\$ 56.00	
Indirect Cost Subtotal (2)	LF	\$ 56.00	
10-Inch Gravity Sanitary Sewer Total		\$ 112.00	
12-Inch Gravity Sanitary Sewer			
12-inch Gravity Sanitary Sewer (all depths)	LF	\$ 65.00	
Sanitary Sewer Manhole(1)	LF	\$ 5.00	
Trench Safety	LF	\$ 1.00	
Subtotal		\$ 71.00	
Indirect Cost Subtotal (2)	LF	\$ 71.00	
12-Inch Gravity Sanitary Sewer Total		\$ 142.00	
15-Inch Gravity Sanitary Sewer			
15-inch Gravity Sanitary Sewer (all depths)	LF	\$ 85.00	
Sanitary Sewer Manhole(1)	LF	\$ 5.00	
Trench Safety	LF	\$ 1.00	
Subtotal		\$ 91.00	
Indirect Cost Subtotal (2)	LF	\$ 91.00	
15-Inch Gravity Sanitary Sewer Total		\$ 182.00	
18-Inch Gravity Sanitary Sewer			
18-inch Gravity Sanitary Sewer (all depths)	LF	\$ 105.00	
Sanitary Sewer Manhole(1)	LF	\$ 5.00	
Trench Safety	LF	\$ 1.00	
Subtotal		\$ 111.00	
Indirect Cost Subtotal (2)	LF	\$ 111.00	
18-Inch Gravity Sanitary Sewer Total		\$ 222.00	

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COT1836

Ex. DME-7

Sanitary Sewer Unit Cost Data (Cont.)			
21-Inch Gravity Sanitary Sewer			
21-inch Gravity Sanitary Sewer (all depths)	LF	\$	120.00
Sanitary Sewer Manhole (1)	LF	\$	5.00
Trench Safety	LF	\$	1.00
Subtotal		\$	126.00
Indirect Cost Subtotal (2)	LF	\$	126.00
21-Inch Gravity Sanitary Sewer Total		\$	252.00
4-Inch Force Main			
4-Inch Force Main	LF	\$	25.00
Trench Safety	LF	\$	1.00
Subtotal		\$	26.00
Indirect Cost Subtotal (2)	LF	\$	26.00
4-Inch Force Main Total		\$	52.00
6-Inch Force Main			
6-Inch Force Main	LF	\$	30.00
Trench Safety	LF	\$	1.00
Subtotal		\$	31.00
Indirect Cost Subtotal (2)	LF	\$	31.00
6-Inch Force Main Total		\$	62.00
8-Inch Force Main			
8-Inch Force Main	LF	\$	35.00
Trench Safety	LF	\$	1.00
Subtotal		\$	36.00
Indirect Cost Subtotal (2)	LF	\$	36.00
8-Inch Force Main Total		\$	72.00
Miscellaneous Items Used in Sanitary Sewer Lines Above			
Sanitary Sewer Manhole	EA	\$	2,000.00
Lift Station (300-500 gpm)			
Lift Station (300-500 gpm) including contingencies	EA	\$	320,000.00
Engineering & Testing	EA	\$	80,000.00
Total		\$	400,000.00
Lift Station (1,000-1,500 gpm)			
Lift Station (1,000-1,500 gpm) including contingencies	EA	\$	440,000.00
Engineering & Testing	EA	\$	110,000.00
Total		\$	550,000.00
Lift Station (1,500-2,000 gpm)			
Lift Station (1,500-2,000 gpm) including contingencies	EA	\$	820,000.00
Engineering & Testing	EA	\$	205,000.00
Total		\$	1,025,000.00
Wastewater Treatment Plant Capacity			
Wastewater Treatment Plant Capacity incl. conting.	gpd	\$	6.00
Contingencies	gpd	\$	0.90
Engineering & Testing	gpd	\$	1.50
Total per gpd		\$	8.40

(1) Manhole spacing every 400 feet
(2) Indirect cost percentages are the same for all sizes of sanitary sewer lines and force mains. The percentages are shown in the cost data for 8-inch sanitary sewer line.

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COT1837

Ex. DME-7

Drainage Unit Cost Calculation		
Item	Unit	Unit Price
Drainage Ditch		
Drainage Channel Excavation (10' bottom, 12' depth, 4:1 SS)*	LF	\$ 257.78
Backslope Swale & Interceptor**	LF	\$ 56.00
Sod (160' ROW)	LF	\$ 53.33
Misc (Cleaning, SWPPP, Etc)	15%	\$ 55.07
Subtotal		\$ 422.18
Contingencies	15%	\$ 63.33
Engineering & Surveying	25%	\$ 105.54
Indirect Cost Subtotal	40%	\$ 168.87
Drainage Ditch Total		\$ 591.06
* Excavation Haul Off Assumed		
** 250 ft spacing		

Detention Unit Cost Calculation		
Item	Unit	Unit Price
Detention Facility		
Detention Excavation (12' depth, 4:1 SS)*	Acre-Ft	\$16,130.00
Backslope Swale & Interceptor**	Acre-Ft	\$ 583.33
Sod	Acre-Ft	\$ 440.00
Misc (Cleaning, SWPPP, Etc)	15%	\$ 2,573.00
Subtotal		\$19,726.33
Contingencies	15%	\$ 2,958.95
Engineering & Surveying	25%	\$ 4,931.58
Indirect Cost Subtotal	40%	\$ 7,890.53
Detention Facility Total		\$27,616.87
* Excavation Haul Off Assumed		
** 250 ft spacing		

Unit Cost Data		
Item	Unit	Unit Price
Mobilization		4%
SWPPP		2.5%
Excavation - Haul Off	CY	\$ 10.00
Backslope Swale	Ea	\$ 6,000.00
Backslope Interceptor	LF	\$ 4.00
Sod	SY	\$ 3.00
Sod	Acre	\$ 4,840.00
Cleaning & Grubbing	Acre	\$ 5,000.00

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COT1838

Ex. DME-7

APPENDIX D Maximum Capital Recovery Fee Determination Spreadsheets

Water System Capital Improvements Construction Costs per LUE, 2012 to 2022

Total Connections in City Only, 2012 = 6,679 LUE
 Total Projected Connections in City & ETJ, 2022 = 7,874 LUE
 Total Projected Additional Connections = 1,195 LUE

Component	Outstanding Capital Cost	LUE Capacity	Cost Basis per LUE	New LUE's Served from 2012 to 2022	Cost Distribution 2012 to 2022	Total Capital Cost per LUE 2012 to 2022
<u>Facilities constructed with 2007 CIP⁽¹⁾</u>						
Distribution Lines	\$535,900	7,874	\$68.06	1,195	\$81,331	
Water Wells	\$4,491,570	1,667	\$2,694.94	979	\$2,638,348	
<u>Proposed Facilities with 2012 CIP</u>						
Water Well	\$1,420,000	1,667	\$852.00	216	\$184,032	
Ground Storage Tanks	\$1,000,000	2,000	\$500.00	216	\$108,000	
Booster Pumps	\$66,600	1,667	\$39.96	216	\$8,631	
Facility (Bldg, H-Tank & Generator)	\$347,500	1,667	\$208.50	216	\$45,036	
WP Engineering, Surveying & Contingencies	\$991,935	1,667	\$595.16	216	\$128,555	
Distribution Lines	\$13,223,100	7,874	\$1,679.34	1,195	\$2,006,808	
Water (1/3 2012-2022 CIP Preparation Fees)					\$50,333	
Total				1,195	\$5,251,075	\$4,394.20

(1) Existing facility costs are from Tomball staff.

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Wastewater System Capital Improvements Construction Costs per LUE, 2012 to 2022

Total Connections in City Only, 2012 = 6,679 LUE
 Total Projected Connections in City & ETJ, 2022 = 7,874 LUE
 Total Projected Additional Connections = 1,195 LUE

Component	Outstanding Bond Principal	Outstanding Capital Cost	LUE Capacity	Cost Basis per LUE	New LUE's Served from 2012 to 2022	Cost Distribution 2012 to 2022	Total Capital Cost per LUE 2012 to 2022
<u>Facilities constructed with 1996 & 1999 CIP ⁽¹⁾</u>							
South Wastewater Treatment Plant	\$2,465,000		3,333	\$739.50	753	\$556,733	
<u>Facilities constructed with 2002 CIP ⁽¹⁾</u>							
Trunklines		\$4,263,701	7,874	\$541.49	1,195	\$647,082	
<u>Facilities constructed with 2007 CIP ⁽¹⁾</u>							
Trunk Lines 2007 CIP		\$888,503	7,874	\$112.84	1,195	\$134,844	
<u>Proposed Facilities with 2012CIP</u>							
Lift Stations 2012 CIP		\$1,350,000	6,804	\$198.41	1,195	\$237,098	
Trunk Lines 2012 CIP		\$13,495,200	7,874	\$1,713.89	1,195	\$2,048,103	
Water (1/3 2012-2022 CIP Preparation Fees)						\$50,333	
Total					1,195	\$3,674,193	\$3,074.64

(1) Existing Facility costs from Tomball staff. Costs shown are outstanding bond amounts.
 (2) Buildout to WWTP's maximum capacities.

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Drainage System Capital Improvements Construction Costs per Acre, 2012 to 2022

HCFC Channel No.	Construction Project	Estimated Improvement Costs	Collected Funds ¹	2012 Assessable Improvement Costs ²	Total Basin Area Served (Acres)	Existing City of Tomball 2012 Development ³	Estimated Floodway Acres	Areas outside City and ETJ	Net Acres to Bear Fee	1/3 2012-2022 CIP Fees per Usage Acre ⁴	Capital Cost Basis per Acre	Total Cost Basis per Acre
J131 ⁴	Detention & Conveyance	\$0	\$0	\$0	3,156	57	18	387	3,156		\$0.00	
J132 ⁴	Channel	\$0	\$0	\$0	250	57	4	0	250		\$0.00	
J133 ⁴	Channel	\$0	\$0	\$0	500	57	9	0	500		\$0.00	
M116 ⁴	Channel	\$0	\$0	\$0	1,575	57	0	550	1,575		\$0.00	
M118	N of EDC Project	\$2,423,300										
M118	EDC Project	\$1,359,412										
M118	S of Holderneth + Detention	\$1,790,741										
		\$5,573,454	\$0	\$5,573,454	732	57	51	0	732	\$ 8.22	\$7,614.01	\$ 7,622.23
M121 East	Channel	\$2,216,433										
M121 East	Detention	\$4,335,848										
		\$6,552,281	(\$9,591)	\$6,561,872	629	170	27	0	629	\$ 8.22	\$10,432.23	\$ 10,440.45
M121 West	Channel	\$1,448,070										
M121 West	Channel	\$2,807,482										
M121 West	Detention	\$5,937,626										
		\$10,193,178	(\$82,485)	\$10,275,664	1,161	225	49	0	1,161	\$ 8.22	\$8,850.70	\$ 8,858.92
M124 ⁴	Channel	\$2,364,196										
M124	Channel	\$26,377,599		\$26,377,599								
M124	Detention	\$21,818,344		\$21,818,344								
		\$50,560,129	\$0	\$50,560,129	2,930	373	100	877	2,930	\$ 8.22	\$17,256.02	\$ 17,264.24
M125	Detention	\$543,805	(\$40,431)	\$584,237	675	373	14	19	675	\$ 8.22	\$865.54	\$ 873.76

(1) Existing Facility costs from Tomball staff based on outstanding bond amounts, plus Proposed Facilities estimates, including engineering & contingencies

(2) Limited to Proposed Facility construction estimates, including engineering & contingencies when no improvements exist

(3) Existing Areas previously assessed impact fees

(4) The current CIP does not include channel or detention construction within the next ten years due to funding constraints

(5) (1/3 2012-2022 CIP) Fee Dispersed by acreage for M118, M121, & M125

Projected Cost of Implementing the CIP

Component	Capital Cost per LUE 2012 to 2022	Estimated Bond Soft Costs per LUE ⁽¹⁾	Estimated Total Bond Amount per LUE	Interest per LUE ⁽²⁾	Total Debt Service per LUE
Water	\$4,394.20	\$351.54	\$4,745.74	\$1,893.00	\$6,638.74
Wastewater	\$3,074.64	\$245.97	\$3,320.61	\$1,324.54	\$4,645.15
Drainage Service Area	Capital Cost per Acre 2012 to 2022	Estimated Bond Soft Costs	Estimated Bond Amount per Acre ⁽¹⁾	Interest per Acre ⁽²⁾	Total Debt Service per Acre
J131	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
J132	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
J133	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
M116	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
M118	\$7,622.23	\$609.78	\$8,232.01	\$3,283.61	\$11,515.62
M121E	\$10,440.45	\$835.24	\$11,275.69	\$4,497.69	\$15,773.37
M121W	\$8,858.92	\$708.71	\$9,567.63	\$3,816.37	\$13,384.01
M124	\$17,264.24	\$1,381.14	\$18,645.38	\$7,437.34	\$26,082.71
M125	\$873.76	\$0.00	\$0.00	\$0.00	\$873.76

(1) Assumes a bond soft costs of 8.0%

(2) Assumes an interest rate of 3.5% and 40 semi-annual payments

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**Capital Improvement Plan Debt Service Credit and
Maximum Impact Fees**

Component	Total Debt Service per LUE	Debt Service Credit per LUE (1)	Maximum Impact Fee per LUE
Water	\$6,638.74	\$3,319.37	\$3,319.37
Wastewater	\$4,645.15	\$2,322.57	\$2,322.57
Drainage Service Area	Total Debt Service per Acre	Debt Service Credit per Acre (1)	Maximum Impact Fee per Acre
J131	\$0.00	\$0.00	\$0.00
J132	\$0.00	\$0.00	\$0.00
J133	\$0.00	\$0.00	\$0.00
M116	\$0.00	\$0.00	\$0.00
M118	\$11,515.62	\$5,757.81	\$5,757.81
M121E	\$15,773.37	\$7,886.69	\$7,886.69
M121W	\$13,384.01	\$6,692.00	\$6,692.00
M124	\$26,082.71	\$13,041.36	\$13,041.36
M125	\$873.76	\$436.88	\$436.88

(1) Credit equal to 50% of the total projected cost of implementing the CIP.

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Maximum Impact Fee for Various Types and Sizes of Water Meters					
Meter Type	Meter Size	Living Unit Equivalent (LUE)	Water Impact Fee by Meter Size	Wastewater Impact Fee by Meter Size	Total Impact Fee by Meter Size
Simple	3/4"	1.0	\$ 3,319.37	\$ 2,322.57	\$ 5,641.94
Simple	1"	2.5	\$ 8,298.42	\$ 5,806.43	\$ 14,104.86
Simple	1-1/2"	5.0	\$ 16,596.85	\$ 11,612.87	\$ 28,209.71
Compound Turbine	2"	8.0	\$ 26,554.96	\$ 18,580.58	\$ 45,135.54
Compound Turbine	2"	10.0	\$ 33,193.70	\$ 23,225.73	\$ 56,419.43
Compound Turbine	3"	16.0	\$ 53,109.92	\$ 37,161.17	\$ 90,271.09
Compound Turbine	3"	24.0	\$ 79,664.88	\$ 55,741.75	\$ 135,406.63
Compound Turbine	4"	25.0	\$ 82,984.25	\$ 58,064.33	\$ 141,048.57
Compound Turbine	4"	42.0	\$ 139,413.53	\$ 97,548.07	\$ 236,961.60
Compound Turbine	6"	50.0	\$ 165,968.49	\$ 116,128.65	\$ 282,097.14
Compound Turbine	6"	92.0	\$ 305,382.02	\$ 213,676.72	\$ 519,058.74
Compound Turbine	8"	80.0	\$ 265,549.58	\$ 185,805.84	\$ 451,355.43
Compound Turbine	8"	160.0	\$ 531,099.17	\$ 371,611.68	\$ 902,710.85
Compound Turbine	10"	115.0	\$ 381,727.53	\$ 267,095.90	\$ 648,823.42
Compound Turbine	10"	250.0	\$ 829,842.45	\$ 580,643.25	\$ 1,410,485.70
Turbine	12"	330.0	\$ 1,095,392.04	\$ 766,449.09	\$ 1,861,841.13

LUE is determined on the basis of the American Water Works Association (AWWA) standards C700-09, C701-12, and C702-10 recommended maximum rate for continuous duty flow of the meter, purchased at the sale of tap based on the Uniform Plumbing Code meter size and type.

Disposition of Collected Impact Fees

Water Impact Fees Collected and Interest Earnings as of 12/31/12

\$2,460,861

Water System Improvements, completed from 1996 CIP

1. 12" water main along Zion Road from Ulrich to Neal St.
2. 12" water main along SH 249 from Brown to Baker
3. 12" water main along S. Cherry from Agg to Theis
4. 12" water main along Theis from S. Cherry to SH 249
5. 2000 gpm water well

Total

<u>Amount</u>	<u>Wells</u>	<u>EST</u>	<u>Water lines</u>
\$97,200			\$97,200
\$50,000			\$50,000
\$210,600			\$210,600
\$194,499			\$194,499
\$600,000	\$600,000		
\$1,152,299	\$600,000	\$0	\$552,299

Water System Improvements, completed from 1999 CIP

1. 12" water main along FM 2920 from Lowes to Calvert
2. 750,000 gallon elevated storage tank
3. 6" parallel water main on Graham and Holderreith

Total

\$54,810			\$54,810
\$1,200,000		\$1,200,000	
\$124,981			\$124,981
\$1,379,791	\$0	\$1,200,000	\$179,791

Total Water System Improvements from 1996 and 1999 CIP

\$2,532,090	\$600,000	\$1,200,000	\$732,090
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Water System Improvements, completed from 2002 CIP

1. 12" Water main on SH 249 from Theis to Holderreith
2. 12" Water main on Holderreith from School St ext. to SH 249
3. 12" Water main on Holderreith from School St ext. to Cherry
4. 12" Water main on Holderreith from S. Cherry to Hufsmith-Korhville
5. 12" Water main along S. Cherry from Theis to Holderreith
6. 12" Water main along Brown Rd to E. Hufsmith Extension
7. 8" Water main along Johnson Rd from Michel to shopping center
8. 12" Water main along Hufsmith-Korhville from FM 2920 to Holderreith
9. Install 1200 gpm pump at Baker St. well
10. 12" Water main along Alice Rd from SH 249 to SH 249 Bypass
11. 12" Water main along FM 2920 from Persimmon to ETJ
12. 8" Water main on Willow St from Carrell to Texas

Total

<u>Amount</u>	<u>Wells</u>	<u>EST</u>	<u>Water lines</u>
\$172,800			\$172,800
\$86,400			\$86,400
\$103,680			\$103,680
\$311,040			\$311,040
\$164,160			\$164,160
\$216,000			\$216,000
\$37,260			\$37,260
\$492,480			\$492,480
\$270,000	\$270,000		
\$86,400			\$86,400
\$181,440			\$181,440
\$34,155			\$34,155
\$2,155,815	\$270,000	\$0	\$1,885,815

Water System Improvements, completed from 2007 CIP

1. 8-Inch Water Line along the Future Michel Road extension from Commercial Park Drive to

\$796

<u>Amount</u>	<u>Wells</u>	<u>EST</u>	<u>Water lines</u>
\$796			\$796

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School Street			
2. 12-inch Water Line along Quinn Road from Baker Drive to Inwood Street	\$195,978		\$195,978
3. 12-inch Water Line along Future Brown-Hufsmith Road from SH 249 to Quinn Road	\$407,486		\$407,486
4. 12-inch Water Line along Tomball Cemetery Road North of 2920 (Private Funding)	\$0		
5. 12-inch Water Line along Future Brown-Hufsmith Road from Quinn Road to Baker Drive	\$126,058		\$126,058
6. Water Line Extension on Mechanic Street	\$20,878		\$20,878
7. Water Wells 5 and 6/Plant	\$4,491,570	\$4,491,570	
Total	\$5,242,766	\$4,491,570	\$751,196
Not 50% Funded by Impact fee as of 12/13/2012	\$5,045,993	\$0	\$554,422
Less Impact Fee Balance	-\$18,522	0	-\$18,522
Remaining to be paid by Impact fees	\$5,027,471	\$4,491,570	\$535,900
Wastewater Impact Fees Collected and Interest Earnings as of 12/31/12			
Balance as of 3/31/2008	\$2,600,215		
	\$83,046		
Wastewater System Improvements, completed from 1996 CIP			
1. 10" gravity sewer along SH 249 from McCoy's to FM 2920	\$103,200		\$103,200
2. 10" gravity sewer along Hooper from Bypass to SH 249	\$50,000		\$50,000
3. 10" gravity sewer along Hirschfield from SH 249 to Bypass	\$40,000		\$40,000
4. 1.5 MGD Wastewater Treatment Plant	\$6,117,000	\$6,117,000	
Total	\$6,310,200	\$0	\$193,200
Wastewater System Improvements, completed from 1999 CIP			
1. 10" gravity line along FM 2920: Kroger to City Limit	\$14,144		\$14,144
2. 12" gravity line along FM 2920: City Limit to Calvert	\$151,948		\$151,948
3. 10" gravity line along Hirschfield: SH 249 and bypass	\$56,253		\$56,253
4. Temporary Lift Station at Calvert FM 2920	\$80,000		\$80,000
5. 6" force main along FM 2920 from temporary Lift Station to gravity sewer at Sh 249	\$39,387		\$39,387
6. 18" gravity trunk along Cherry from McPhail to Agg Road	\$127,374		\$127,374
7. 21" gravity trunk along Cherry from Agg to Theis	\$120,745		\$120,745
8. 24" gravity trunk along Cherry from Theis to Holderreith	\$305,597		\$305,597
9. 27" gravity trunk along Cherry from Holderreith to WWTP	\$158,165		\$158,165
10. 18" gravity line along Theis from LS to Cherry	\$83,278		\$83,278
11. Abandon Theis Lift Station	\$360		\$360
Total	\$1,137,251	\$0	\$1,137,251
Total Wastewater System Imp from 1996 and 1999 CIP	\$7,447,451	\$0	\$1,330,451

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Wastewater System Improvements, completed from 2002 CIP

	<u>Amount</u>	<u>N. WWTP</u>	<u>S. WWTP</u>	<u>Trunklines</u>
1. (8) 12" gravity line along W. Hufsmith from Quin Ext to SH 249	\$164,160			\$164,160
2. (10) 18" gravity line along FM 2920 from Calvert to Park St	\$228,960			\$228,960
3. (11) 6" force main from Temp Lift Station at Park/FM 2920 to Calvert	\$73,440			\$73,440
4. (12) 12" gravity line along FM 2920 from Park Rd to Tomball Cem. Rd	\$145,935			\$145,935
5. (14) Temp Lift Station at FM 2920 and Park Rd	\$107,933			\$107,933
6. (16) 10" gravity line on SH 249 from Hirschfield Rd to Alice Rd	\$64,800			\$64,800
7. (17) 21" gravity line on SH 249 from Alice Rd to Holderreith Rd	\$528,255			\$528,255
8. (18) 18" gravity line on Alice Rd from SH 249 Bypass to SH 249	\$128,790			\$128,790
9. (19) 30" gravity line on Holderreith Ext west of SH 249	\$79,488			\$79,488
10. (20) 30" gravity line on Holderreith from SH 249 and S. WWTP	\$864,000			\$864,000
11. (25) 8" gravity line along Johnson	\$40,500			\$40,500
12. (28) Abandon Cherry St Lift Station	\$13,500			\$13,500
13. (29) 27" gravity line on Holderreith from S. WWTP Trunk Line to BNRR	\$577,800			\$577,800
14. (30) 27" gravity line on Holderreith from BNRR to Hufsmith-Kohrville Rd	\$288,900			\$288,900
15. (31) 24" gravity line on Hufsmith-Kohrville Rd from Holderreith to Sutton Ln	\$790,560			\$790,560
16. (32) 18" gravity line on Hufsmith-Kohrville Rd from Sutton Ln to FM 2920	\$357,750			\$357,750
Total	\$4,454,771	\$0	\$0	\$4,454,771
Not 50% Funded by Impact fee as of 12/13/2012	\$4,290,611			\$4,290,611
Less Impact Fee Balance	-\$26,910			-\$26,910
Remaining to be paid by Impact fees	\$4,263,701			\$4,263,701

Wastewater System Improvements, completed from 2007 CIP

1. 10-inch Gravity Sanitary Sewer along Future Brown-Hufsmith Road from SH 249 to Quinn Road	\$329,227			\$329,227
2. 12-inch Gravity Sanitary Sewer along Tomball Cementery Road (Private Funding)	\$0			\$0
3. 8-inch Gravity Sanitary Sewer along Future Brown-Hufsmith Road from Quinn Road to Baker Drive	\$88,565			\$88,565
4. 8" gravity line on Mechanic Street	\$4,378			\$4,378
5. Tomball Hills Lift Station	\$466,333			\$466,333
Total	\$888,503	\$0	\$0	\$888,503

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CITY OF TOMBALL
CAPITAL IMPROVEMENT PROJECTS
FY 2016-2017 BUDGET

PROJECT #	PROJECT NAME	PROJECT DESCRIPTION	DETAIL OF CASH ALLOCATED FOR PROJECT	SUMMARY OF CASH ALLOCATED FOR PROJECT	EXPENSE TO DATE MAY 2016	REMAINING CASH ALLOCATED FOR PROJECT
71	M118 Drainage Channels	M118 drainage basin occupies the southeasterly area of Tomball, south of the M116 basin, east of the railroad tracks, west of Hufsmith-Kohrville, to Willow Creek Project to provide relief drainage system and reduce or eliminate on-site detention FY2012 GF 400-156-6302	\$ 12,000 00	\$ 12,000 00	\$ -	\$ 12,000 00
75	Agg Road Extension (Medical Complex Drive)	Segment 3 of the proposed Medical Complex Corridor commences at SH 249 Business and continues easterly to South Cherry St Medical Complex Corridor is depicted on the COT's Major Thoroughfare Plan as a major east-west connector to FM 2920 (east & west of Tomball) FY2012 GF 400-154-6409 FY2013 GF Reprogrammed from 400-154-6409 FY2015 GF 400-154-6409 FY2016 GF 400-154-6409 FY2015 GF 400-156-6302 FY2012 EF 400-613-6409 FY2014 EF 400-613-6409 FY2015 EF 400-613-6409 FY2012 EF 400-614-6409 FY2014 EF 400-614-6409 FY2012 EF 400-615-6409 FY2011 TEDC Grant FY2012 TEDC Grant FY2013 TEDC Grant FY2014 TEDC GRANT FY2015 TEDC GRANT	\$ 10,451 00 \$ 165,120 00 \$ 340,000 00 \$ 500,000 00 \$ 60,000 00 \$ 292,500 00 \$ 150,000 00 \$ 100,000 00 \$ 495,000 00 \$ 7,000 00 \$ 360,000 00 \$ 3,000 00 \$ 911,310 05 \$ 389,463 93 \$ 332,030 36 \$ 64,195 66	\$ 4,180,071 00 \$ 85,199 00 \$ 217,831 48 \$ 321,890 05 \$ 16,422 40 \$ 384,812 80 \$ 70,075 74 \$ 384,800 98 \$ 229,107 99 \$ 3,000 00 \$ 911,310 05 \$ 389,463 93 \$ 332,030 36 \$ 64,195 66	\$ 769,930 56	
103	M124- Willow Creek Tributaries	The M124 basin occupies a major portion of the westerly area of Tomball, outfalling to Willow Creek Project to mitigate channel and loss of existing floodplain storage The project has been divided into M124 North, described as area north of FM 2920 to SH 249, and M124 South, described as area south of FM 2920 FY2012 GF 400-154-6409 FY2012 GF reprogrammed from 400-154-6409	\$ 156,718 00 \$ 49,999 83	\$ 206,717 83	\$ 134,798 64 \$ 134,798 64	\$ 71,919 19
115	Hufsmith Water and Gas Line Improvements	Project includes 12" water line and 4" gas lines from Rudolph to Snook FY2012 EF 400-613-6409 FY2017 EF 400-613-6409 Propose to reprogram to East Side Water Loop Line Project FY2012 EF 400-615-6409 FY2017 EF 400-615-6409 Propose to reprogram to East Side Water Loop Project 400-613-6409	\$ 258,943 00 \$ (145,479 41) \$ 254,843 00 \$ (69,718 20)	\$ 298,588 39 \$ 113,463 59 \$ 185,124 80 \$ -	\$ -	
142	24" Sanitary Sewer - E Hufsmith	Provides sanitary sewer improvements along east Hufsmith from J-131 to Snook FY2012 EF 400-614-6304 FY2012 EF 400-614-6409 FY2017 EF 400-614-6304 Propose to reprogram to 400-613-6409 for East Side Loop Project FY2017 EF 400-614-6409 Propose to reprogram to 400-613-6409 for East Side Loop Project	\$ 31,014 00 \$ 89,806 00 \$ (29,014 00) \$ (89,806 00)	\$ 2,000 00 \$ 2,000 00	\$ -	

CITY OF TOMBALL
CAPITAL IMPROVEMENT PROJECTS
FY 2016-2017 BUDGET

PROJECT #	PROJECT NAME	PROJECT DESCRIPTION	DETAIL OF CASH ALLOCATED FOR PROJECT	SUMMARY OF CASH ALLOCATED FOR PROJECT	EXPENSE TO DATE MAY 2016	REMAINING CASH ALLOCATED FOR PROJECT
161	Rudolph Road and Utilities	Project includes land acquisition and providing street and utility improvements to current standards as a collector street FY2012 GF 400-154-6409 FY2012 EF 400-613-6409 FY2012 EF 400-614-6409 FY2012 EF reprogrammed from 400-614-6409 FY2013 EF reprogrammed from 400-614-6409 FY2012 EF 400-615-6409 FY2012 EF reprogrammed from 400-615-6409	\$ 59,489 00 \$ 46,656 00 \$ 45,617 00 \$ 34,386 89 \$ 2,084 32 \$ 49,481 00 \$ 62,506 80	\$ 300,221 01 \$ 16,171 65 \$ 5,390 55 \$ 6,887 93 \$ 1,497 37	\$ 29,947 50 \$ 5,390 55 \$ 6,887 93 \$ 1,497 37	\$ 270,273 51
180	M121 Final Phase (bond funded)	Consists of two drainage channels, i.e. 121W & 121E, and an associated detention pond, serving a central area of Tomball. Project to alleviate conditions that cause localized flooding and eliminate on-site detention. M121 West is being constructed with bond funds FY2012 Bonds 400-154-6409 FY2015 Bonds 400-154-6409 reprogrammed to PJ 181	\$ 10,801,101 98 \$ (266,267 00)	\$ 10,534,834 98 \$ 1,749,618 97 \$ 1,749,618 97	\$ 1,749,618 97 \$ 1,749,618 97	\$ 8,785,216 01
181	Medical Complex Drive Segment 3 (bond funded)	Medical Complex corridor is depicted on the COT's major thoroughfare plan as a major east- west connector to FM 2920 (east & west of Tomball). Commences at SH 249 Business and continues easterly to South Cherry St FY2012 Bonds 400-154-6409 FY2015 Bonds 400-154-6409 reprogrammed from project 180	\$ 3,700,000 00 \$ 266,267 00	\$ 3,966,267 00 \$ 3,966,267 00	\$ 3,966,267 00 \$ 3,966,267 00	\$ -
184	Infrastructure Master Plan and Capital Recovery Fee	The 10 Year Master Plan is a planning tool to estimate growth within the city limits and ETJ from 2013 to 2023 and at ultimate buildout. This helps determine the infrastructure needs to accommodate growth and estimate the cost and impact fee related to the infrastructure improvements FY2013 GF 400-454-6304	\$ 51,000 00	\$ 51,000 00 \$ 49,114 98 \$ 49,114 98	\$ 49,114 98 \$ 49,114 98	\$ 1,885 02
186	Downtown Development	Development of the Downtown area FY2014 RLC 400-121-6409 FY2015 RLC 400-121-6409 reprogrammed from Medical District Sidewalks FY2014 GF 400-154-6409 FY2015 GF 400-154-6409	\$ 100,000 00 \$ 34,633 35 \$ 500,000 00 \$ 400,000 00	\$ 1,034,633 35 \$ 25,579 50 \$ 25,579 50	\$ 25,579 50 \$ 25,579 50	\$ 1,009,053 85
	Drainage Capital Recovery	Fund balance from Drainage Impact Fees FY2012 FY2013 Budget for project 184 FY2015 FY2016	\$ 139,611 34 \$ (51,000 00) \$ 73,751 79 \$ 1,498 45	\$ 163,861 58 \$ - \$ - \$ -	\$ - \$ - \$ - \$ -	\$ 163,861 58
	NWWTP Sewer Effluent Reuse	Study to determine if the treated water can be used for irrigation systems or purple pipe development FY2014 EF 400-614-6409	\$ 75,000 00	\$ 75,000 00 \$ -	\$ - \$ -	\$ 75,000 00
	SWWTP Expansion	Initial Study to determine if the SWWTP needs to be expanded and when design should begin FY2014 EF 400-614-6409	\$ 75,000 00	\$ 75,000 00 \$ -	\$ - \$ -	\$ 75,000 00

CITY OF TOMBALL
CAPITAL IMPROVEMENT PROJECTS
FY 2016-2017 BUDGET

PROJECT #	PROJECT NAME	PROJECT DESCRIPTION	DETAIL OF CASH ALLOCATED FOR PROJECT	SUMMARY OF CASH ALLOCATED FOR PROJECT	EXPENSE TO DATE MAY 2016	REMAINING CASH ALLOCATED FOR PROJECT
188	Broussard Community Park	Community Park located on E Hufsmith near the intersection of Zion Rd. The park will include soccer fields and interactive areas		\$ 1,225,000 00	\$ 56,406 00	\$ 1,168,594 00
		FY2015 GF 100-153-6409	\$ 43,803 00		\$ 43,803 00	
		FY2015 GF 400-153-6409	\$ 156,197 00		\$ 12,603 00	
188B		FY2016 GF 400-153-6409	\$ 100,000 00			
		FY2017 GF 400-153-6409 Proposed	\$ 300,000 00			
		FY2017 Parks and Wildlife Grant- proposed	\$ 400,000 00			
		FY2017 Tomball Hospital Foundation Grant- Proposed	\$ 225,000 00			
192	Zion Road Sidewalks- New 5' sidewalk along Zion Road East of Quinn Road			\$ 220,000 00	\$ 54,165 75	\$ 165,834 25
		FY2015 GF 100-154-6409	\$ 16,450 00		\$ 16,450 00	
		FY2015 GF 400-154-6409	\$ 203,550 00		\$ 37,715 75	
192B	Zion Road Sidewalks- West of Quinn	Replacement of sidewalks on Zion from Quinn Road west to Alice Lane		\$ 214,166 00	\$ -	\$ 214,166 00
		FY2016 GF 400-154-6409	\$ 500,000 00			
		FY2016 GF 400-154-6409 reprogram to proposed Sidewalk projects along Quinn Road between FM 2920 and Rudel Dr and along Holderneth Blvd between FM 2920 and Graham Dr	\$ (285,834 00)			
	4Corners Project	Redevelopment of triangle for City Gateway		\$ 125,000 00	\$ -	\$ 125,000 00
		FY2014 GF 400-154-6409	\$ 75,000 00			
		FY2015 GF 400-154-6409	\$ 50,000 00			
194	Market Street Sidewalks	Install sidewalk along the edge of curb on Market Street in the Depot area along with curb and gutter on Walnut adjacent to Depot restrooms		\$ 75,000 00	\$ 13,722 50	\$ 61,277 50
		FY2016 GF 100-154-6409	\$ 13,722 50		\$ 13,722 50	
		FY2016 GF 400-154-6409	\$ 61,277 50			
	Sidewalks	Install sidewalks along Quinn Road between Rudel Dr and FM 2920 and along Holderneth Blvd between Graham Dr and FM 2920		\$ 609,375 00	\$ -	\$ 609,375 00
		FY2016 GF 400-154-6409 reprogrammed from Zion Rd West	\$ 285,834 00			
		FY2017 RLC 400-121-6409 Proposed	\$ 323,541 00			
	Medical Complex Drive Segment 4B and M118 (proposed bond funded)	Construct a two lane roadway and install utilities between South Persimmon east to Hufsmith Kohrville and construct M118 drainage channel south of the Medical Complex Drive location		\$ 20,225,000 00	\$ -	\$ 20,225,000 00
		FY2017 CPF 400-154-6409 Proposed	\$ 20,225,000 00			
195	Wayne Stovall Sports Complex Improvements	Funding for additional improvements to Wayne Stovall Sports Complex as prioritized		\$ 180,000 00	\$ -	\$ 180,000 00
		FY2017 400-153-6409 Proposed	\$ 180,000 00			
	2920 Main St Project (H-GAC)	Funding for major improvements to FM2920 (Main Street) from the downtown area to Four Corners in conjunction with H-GAC and TxDOT Initial funding for surveying, engineering, and right of way acquisition		\$ 1,500,000 00	\$ -	\$ 1,500,000 00
		FY2017 400-154-6409 Proposed	\$ 1,500,000 00			
Summary of Capital Projects funded in fund 400 including 188B and 192B and Proposed Projects						
		100-153-6409	\$ 43,803 00	\$ 43,803 00	\$ -	
		100-154-6409	\$ 30,172 50	\$ 30,172 50	\$ -	
		400-121-6409	\$ 458,174 35	\$ -	\$ 458,174 35	
		400-153-6409	\$ 1,361,197 00	\$ 12,603 00	\$ 1,348,594 00	
		400-154-6409	\$ 39,297,707 31	\$ 6,555,072 04	\$ 32,742,635 27	
		400-156-6302	\$ 72,000 00	\$ 16,422 40	\$ 55,577 60	
		400-454-6304	\$ 51,000 00	\$ 49,114 98	\$ 1,885 02	
		400-613-6409	\$ 702,619 59	\$ 573,742 68	\$ 128,876 91	
		400-614-6304	\$ 2,000 00	\$ 2,000 00	\$ -	
		400-614-6409	\$ 734,088 21	\$ 391,688 91	\$ 342,399 30	
		400-615-6409	\$ 657,112 60	\$ 415,730 16	\$ 241,382 44	
		TEDC Grant	\$ 1,700,000 00	\$ 1,700,000 00	\$ -	
		Drainage Capital Recovery- not appropriated	\$ 163,861 58	\$ -	\$ 163,861 58	
			\$ 45,273,736 14	\$ 9,790,349 67	\$ 35,483,386 47	

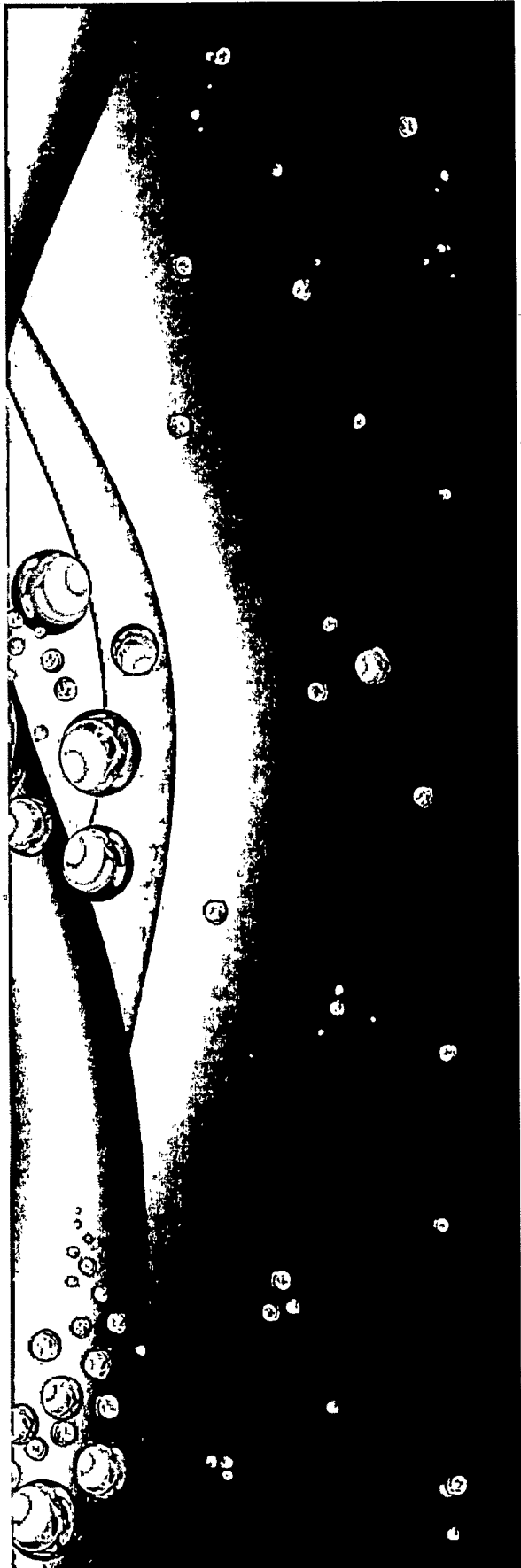
CITY OF TOMBALL
CAPITAL IMPROVEMENT PROJECTS
FY 2016-2017 BUDGET

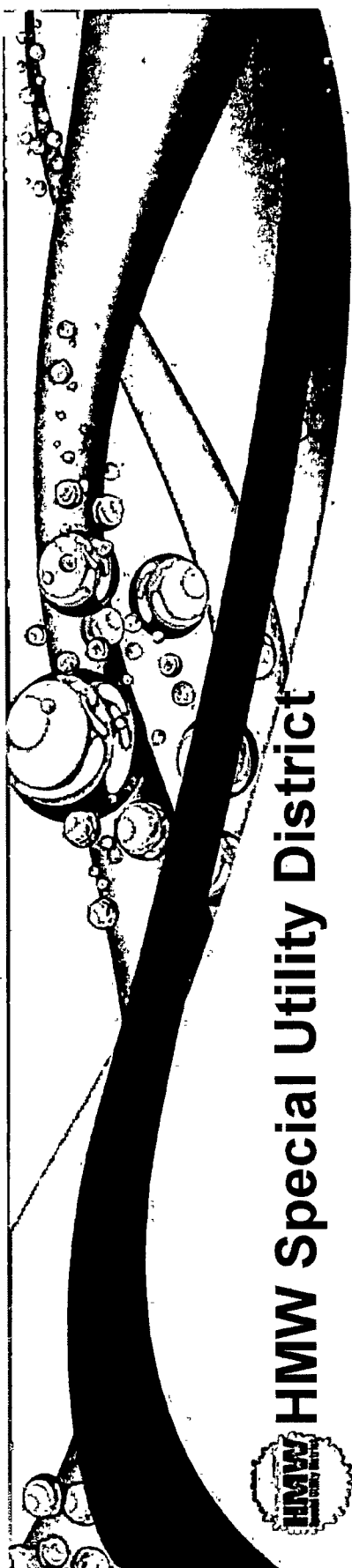
PROJECT #	PROJECT NAME	PROJECT DESCRIPTION	DETAIL OF CASH ALLOCATED FOR PROJECT	SUMMARY OF CASH ALLOCATED FOR PROJECT	EXPENSE TO DATE MAY 2016	REMAINING CASH ALLOCATED FOR PROJECT
CITY OF TOMBALL FY 2017 PROPOSED ENTERPRISE FUND CAPITAL PROJECTS						
	Upgrades to NWWTP	Replace electrical conductors, and clarifier equipment, inspect and rehab hydro tanks in the non-potable water system, replace air lift pump controls and new sluice gate, replace electric conducts in the dechlorination and chlornation systems and sludge thickener FY2016 EF 400-614-6409 FY2017 Proposed EF 400-614-6409 FY2017 SCR- Proposed transfer from 740-741- 6999 to fund project in 400-614-6409	\$ 450,000 00 \$ 1,388,135 00 \$ 1,000,000 00	\$ 2,838,135 00	\$ -	\$ 2,838,135 00
	Upgrades to SWWTP	Install new vertical turbine pumps, extend piping and relocate flow meters, renovate operations building FY2016 EF 400-614-6409 FY2017 EF Proposed 400-614-6409	\$ 200,000 00 \$ 448,525 00	\$ 648,525 00	\$ -	\$ 648,525 00
	East Side Water Loop Line	Install water line beginning at Snook, east on Hufsmith, around to Broussard Park and then west on Zion Rd. to form a loop on the east side of the City FY2017 EF-Proposed 400-613-6409 reprogram from Hufsmith Water project FY2017 EF-Proposed 400-613-6409 reprogram from Hufsmith Gas Line improvements 400-615- 6409 FY2017 EF-Proposed 400-613-6409 reprogram from 400-614-6304 24" Sanitary Sewer E- Hufsmith project FY2017 EF-Proposed 400-613-6409 reprogram from 24" Sanitary Sewer - E Hufsmith 400-614- 6409 FY2017 WCR-Proposed transfer in from 730- 731-6999 to fund the project in 400-613-6409	\$ 145,479 41 \$ 69,718 20 \$ 29,014 00 \$ 89,806 00 \$ 465,983 00	\$ 800,000 61	\$ -	\$ 800,000 61
	Sewer Modeling	Create a computer model of the sewer system using GIS to represent how it performs in the field to assess and predict performance changes FY2017 EF- Proposed 400-614-6409	\$ 150,000 00 \$ 150,000 00	\$ 150,000 00	\$ -	\$ 150,000 00
Summary of Proposed Enterprise Fund Projects						
	400-613-6409		\$ 800,000 61	\$ -	\$ -	\$ 800,000 61
	400-614-6409		\$ 3,636,660 00	\$ -	\$ -	\$ 3,636,660 00
			\$ 4,436,660 61	\$ -	\$ -	\$ 4,436,660 61
CITY OF TOMBALL BUSINESS AND TECHNOLOGY PARK						
179	Tomball Business and Technology Park (bond funded)	Located at the Northwest corner of Hufsmith- Kohrville and Holderneth Road for the development of a Business Park FY2013- Bond funds	\$ 8,500,000 00 \$ 8,500,000 00	\$ 8,500,000 00	\$ 5,727,058 61 \$ 5,727,058 61	\$ 2,772,941 39
	460-460-6409		\$ 8,500,000 00	\$ 5,727,058 61	\$ -	\$ 2,772,941 39
Grand Total Cash Allocated for Projects			\$ 58,210,396 75	\$ 58,210,396 75	\$ 15,517,408 28	\$ 42,692,988 47

HMW Special Utility District Red Oak Terrace

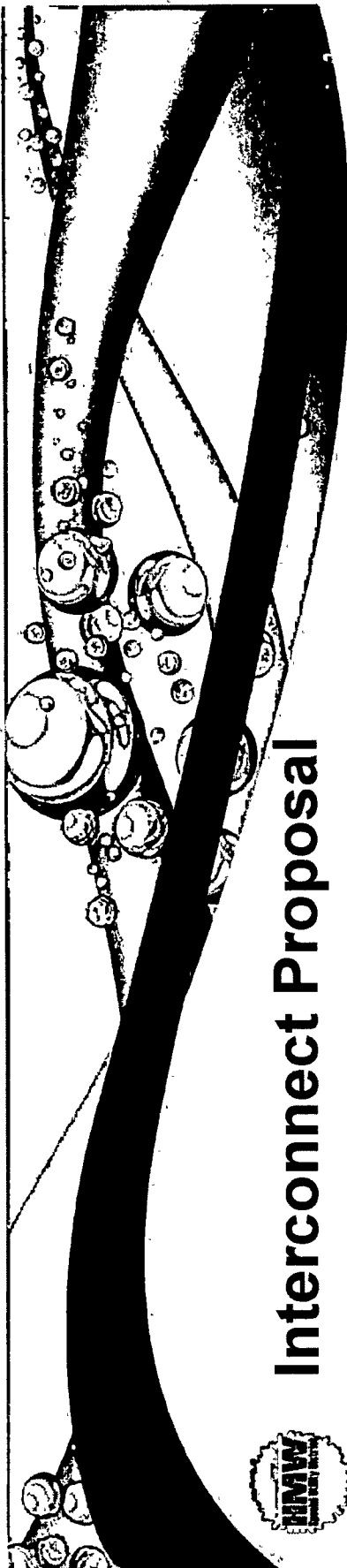
Presentation to Tomball City Council

March 6, 2017



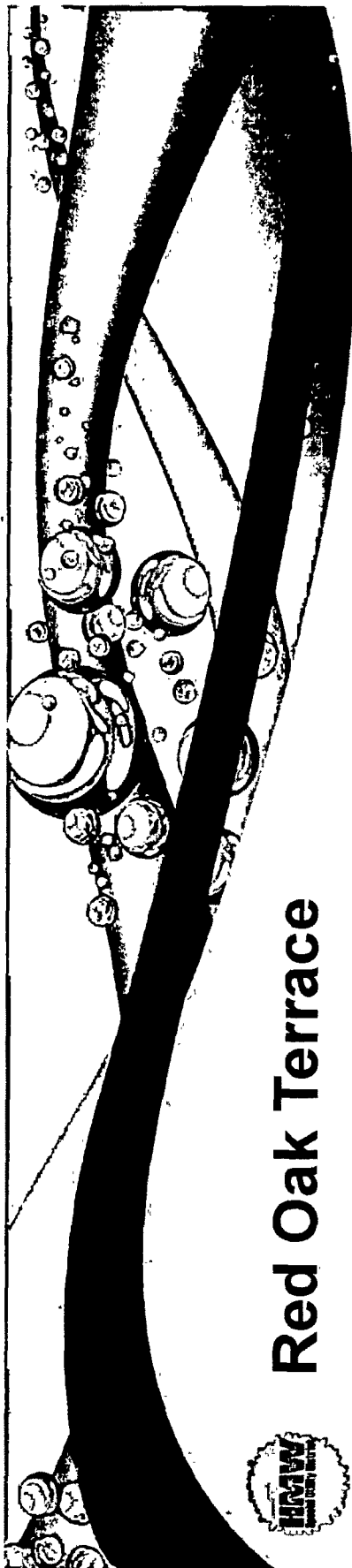


- Not for Profit Water Provider
- Elected Board of Directors
- 34 Water Systems
- 41 Water Plants
- 3 Interconnects
- 2880 Connections in Montgomery County
- 1440 Connections in Harris County
- Water plants and systems are operated and maintained by HMW staff who are TCEQ certified operators

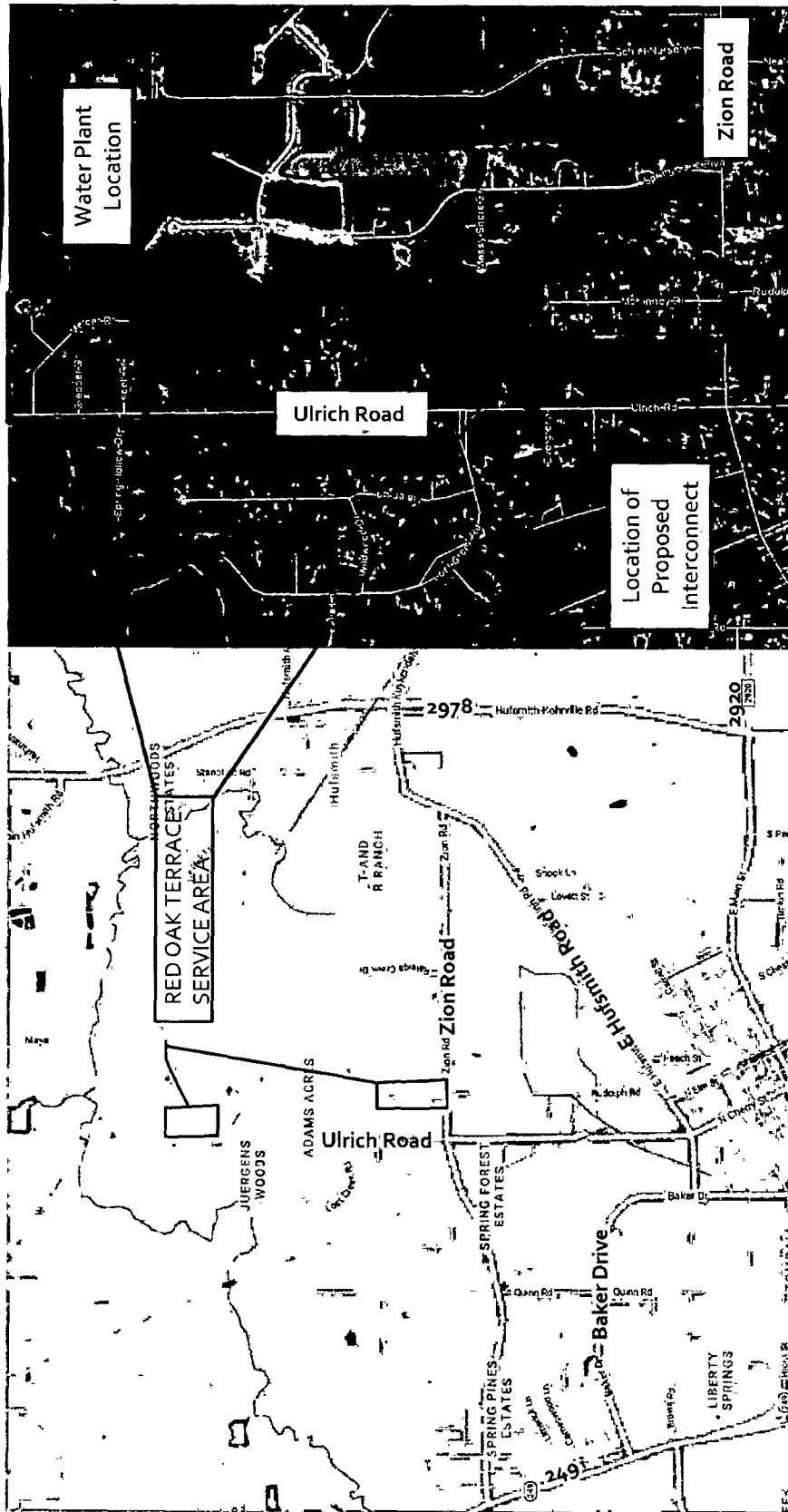


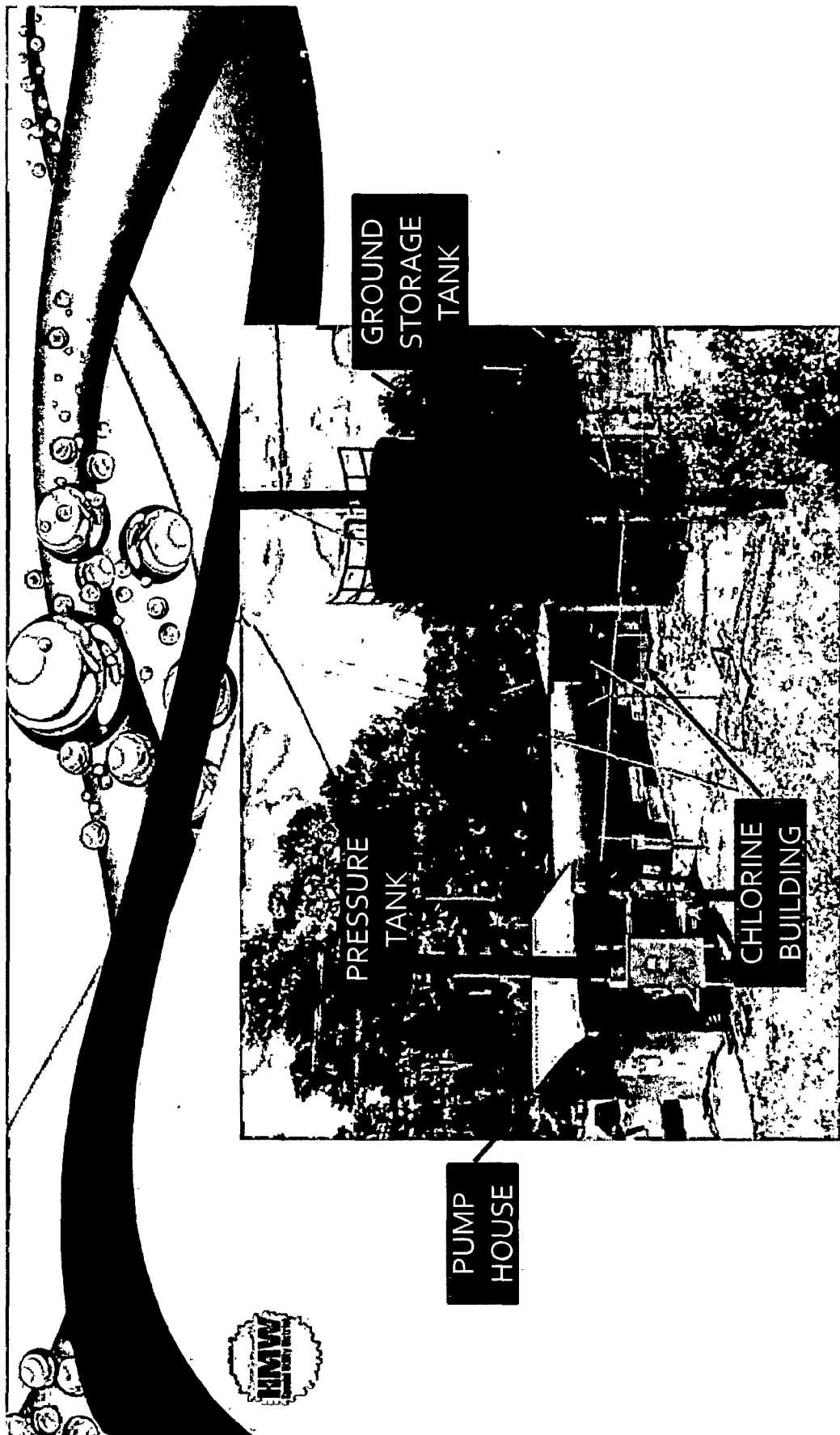
Interconnect Proposal

- What: HMW SUD would like to have an interconnect with the City of Tomball to provide residential water service to the Red Oak Terrace and McKinney Place Subdivisions.
- Why: HMW's Red Oak Terrace water system infrastructure is ~20 years old. An interconnect is a faster and more cost effective option than replacement.
- When: The infrastructure will need to be replaced or decommissioned within 4-6 months.
- How: HMW would pay for and manage construction and maintenance.
- Advantages: Long term source of revenue for the City of Tomball at an agreed rate per 1,000 gallons with no obligation beyond the connection point; local community goodwill.



Red Oak Terrace

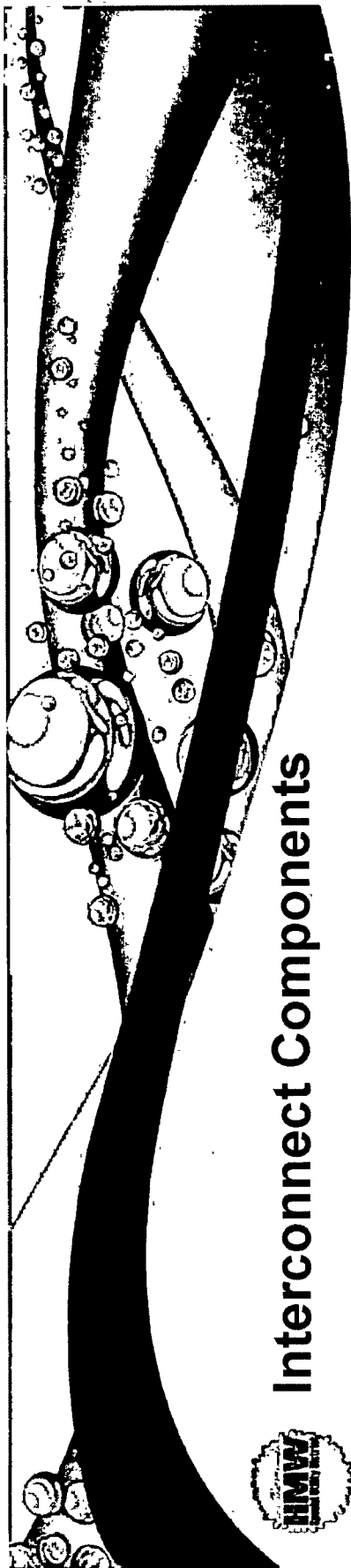




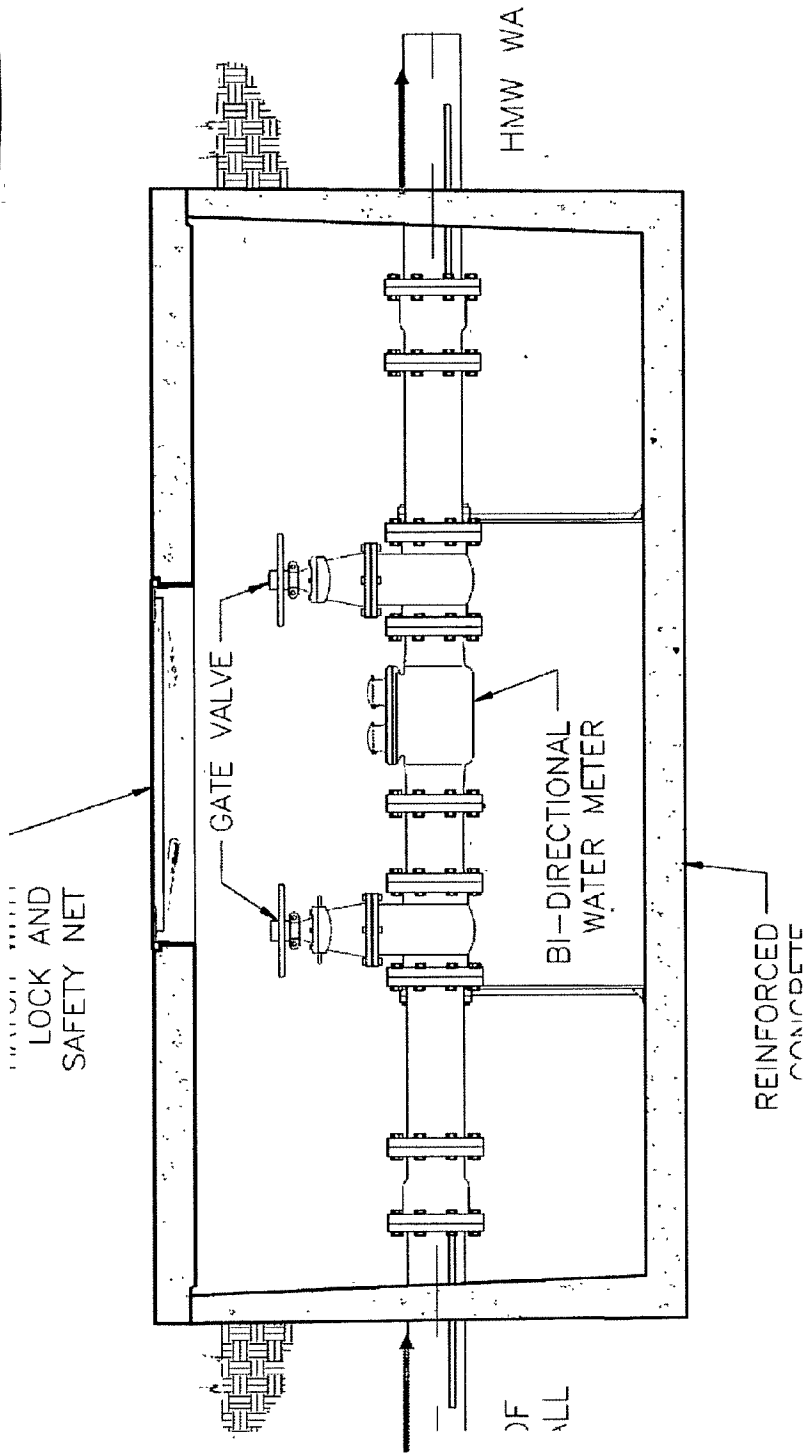
Direct Testimony of David Esquivel, P.E.
COT1856

- Water System Components: Water well, ground storage tank, chlorine building, pump house, pressure tank, water lines, interconnect; ability to serve 94 equivalent single family connections at 85% capacity
- Interconnect: Connection between two water systems

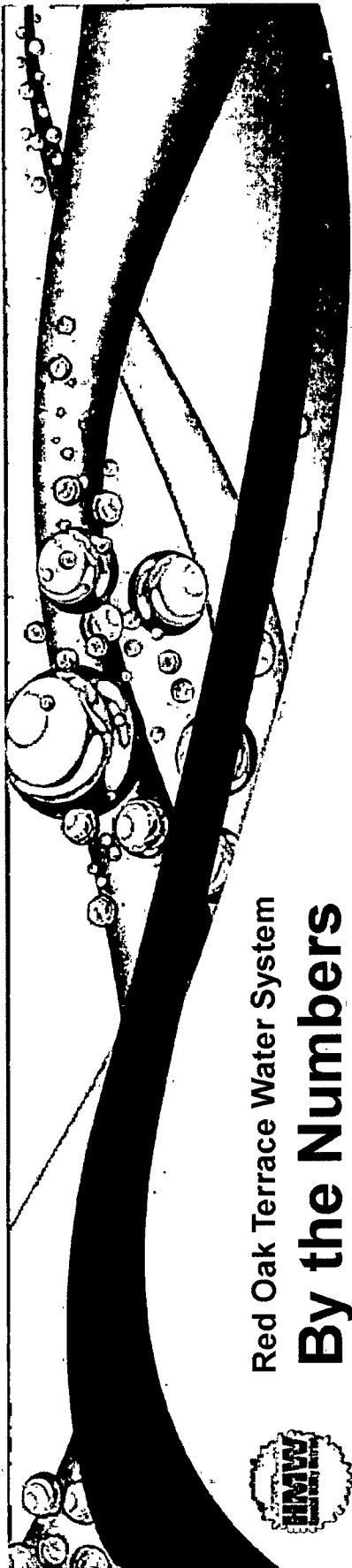
Ex. DME-9



Interconnect Components



Interconnect Components: One-way flow of water; Gate valves on both sides of the meter; Reinforced Concrete Valve Box; Lockable Hatch; Water Meter and Backflow Preventer to City Standards



Red Oak Terrace Water System

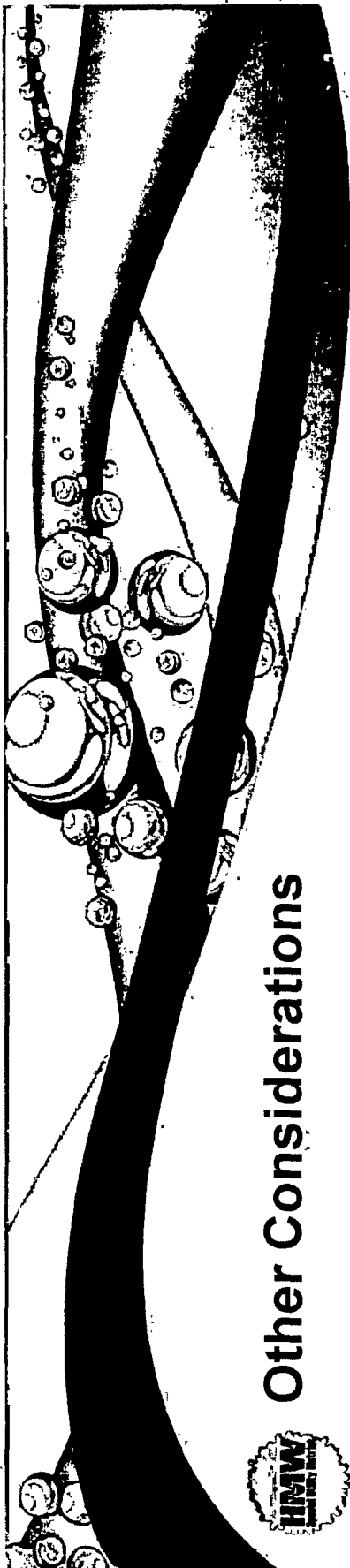
By the Numbers



- Current Service Connections:
 - 5/8-inch connections: 53
 - 1-inch connections: 2
- 2016 Pumpage: 3,794,000 gallons
 - Average of 5,750 gal/month/connection
- 2015 Pumpage: 4,159,000 gallons
 - Average of 6,301 gal/month/connection

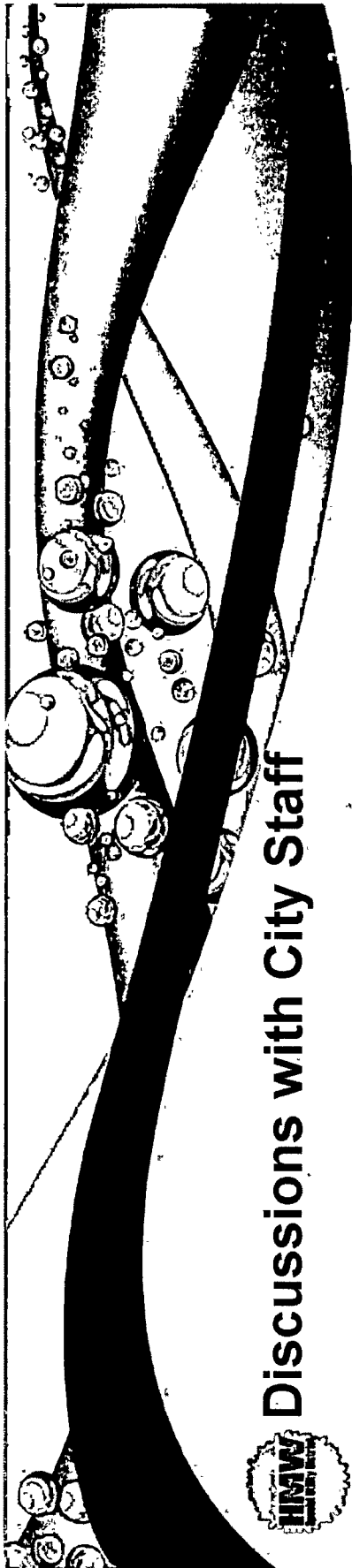
Direct Testimony of David Esquivel, P.E.
COT1858

Ex. DME-9

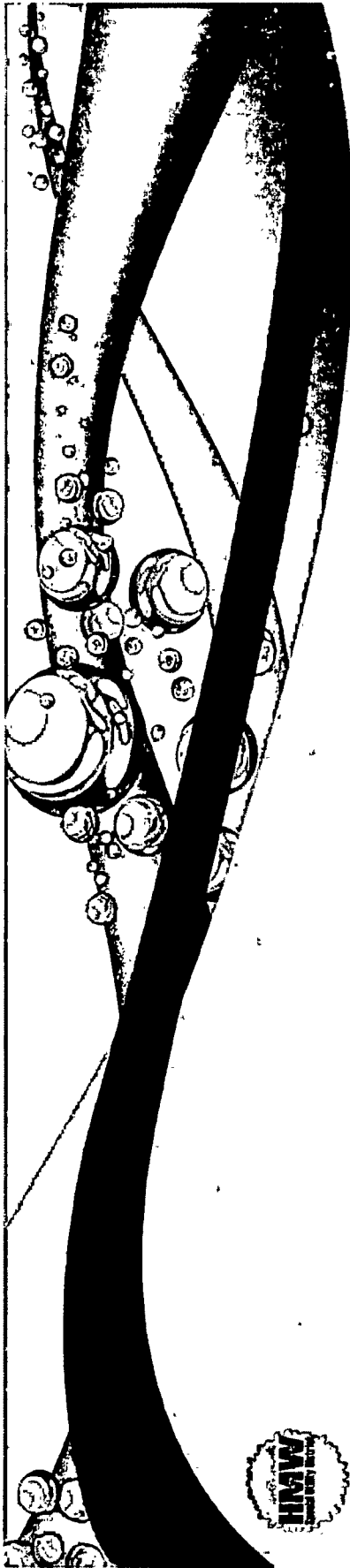


Other Considerations

- Source of revenue for the City of Tomball at an agreed rate per 1,000 gallons
- TCEQ encourages interconnects to reduce the number of groundwater wells
- Residents use less water than the average consumer
- Local community goodwill with residents who go to Tomball schools and churches and shop in the City of Tomball



- Plenty of City system capacity for the need
- The meter vault would contain a backflow preventer and be constructed to City specifications
- No City obligation beyond the meter
- HMW will perform annual Lead and Copper testing per City SOP
- Communication between operations staff will be maintained to ensure system standards
- If approved, further discussion with City Staff will occur to finalize details



Moving Forward with HMMW

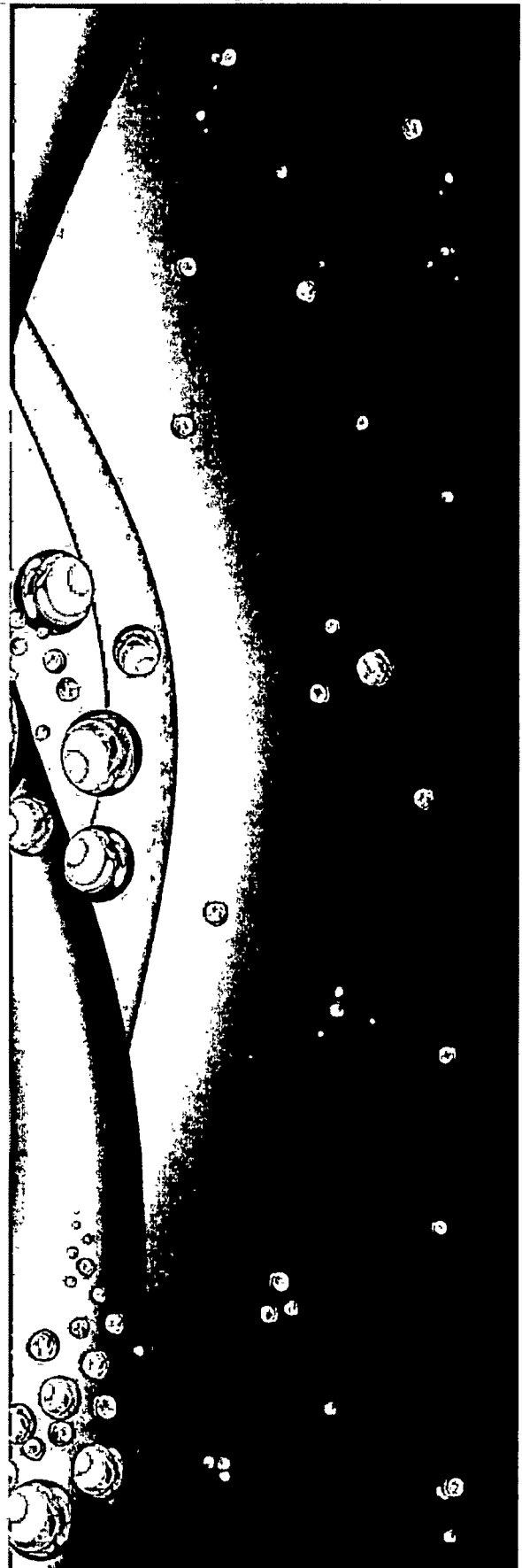
- HMMW seeks a water purchase agreement that includes:
 - Agreed, renewable terms that establish a long term business relationship
 - City approval of plans for the interconnect structure
 - HMMW's payment for the new facilities
 - Agreement to assign areas of maintenance responsibility for each party
 - Compliance with all state and local requirements
 - Agreed pricing that benefits both parties

Direct Testimony of David Esquivel, P.E.
COT1861

Ex. DME-9



Thank You



Direct Testimony of David Esquivel, P.E.
COT1862

Ex. DME-9

5/3/2017

2016-02-17 Champs Water Company CCN transfer & purchase of H.O.E. - City of Tomball - City of Tomball

NOI - Water Service from HOE (DPS, Property Dept) - v.2 [Current]



City of Tomball

Gretchen Fagan
Mayor

George Shackelford
City Manager

April 15, 2016

H.O.E. Water Supply Corporation
Attn: General Manager
25035 Stanolind Rd.
Tomball, Texas 77375

VIA HAND DELIVERY

Re: Notice of Intent by the City of Tomball to Provide Water and Sewer Service in Corporate Limits

Dear General Manager:

The City of Tomball ("City") currently provides retail water and sewer service to its customers located within certain portions of the City's corporate limits and extra-territorial jurisdiction. However, one portion of the City's corporate limits overlaps with H.O.E. Water Supply Corporation's ("HOE WSC") water certificate of convenience and necessity ("CCN") No. 12756.

In accordance with Texas Water Code § 13.255, the City hereby provides HOE WSC with notice that the City intends to provide retail water service to an approximately 9.66 acre tract area within its corporate limits that overlaps with HOE WSC's water CCN service area ("CCN Decertification Area"), which is more specifically depicted on the map attached hereto as **Exhibit "A"**. The CCN Decertification Area is generally bounded on the north by East Hufsmith Road; south by the City owned Broussard Park; east by the county owned Mathews Park; and west by East Hufsmith Road.

We look forward to discussing the terms of an agreement between the City and HOE WSC, which will detail the arrangement between the parties for the City's provision of retail water service to the CCN Decertification Area. If you have any questions, please contact me at (281) 290-1415.

Sincerely,

David Esquivel, PE, Director of Public Works
City of Tomball

Cc: George Shackelford, City Manager
Rob Hauck, ACM

401 MARKET STREET • TOMBALL, TEXAS 77375 • 281-351-5484

City of Tomball

<https://intranet.tomballtx.gov/pages/viewpage.action?pageId=12845394&preview=%2F12845394%2F13533187%2FNOI+-+water+service+from+HOE+%28DP...> 5/6

Direct Testimony of David Esquivel, P.E.
COT1863

Ex. DME-10

Meagan Magèo

Subject: FW: Broussard Park water service

From: Gray, Ian (Engineering) [<mailto:Ian.Gray@hcpid.org>]

Sent: Wednesday, January 11, 2017 4:58 PM

To: David Esquivel

Subject: RE: Broussard Park water service

David,

Thank you for producing this email so fast.

I really do appreciate it and hopefully will help with our process of being able to work with City of Tomball.

Thanks,

Ian Gray

Graduate Engineer
Harris County Engineering Department
(713) 274-3765
ian.gray@hcpid.org

From: David Esquivel [<mailto:DEsquivel@tomballtx.gov>]

Sent: Wednesday, January 11, 2017 3:15 PM

To: Gray, Ian (Engineering) <Ian.Gray@hcpid.org>

Subject: Broussard Park water service

Good afternoon Mr. Gray,

This is the summary of our conversation regarding the water service for Broussard Park which will provide the opportunity to serve Mathews Park (County park) if an interlocal agreement is in place between the County and City of Tomball. The city is working on constructing a 12" water line along Zion Road to Hufsmith connecting to an existing line along Snook Lane. An 8" service line will be laid along the north property line to the east end of the Broussard Park property. There will be capacity in the line to serve both parks for restroom facilities and irrigation. The engineering design contract has been awarded and we anticipate to have water service by the end of April 2017.

The city has also applied for a CCN (Certificate of Convenience and Necessity) to provide water and sewer service for areas within the city limits as well as the ETJ. The application does remove areas where there is already a CCN in place. If an identity is within an existing CCN but cannot get the needed service then a request to disannex from that CCN can be done. At the time of disannexation, the city may be able to provide service.

If you have any further questions please feel free to let me know.

Thanks,

David Esquivel, PE
Director of Public Works



CITY OF HOUSTON - CITY COUNCIL

Meeting Date:

ETJ

Item Creation Date: 2/8/2017

PLN-Harris County Improvement District No. 17

Agenda Item#:

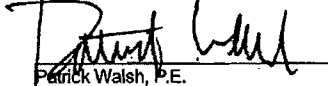
Background:

Management districts are special districts created by the Texas legislature. Generally, these districts are empowered to promote, develop, encourage and maintain employment, commerce, transportation, water and sewerage improvements, housing, tourism, recreation, arts, entertainment, economic development, safety and public welfare. Typically, management districts are given the power to finance their operations by issuing bonds or other obligations, payable in whole or in part from ad valorem taxes, assessments, impact fees or other funds of the district to provide improvements and services. Districts may levy a tax only after holding an election within the district.

Harris County Improvement District No. 17, authorized by the 81st Legislature in 2009, contains approximately 606.1394 acres of undeveloped and partially developed land. The District is partially located in Houston's extraterritorial jurisdiction (ETJ) boundary in Harris County. The District is requesting City consent to the creation of the district and release of the 606.1394 acres to be annexed by the City of Tomball.

Public Works and Engineering has reviewed this request and has no objection to granting the District's consent requests for a limited duration and releasing this property from the City of Houston's ETJ.

The Planning and Development Department recommends that City Council consent to the creation of Harris County Improvement District No. 17, and the release of 606.1394 acres from the City of Houston's ETJ.


Patrick Walsh, P.E.

Director

Planning and Development

cc: Andy Icken

Prior Council Action:

n/a

Amount of Funding:

n/a

Contact Information:

Nicole Smothers

832-393-6580

ATTACHMENTS:

Description

Map

Petition

Type

Backup Material

Backup Material

City Council Chamber, City Hall, Tuesday, March 28, 2017

A regular meeting of the Houston City Council was held at 1:30 p.m., Tuesday, March 28, 2017; Mayor Pro Tem Ellen Cohen presiding, with Council Members Brenda Stardig, Jerry Davis, Dwight Boykins, Dave Martin, Steve Le, Greg Travis, Karla Cisneros, Robert Gallegos, Mike Laster, Larry Green, Mike Knox, David Robinson, Michael Kubosh, Amanda Edwards and Jack Christie D.C.; Tom Allen, Legal Department; Marta Crinejo Agenda Director and Stella Ortega Agenda Office present. Mayor Sylvester Turner out of the City on City business.

At 1:50 p.m. Mayor Pro Tem Cohen called the meeting to order and stated that Council would start with presentations. Council Members Boykins, Travis, Gallegos, Green and Knox absent.

Council Member Davis stated that Texas Southern University (TSU) Women's Basketball Team had a momentous season, as they won a share of the Regular Season Title and also won the Tournament Title. The team qualified for its first appearance in the NCAA Tournament and made their third trip to post season play under head coach Johnetta Hayes-Perry and TSU's Women's Basketball Team also captured their first 20 win season during the regular season and teammate, Joyce Kennerson, was named the 2017 SWAC Tournament MVP and their great dedication, skill and team work has awarded them a truly victorious season and on March 28, 2017, the Texas Southern University Women's Basketball Team will be recognized for their incredible accomplishments this season. The City of Houston commends the team for their hard work, solid sportsmanship and tremendous efforts and extends best wishes on their continued success and therefore, Mayor Pro Tem Cohen on behalf of Mayor Turner hereby proclaimed March 28, 2017, as Texas Southern University Women's Basketball Team Day in Houston, Texas. Council Members Gallegos absent.

Council Member Davis stated that Texas Southern University (TSU) Men's Basketball Team reached new heights this season, setting a school record for wins during a season, with 23 wins. They were named 2017 SWAC Regular Season and Tournament Champions under head coach Mike Davis, and also qualified for the Big Dance for the third time in four years and overall, it was the teams seventh NCAA Tournament appearance and the fourth consecutive year that they competed in post season play, TSU's Men's Basketball Team also swept the 2017 SWAC Post season honors with Zach Lofton selected as Player of the Year, Marvin Jones selected as Defensive Player of the Year, and Demontrae Jefferson selected as Freshman of the Year, as well as Marvin Jones being named the 2017 SWAC Tournament MVP and on March 28, 2017, the Texas Southern University Men's Basketball Team will be recognized for their incredible accomplishments this season. The City of Houston commends the team for their hard work, solid sportsmanship and tremendous efforts and extends best wishes on their continued success and therefore, Mayor Pro Tem Cohen on behalf of Mayor Turner hereby proclaimed March 28, 2017, as Texas Southern University Men's Basketball Team Day in Houston, Texas. Council Member Gallegos absent.

At 2:11 p.m. Mayor Pro Tem Cohen recognized Council Member Le for the invocation and he invited Dr. Ed Montgomery to present the invocation and Council Member Le led the Pledge of Allegiance. Council Member Davis absent.

At 2:14 p.m. the Roll was called. Mayor Sylvester Turner out of the City on City business. Council Member Davis absent.

Council Member Kubosh moved to delay the adoption of the minutes of the last 2 meetings and seconded by Council Member Knox, all voting aye, nays none. Council Members Travis and Davis absent. **MOTION ADOPTED**

Mayor Pro Tem Cohen recognized Council Member Kubosh for a procedural motion and Council Member Kubosh moved that the rules be suspended for the purpose of adding Mr. Freelon Payton, Mr. Christopher Burgmon and Ms. Gladys Watkins to list of speakers and seconded by Council Member Stardig, all voting aye, nays none. Council Members Davis, Le and Edwards absent. **MOTION 2017-0163 ADOPTED**

Mayor Pro Tem Cohen recognized Council Member Green for a procedural motion and Council Member Green moved that the rules be suspended for the purpose of hearing Mr. Steven Paletz out of order and seconded by Council Member Kubosh, all voting aye, nays none. Council Members Davis, Le and Edwards absent. **MOTION 2017-0164 ADOPTED**

Mayor Pro Tem Cohen recognized Council Member Cisneros for a procedural motion and Council Member Cisneros moved that the rules be suspended for the purpose of hearing Mr. John Branch and Ms. Gabrielle Hadnot out of order and seconded by Council Members Davis, Le and Edwards absent. **MOTION 2017-0165 ADOPTED**

Mayor Pro Tem Cohen recognized Council Member Martin for a point of personal privilege; and Council Member Martin recognized from the Livable Forest of Kingwood Texas a group of Home School Students and requested them to stand to be recognized. Council Member Davis, Le and Edwards absent.

At 2:19 p.m. Mayor Pro Tem Cohen requested the City Secretary to call the List of Speakers.

Mr. Steven Paletz, no address, no phone, appeared and stated that he is here to speak about Item 8, the adoption of the Civility Ordinance for the Greater South Post Oak, West Bellfort area and based on the petition that was collected by Greater South Post Oak, West Bellfort Coalition and the map included in the Agenda Item shows the diversity of support for this petition for this area to be included as a District to which the Civility Ordinance would apply. Council Members Davis, Martin and Edwards absent.

Members of Council questioned Mr. Paletz.

Mr. Shawn McDermott, 4410 Crawford St., 77004, (713)922-5156 appeared and stated that he was resident of the Museum District and they have a problem with the 59 bridge and he knows that they will be voting on the Tent Ordinance and they wanted to make note that they want this Ordinance to go through and also they are suffering from attacks from Homeless Advocates, they are slandering them on social media and other things but they want to make sure that there is no loopholes so they cannot get around it and he wants to make sure the enforcement is kept up and it really is about safety in the community. Council Members Council Members Davis, Green and Edwards absent.

Members of Council questioned Mr. McDermott.

Ms. Shere Dore, 2601 Woodland Park Dr., 77077, (832)282-4164 appeared and stated that she is a Homeless Advocate working directly with the homeless for 6 years now, she does not represent any organization or group and she represents the homeless that are silenced by society as a whole and when she heard about the Encampment Ordinance that the City is trying to pass she was a little disturbed when property have not yet been bought for this project and

she would appreciate it if the Mayor and Council could hold off this vote until the Way Home is up and running and the homeless have somewhere to go in the meantime and the City is getting ahead of itself bypassing an Ordinance which will only further criminalize the homeless. Council Members Davis, Le, Green and Edwards absent.

Members of Council questioned Ms. Dore.

Rev. Burnell McCray, no address, no phone, appeared and stated that God is speaking about compassion and how they should demonstrate compassion and being homeless and the struggles and he is against the Ordinance. Council Members Davis, Boykins, Le, Laster, Green and Edwards absent.

Members of Council questioned Rev. McCray.

Mr. Mike Smith, 7811 Kingsley St., 77087, (713)304-2944 had reserved time to speak but was not present when his name was called. Council Members Davis, Boykins, Le, Laster, Green and Edwards absent.

Ms. Marian Wright, 709 Bayland Ave., 77009, (713)899-7439 appeared and presented information and stated that they do not have census in the Woodland Heights for the Traffic calming devices as the neighborhood is divided and even the Civic Association says this is a mistake and they do not support this plan and the new plan has less support from the previous plans that were scrapped for not having enough support and too much power is given to this Department, the money had been already been spent and devices already installed before Council can even get a vote. Council Members Davis, Martin, Le, Travis, Green, Knox, Edwards and Christie absent.

Members of Council questioned Ms. Wright.

Mr. John Branch, 4430 Castor St., 77022, (310)710-4181 appeared and stated about 8 to 9 months ago was first proposed converting the Independence Heights Storefront to a Community Center when the neighborhood said they would clean it, pay for everything and run it and 9 months later the weeds have been cleared and gutters have been cleaned and apparently it was going to be a line item decision and he was informed by his Council Member that it was out of her hands, the community had been taken out of it and it is now in the Mayor's hands on what Department is going to run the Community Center, they were not asking for a line item agenda item for more money to be spent or taken out of the City's Budget to give them a Community Center, they would run it themselves, they do not have a clinic, they do not have a library but can say this building will go for use by the Community. Council Members Davis, Martin, Le, Travis, Green, Knox, Edwards and Christie absent.

Ms. Gabrielle Hadnot, 4316 Europa St., 77022, (281)787-0338 appeared and stated that she was here on behalf of the citizens of the Independence Heights and which she is a resident and this community is bordered with Crosstimbers to the North and Yale to the West and she comes requesting now that vacant Police Storefront at 803 Crosstimbers to be used as a Community Center and this could be a place where a Community could have meetings, Seniors have a place to gather, craft, education classes and many other activities at this location, they do not have a Multi-Service Center, they were left out of the allocations of the Multi-Service Centers and they are one of the oldest Communities, the Police Store Front is no way to make up for not having a Multi-Service Center but it would put a small Band-Aid on the problem and she hopes this would not be a difficult decision for them and hope it would be expedited and please contact

her for more information or to notify her with the Council decision. Council Members Davis, Martin, Laster, Green and Christie absent.

Council Member Cisneros stated that she had help facilitate bringing this to the Mayor's attention and he had indicated a willingness to consider and they have not gotten a final decision of what he is willing to do, it was going through a process to establish that other Departments do not see the need for it and it is property without a purpose and she does not know what the answer is and she had been taking a lead.

Mr. Robert Hall, 7957 Ridgeview Dr., 77055, (281)636-9613 appeared and stated that he lives in Council Member Stardig's District and he is here today because of an incident that occurred about a month ago and he was at an event displaying the American flag along with other Veterans and Patriots, the Police stopped them from displaying their flag with the premise that this flag was a weapon, they would not allow him to fly his flag and instructed him to put it away and he did follow that order and he is not so sure that he is not going to do that next time but it's the deal with all of this Political correctness stuff with our flag all around the Country and right here in Houston, he does not understand and the people that were with him were upset like he was and this Ordinance is stupid. Council Members, Davis, Martin, Green and Edwards absent.

Council Member Stardig stated that she totally agrees with him and asked him if he in any way tried to use the flag as a weapon, did he threaten anyone with the flag pole; that she knows Mr. Hall very well and he does amazing work in the community and asked the questioned that they have trouble enforcing other Laws and Ordinances in this city and she does not understand that this one was the one that was chosen to enforce because she cannot get one enforced when they are criminal and are harmful for people.

Members of Council questioned Mr. Hall.

Mr. Andy Valadez, 6431 Slate Stone Ln. 77084, (713)560-3348 appeared and stated that this is his first time to address the Council, he also is a Marine Veteran and he is here to speak about the American Flag, they honor what they stand for and this Ordinance that restricts the flying of the American, the City is hiding from behind the stick and the pole when the flag is in full view and he would like to request an emergency amendment to this Ordinance to recognize the American flag that is already protected by Federal Statues and guidelines and the American flags are not weapons and the flag and its pole should never be separated when displayed in public. Council Members Stardig, Davis, Martin and Green absent.

Mayor Pro Tem Cohen stated that she wanted to take a moment to read because they are talking about something that she does not think that any of them had read the Ordinance and read a paragraph from the Flag Pole Ordinance.

Members of Council questioned Mr. Valadez.

Mr. Taylor McNeil, 4414 Clay St. Apt. 1, 77023, (214)282-0410 appeared and stated that he is a Landscape Architect in Houston and he works for Asakura Robinson Design Company and they contributed to the Houston Bike Plan and leading the plan to the Downtown development and yesterday he got to meet Council Member Robinson at the Gulf Coast Sustainability Conference and he wanted to elaborate today on the brief discussion they had regarding storm water management. Council Members Stardig, Davis, Martin, and Green absent.

Members of Council question Mr. McNeil.

Ms. Unique Green, 1116 Elberta St., 77051, (281)408-3103 had reserved time to speak but was not present when her name was called. Council Members Stardig, Davis, Martin and Green absent.

Ms. Deborah Elaine Allen, P.O. Box 263252, 77027, (713)264-0127 had reserved time to speak but was not present when her name was called. Council Members Stardig, Davis, Martin and Green absent.

Mr. David Busby, 8206 North Court Rd., 77040, (713)498-1141 appeared and stated that he is with Education TV and Radio and he been a Houston citizen for about 5 years now and he is here to speak about houses and the normal way is that they buy the house and they fix the house up and sell it to a good family, something they do not have to move into the house and spend more money to fix it and the reason he is speaking here today is that he is requesting that Council to put on a thinking cap about money, money to fix up the blight not tax money, that there was a fund set aside, like a bank and make it a returnable fund that they would have to pay it back and he explained his plan. Council Members Stardig, Davis, Martin, Green and Kubosh absent.

Members of Council questioned Mr. Busby.

Ms. Trula Samuel, 3027 Dacca, 77051, (832)754-1323 appeared and stated that the Greater Sugar Valley Subdivision is the adjoining neighborhood to Reidwood and Blue Ridge which have both received speed bumps or cushions for the safety of the residents and these speed bumps seem to be very affective as far as traffic control and safety and residents of the Greater Sugar Valley Subdivision really need to have this. Council Members Stardig, Davis, Martin, Green, Knox, kubosh and Christie absent.

Members of Council questioned Ms. Samuel.

Mr. Freelon Payton, no address, no phone, appeared and stated that they have several issues in their community not only the speed bumps, they also have a tract of land that is next to Sugar Valley that is being filled with dirt to raise it up and it will cause drainage problems for Sugar Valley and that is one of the reason they were expecting him on the 14th and they were told that Council Member Boykins would set up a date to meet with them and when they got to the meeting they were told that Council Member Boykins was on spring break and they are requesting that he find someone that would tell them what type of drainage will they be putting in place since that property is building up and what are they going to build there. Council Members Stardig, Davis, Martin, Green and Christie absent.

Council Member Boykins questioned Mr. Payton who advised that the property being built up is at 2920 Airport.

Mr. Christopher Burgmon, no address, no phone, appeared and stated that they do appreciate the speed bumps because they are really need because they have kids riding little scooters and cars coming up and down speeding at least he sees one every evening going at least 40 miles per hour, they have Seniors that like to walk but cannot because they do not have sidewalks, they have no respect for the community and they have been needing the speed bumps for years and there is a store were a group stays there, they go urinate and do other things that should not be seen, they have school kids and mothers pass by and they have come to the conclusion that they need more Police because it is really bad. Council Members Stardig, Davis, Martin, Gallegos, Green and Christie absent.

Council Member Boykins questioned Mr. Burgmon.

Ms. Gladys Watkins, no address, no phone, appeared and stated that she speaks today for the safety of their children, the elderly and others that need the protection and this had been a long journey for her, she was the one that started this launch for the speed bumps but they are not dismayed or discouraged, they are willing to move forward in their efforts to make their streets safe in their community. Council Members Stardig, Davis, Martin, Gallegos, Green and Christie absent.

Council Member Boykins questioned Ms. Watkins.

Ms. Eunics Amaechi, 2800 Dairy Ashford No.408, 77082, (832)362-6589 had reserved time to speak but was not present when her name was called. Council Members Stardig, Davis, Martin, Gallegos, Green and Christie absent.

Ms. Emily Payton, 4366 Club Creek Dr., 77074, (832)443-8572 appeared and stated that she is here as an independent homeless Advocate and with all due respect she is here to address the Encampment Ordinance and taking away their tents before they have room for housing is not human and that stray animals are treated better here in Houston than the homeless people are and that her people need to be helped and not hurt. Council Members Stardig, Davis, Boykins, Martin, Gallegos, Green and Christie absent.

Council Member Kubosh questioned Ms. Payton.

Ms. Sara Lyons, 217 Everton St., 77003, (713)933-4694 appeared and stated that she lives in District H and Council Member Cisneros office and the Mayor's office did call her today and helped educate her on the Homeless Ordinance and she would like to applaud the City on their efforts to help the fellow citizens who do not have the luxury of residing in a permanent structure and she shared her concerns about these encampments. Council Members Stardig, Davis, Boykins, Martin, Gallegos, Green and Christie absent.

Members of Council questioned Ms. Lyons.

Ms. Marion Scott, 1600 Louisiana, 77002, (713)987-3324 had reserved time to speak but was not present when her name was called. Council Members Stardig, Davis, Boykins, Martin, Gallegos, Green and Christie absent.

Ms. Lynnette Wakefield, no address, no phone, had reserved time to speak but was not present when her name was called. Council Members Stardig, Davis, Boykins, Martin, Gallegos, Green and Christie absent.

Mr. Sam Smith, 7813, 77016, (254)400-5446 had reserved time to speak but was not present when her name was called. Council Members Stardig, Davis, Boykins, Martin, Gallegos, Green and Christie absent.

Mr. Damian Matthews, 1414 Ambrosden Ln., Channelview, TX, 77530, (832)378-2453 appeared and stated that he came to speak today as a man that understands what human minds are capable of presenting to one another in a fashion that would not only serve for justice but as well as equality and expressed personal views and faith. Council Members Stardig, Davis, Boykins, Martin, Gallegos, Green and Christie absent.

Mr. James Partsh-Galvan, 2705 Terry St., 77009, (713)528-2607 had reserved time to speak but was not present when his name was called. Council Members Stardig, Davis, Boykins, Martin, Gallegos, Green and Christie absent.

Mr. Fouad Dib, 123 West 18th St., 77008, (713)922-2806 had reserved time to speak but was not present when his name was called. Council Members Stardig, Davis, Boykins, Martin, Gallegos, Green and Christie absent.

President Joseph Charles, Post Office Box 524373, 77052-4373, Houston, TX, appeared and requested more time and stated his subject was absolute Marshal Law, Salaries, Revoked, H/City, Texas/State, and Government Systems and continued to voice his personal experiences until his time expired. Council Members Stardig, Davis, Boykins, Martin, Le, Gallegos, Green and Christie absent.

Ms. Bridget Alexander McDaniel, 8114 St. Lo. Rd., 77033, (713)987-3854 had reserved time to speak but was not present when her name was called. Council Members Stardig, Davis, Boykins, Martin, Le, Gallegos, Green and Christie absent.

Note: During the public session motions were offered to extend time for questions of various speakers, and votes taken, which were not prepared in written form and may be viewed on HTV Houston or on disc.

At 4:05 p.m. The City Council was recessed until 9:00 a.m., Wednesday, March 29, 2017, Council Members Stardig, Davis, Boykins, Martin, Le, Gallegos, Green and Christie absent.

At 8:30 a.m. Ms. Anna Russell, City Secretary, read the description or captions of the Items on the Agenda.

The Houston City Council reconvened at 9:00 a.m., Wednesday, March 29, 2017 Mayor Sylvester Turner presiding, with Council Members Brenda Stardig, Jerry Davis, Ellen Cohen, Dwight Boykins, Dave Martin, Steve Le, Greg Travis, Mike Laster, Karla Cisneros, Robert Gallegos, Larry Green, Mike Knox, David Robinson, Michael Kubosh, Amanda Edwards and Jack Christie D.C.; Mr. Ronald C. Lewis, City Attorney, Marta Crinejo, Agenda Director and Stella Ortega Agenda Office present.

At 9:12 a.m. Mayor Turner called the meeting to order and recognized Council Member Cohen for a procedural motion. Council Members Davis and Travis absent.

Council Member Cohen moved that the rules be suspended for the purpose of considering Items 1 & 2 prior to the Mayor's Report and seconded by Council Member Green, all voting aye, nays none. Council Members Davis and Travis absent. **MOTION 2017-0166 ADOPTED**

1. **CONFIRMATION** of the appointment or reappointment of the following individuals to the **HOUSTON CLEAN CITY COMMISSION BOARD OF DIRECTORS**, for terms ending January 1, 2019:

- Position A - **WARREN SLOAN**, reappointment
- Position C - **BEN PROLER**, reappointment
- Position D - **JONATHAN HOWARD**, appointment
- Position E - **BRIAN GRUEL**, appointment
- Position F - **CLAY BRÖLLIER**, reappointment
- Position G - **NANCY D. RUTHERFORD**, reappointment
- Position I - **RAMIRO FONSECA**, reappointment

Position J - **JOYCE AKINS**, reappointment

Position K - **BECKY EDMONSON**, reappointment

At-Large Position No. 1 - **JAN ROSE**, reappointment

At-Large Position No. 3 - **LORA-MARIE BERNARD**, reappointment

At-Large Position No. 4 - **KOURTNEY JAMES PERRY**, appointment

At-Large Position No. 5 - **JESSICA MAHAFFEY**, reappointment-

was presented, moved by Council Member Cohen and seconded by Council Member Robinson, all voting aye, nays none. Council Members Davis and Travis absent. **MOTION 2017-0167 ADOPTED**

Mayor Turner introduced Members appointed to the Houston Clear City Commission Board of Directors and thanked them for their services and Members of Council thanked them for their willingness to serve.

2. **REQUEST** from Mayor for confirmation of the appointment of **DR. KARUN SREERAMA as DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS & ENGINEERING-** was presented, moved by Council Member Cohen and seconded by Council Member Robinson, all voting aye, nays none. **MOTION 2017-0168 ADOPTED**

Mayor Turner invited Dr. Sreerama to the podium, and stated he is a Veteran Houston engineer and was picked to head the Houston Department of Public Works and Engineering (PWE) and would head the Department of about 4,000 employees and is a highly respected engineer with 28 years of experience managing multi-million dollar capital projects across the U.S. and abroad, he is a registered Professional Engineer and holds a doctorate in civil engineering as well as a Master's degree in business administration and he will fill the vacancy created by the retirement of Dale Rudick, who has led PWE since 2014 and pending council approval, the new appointment is to be effective April 3, 2017 and he wanted to thank Dr. Sreerama for accepting the task and accepting the job and they look forward in working with him.

Members of Council thanked Dr. Sreerama for his willingness to serve and he received a standing ovation.

At 9:48 a.m. Mayor Turner stated they would move to the Mayor's Report.

MAYOR'S REPORT

Mayor Turner stated that he wanted to start with brief report on the Pension in Austin, the Legislature and he first wanted to thanked all of the Council Members for traveling to Austin on Monday, with regards to the Committee Substitute House Bill 43, Police testified in favor of the Bill, both the Pension Board and as well as the Union group, with respect to the Municipal Employees, the Pension Boards as well as their Employees testified in favor of it and the Greater Houston Partnership testified in favor of the Bill and the Bill has a great deal of consensus, the Firefighter are the only ones that are holding out but have not said that and they cannot stop because of any one group, he had instructed his team to move forward, it is important for the City of Houston as a whole and the question they have to ask, is what is in the best interest for the City and he anticipates a very positive result coming out of Legislature.

Mayor Turner stated the last thing he wanted to make mention on that over the weekend 2 Cyclist that were training for MS150 were killed and he wanted to express his condolences to

their family and friends of Keri Blanchard Guillory and Greg Randall Tippet and according to Bike Houston there had been 5 people killed while riding bicycles in the Houston Metro Region since February 3 and reviewed the Bike Safeway Ordinance.

At 9:54 a.m. Mayor Turner requested that the City Secretary to call the Consent Agenda.

CONSENT AGENDA NUMBERS 4 through 28

PURCHASING AND TABULATION OF BIDS - NUMBERS 4 and 5

4. **ORDINANCE** appropriating \$54,432.25 out of Contributed Capital Project Fund for the purchase of Replacement Parts for the Parks and Recreation Department- was presented, all voting aye, nays none. Council Members Stardig, Davis and Boykins absent. **ORDINANCE 2017-0210 ADOPTED**

5. **LONE STAR RECREATION, INC** for Playground Replacement Parts through the Interlocal Agreement for Cooperative Purchasing with the Texas Local Government Purchasing Cooperative (BuyBoard) for the Parks & Recreation Department - \$54,432.25 - Contributed Capital Project Fund

This item should only be considered after passage of Item 4 above- was presented, moved by Council Member Cohen and seconded by Council Member Green, all voting aye, nays none. Council Members Stardig, Davis and Boykins absent. **MOTION 2017-0169 ADOPTED**

ORDINANCES - NUMBERS 11 through 28

11. **ORDINANCE** finding and determining that public convenience and necessity no longer require the continued use of: (1) Burnett Street, from Maffitt Street east to the Southern Pacific Right-of-Way Line; (2) Semmes Street, from Burnett Street south to the Southern Pacific Right-of-Way Line; (3) Maffitt Street, from Burnett Street south to the Southern Pacific Right-of-Way Line; (4) Brooks Street, from Maffitt Street east 417 feet to Chase Street; and (5) Semmes Street, from Brooks Street north to Harrington Street, all located within the S.F. Noble's Addition, out of the S.M. Harris Survey, A-327; abandoning the streets to Kurtz Properties, Ltd., abutting owner, in consideration of its payment to the City of \$787,088.00 - **DISTRICTS B - DAVIS and H - CISNEROS**- was presented, all voting aye, nays none. Council Members Stardig and Boykins absent. **ORDINANCE 2017-0211 ADOPTED**

12. **ORDINANCE** finding and determining that public convenience and necessity no longer require the continued use of a 20-foot-wide water line easement; abandoning the easement to the Museum of Fine Arts, Houston, the abutting owner, in consideration of: (A) its conveyance to the City of a 23-foot-wide water line easement; (B) its payment to the City of \$300.00; and (C) other good and valuable consideration; located within Block 77 of the Turner's Addition, out of the Obedience Smith Survey, A-696, and Joseph Gamble Survey,

A-309 - DISTRICTS C - COHEN and D - BOYKINS- was presented, all voting aye, nays none. Council Members Stardig and Boykins absent. **ORDINANCE 2017-0212 ADOPTED**

13. **ORDINANCE** appropriating \$2,050,000.00 from the TIRZ Affordable Housing Fund; approving and authorizing loan of the appropriated funds and \$3,900,000.00 of Federal Home Investment Partnership Funds from the City of Houston to **HARRIS COUNTY HOUSING AUTHORITY** to assist with development of Fenix Estates, a 200 unit Affordable Housing Community, located in the vicinity of 3815 Gulf Freeway, In Houston, Texas - DISTRICT I - GALLEGOS- was presented and City Secretary advised that Item 13 had been pulled by the Administration and will not be considered.
17. **ORDINANCE** appropriating reimbursement of unspent funds of \$588,759.95 to **REINVESTMENT ZONE NUMBER FOURTEEN, CITY OF HOUSTON, TEXAS (FOURTH WARD)**, and authorizing transfer of reimbursed funds to Reinvestment Zone Number Fourteen, City of Houston, Texas, pursuant to Ordinance No. 2011-0609- was presented, all voting aye, nays none. Council Members Stardig and Boykins absent. **ORDINANCE 2017-0213 ADOPTED**
21. **ORDINANCE** establishing the north side of the 4400-4500 blocks of **Rusk Street**, within the City of Houston, Texas, as a special minimum lot size block pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - DISTRICT I - GALLEGOS- was presented, all voting aye, nays none. Council Members Stardig and Boykins absent. **ORDINANCE 2017-0214 ADOPTED**
22. **ORDINANCE** establishing the north and south sides of the 1400 block of **Scharpe Street**, within the City of Houston, Texas, as a special minimum lot size block pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - DISTRICT I - GALLEGOS- was presented, all voting aye, nays none. Council Members Stardig and Boykins absent. **ORDINANCE 2017-0215 ADOPTED**
24. **ORDINANCE** appropriating \$1,400,000.00 out of Fire Consolidated Construction Fund and \$500,000.00 out of Police Consolidated Construction Fund to the In-House Renovation Revolving Fund for FY2017 Renovations of the Houston Fire Department Fire House No. 32 and Houston Police Department Gerson Building and Central Police Complex - DISTRICTS B - DAVIS and H - CISNEROS- was presented, all voting aye, nays none. Council Members Stardig and Boykins absent. **ORDINANCE 2017-0216 ADOPTED**
25. **ORDINANCE** appropriating \$107,734.00 from the Metro Projects Construction DDSRF Fund; approving and authorizing Public Highway Overpass Agreement between the City of Houston and **UNION PACIFIC RAILROAD** for the Buffalo Speedway Grade Separation Project - DISTRICT K - GREEN- was presented, all voting aye, nays none. Council Members Stardig and Boykins absent. **ORDINANCE 2017-0217 ADOPTED**
28. **ORDINANCE** appropriating \$2,540,792.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **PM CONSTRUCTION & REHAB, LLC** for Wastewater Collection System Rehabilitation and Renewal; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, and contingencies relating to construction of

facilities financed by the Water & Sewer System Consolidated Construction Fund- was presented, all voting aye, nays none. Council Members Stardig and Boykins absent.
ORDINANCE 2017-0218 ADOPTED

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

3. **DIXON-SHANE, LLC dba R&S NORTHEAST, LLC** for a 340B Drug Pricing Program for Family Planning Contraceptives, Vaccines, and Over-The-Counter Medications for the Houston Health Department - 36 Months with two one-year options - \$1,476,111.30 - General, Grant and Other Funds- was presented, moved by Council Member Cohen and seconded by Council Member Robinson, all voting aye, nays none. **MOTION 2017-0170 ADOPTED**

6. **ORDINANCE AMENDING CHAPTER 21 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to encampments in public places; declaring certain conduct to be unlawful and providing penalties therefor; containing findings and other provisions relating to the foregoing subject; providing for severability- was presented,

Mayor Turner stated on Item No. 6, he had been presented with several Amendments and would move to delay these Items to discuss and he wants to acknowledge these Amendments.

Council Member Stardig presented 2 Amendments for Item 6, Section 23-61 of the Code of Ordinance.

Council Member Gallegos presented 2 Amendments to proposed Chapter 21, Article III- Encampments Ordinance.

Council Member Laster presented 2 Amendments to Item 6: Chapter 21 of the Code of Ordinance relating to Encampments in Public places.

Council Member Knox presented 1 Amendments to Item 6, Section 21-62 of the Code of Ordinance.

Council Member Laster moved to delay proposed Amendments by Council Members Stardig, Gallegos, Laster, Knox and Item 6 for 2 weeks and seconded by Council Member Knox, all voting aye, nays none. **MOTION 2017-0171 ADOPTED**

7. **ORDINANCE AMENDING SECTION 28-46 OF THE CODE OF ORDINANCES, CITY OF HOUSTON**, relating to aggressive panhandling and impeding the use of a roadway; declaring certain conduct to be unlawful; containing findings and other provisions relating to the foregoing subject; providing for severability- was presented,

Mayor Turner stated on Item 7, he had been presented with number of Amendments and would move to delay these Items to discuss and he wants to acknowledge these Amendments.

Council Member Stardig presented 5 Amendments for Item 7, Section 28-46 of the Code of Ordinance.

Council Member Gallegos presented 4 Amendments to proposed Chapter 28, Section 28-46 of the Code of Ordinance.

Council Member Knox presented 3 Amendments to Item 7 to Section 28-46 of the Code of Ordinance.

Council Member Knox moved to delay proposed Amendments by Council Members Stardig, Gallegos, Laster, Knox and Item 7 for 2 weeks and seconded by Council Member Laster, all voting aye, nays none. **MOTION 2017-0172 ADOPTED**

8. **ORDINANCE AMENDING ARTICLE XVI, CHAPTER 40, CODE OF ORDINANCES, HOUSTON, TEXAS**, by adding an area surrounding South Post Oak and West Bellfort as a designated area covered by such article (Civility Ordinance)- was presented, all voting aye, nays none. **ORDINANCE 2017-0219 ADOPTED**
9. **ORDINANCE** supplementing the City of Houston, Texas Combined Utility System Master Ordinance; providing for the issuance of Combined Utility System First Lien Revenue and Refunding Bonds, Series 2017B in one or more series or subseries as may be further designated; authorizing the Mayor and City Controller to approve the amounts, interest rates, prices, and terms thereof and certain other matters relating thereto; providing for the payment thereof; making other provisions regarding such bonds including the use of a Preliminary Official Statement and authorizing the preparation and distribution of an Official Statement and matters incident thereto; awarding the sale of the bonds; authorizing the defeasance, final payment, and discharge of certain outstanding Combined Utility Commercial Paper Notes and certain Combined Utility System Bonds; authorizing a Bond Counsel Agreement, and a Special Disclosure Counsel Agreement; authorizing the execution and delivery of a Paying Agent/Registrar Agreement and other related documents; making other provisions regarding such bonds; and declaring an emergency- was presented, all voting aye, nays none. Council Member Green absent. **ORDINANCE 2017-0220 ADOPTED**
10. **ORDINANCE** finding and determining that public convenience and necessity no longer require the continued use, by the City of Houston, Texas, of Aldine High School Loop Road, circling from Airline Drive to Airline Drive within the Aldine Senior High School Campus, out of the Simon Contreras Survey, A-220; vacating, abandoning and selling said parcel to Aldine Independent School District, the abutting owner, in consideration of (A) owner's payment to the City of \$183,436.00 in cash, (B) the conveyance by owner to the City in Fee Simple Title of a 39,810 square feet tract of land located at Ella Boulevard and West Greens Road for Ground Water Well use by the City, (C) the conveyance by owner to the City of two 10-foot wide water line easements, all situated in the B.B.B. & C.R.R. Co. Survey, A-175, Harris County, Texas, and (D) other good and valuable consideration - Parcels SY16-075,

JY16-003, KY16-278 and KY16-279 - **DISTRICT B – DAVIS**- was presented, all voting aye, nays none. Council Member Boykins absent. **ORDINANCE 2017-0221 ADOPTED**

14. **ORDINANCE** approving and authorizing second amendment to contract between the City of Houston and **CHILD CARE COUNCIL OF GREATER HOUSTON**, providing up to \$400,000 in additional Community Development Block Grant Funds for the continuing administration and operation of a Child Care Program- was presented, all voting aye, nays none. Council Member Boykins absent. **ORDINANCE 2017-0222 ADOPTED**
15. **ORDINANCE** approving and authorizing first amendment to contract between the City of Houston and **CHILD CARE COUNCIL OF GREATER HOUSTON** to provide up to \$1,817,200 (\$1,292,200 - Emergency Solutions Grant Funds; \$525,000 - Community Development Block Grant Funds) for the continuing administration and operation of the City's Homeless Services Program- was presented, all voting aye, nays none. Council Member Boykins absent. **ORDINANCE 2017-0223 ADOPTED**
16. **ORDINANCE** approving and authorizing second amendment to contract between the City of Houston and **CHILD CARE COUNCIL OF GREATER HOUSTON**, providing up to \$400,000 in additional Community Development Block Grant Funds for the continuing administration and operation of a Juvenile Delinquency Program- was presented, all voting aye, nays none. Council Member Boykins absent. **ORDINANCE 2017-0224 ADOPTED**
- ~~18. **ORDINANCE** releasing certain territory consisting of approximately 606.1394 acres in Harris County, adjacent to the extraterritorial jurisdiction of the City of Tomball, Texas, located near the intersection of S.H.249 and Humble Road, from the extraterritorial jurisdiction of the City of Houston- was presented, all voting aye, nays none. Council Member Boykins absent. **ORDINANCE 2017-0225 ADOPTED**~~
19. **ORDINANCE** establishing the west side of the 900 block of **Henke Street**, within the City of Houston, Texas, as a special minimum lot size block pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H – CISNEROS**- was presented, all voting aye, nays none. Council Member Boykins absent. **ORDINANCE 2017-0226 ADOPTED**
20. **ORDINANCE** establishing the north and south sides of the 1400 block of **Munger Street**, within the City of Houston, Texas, as a special minimum lot size block pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT I – GALLEGOS**- was presented, all voting aye, nays none. Council Members Stardig and Boykins absent. **ORDINANCE 2017-0227 ADOPTED**
23. **ORDINANCE** appropriating \$50,000 out of Contributed Capital Project Fund to Reimburse **SCENIC HOUSTON** for Esplanade Beautification on Broadway Street between Interstate 45 and Hobby Airport - **DISTRICT I – GALLEGOS**- was presented, all voting aye, nays none. Council Member Boykins absent. **ORDINANCE 2017-0228 ADOPTED**
26. **ORDINANCE** appropriating \$131,200.00 out of Metro Projects Construction DDSRF as an additional appropriation to Professional Engineering Services Contract between the City of

Houston and **BRIDGEFARMER & ASSOCIATES, INC** for Antoine Paving and Drainage from Hammerly to Hempstead Hwy. (Approved by Ordinance No. 2015-0329); providing funding for CIP Cost Recovery relating to construction of facilities financed by the Metro Projects Construction DDSRF - **DISTRICT A – STARDIG-** was presented, all voting aye, nays none. Council Member Boykins absent. **ORDINANCE 2017-0229 ADOPTED**

- 27. ORDINANCE** appropriating \$2,150,500.00 out of Metro Construction - Other, awarding contract to **TIKON GROUP, INC** for Safe Sidewalk Program Work Authorization Project; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, CIP Cost Recovery, and contingencies relating to construction of facilities financed by the Metro Construction - Other- was presented, all voting aye, nays none. Council Member Boykins absent. **ORDINANCE 2017-0230 ADOPTED**

MATTERS HELD - NUMBERS 29 and 30

- 29. RECEIVE** nominations for Positions B, H and At-Large Position 2 of the **HOUSTON CLEAN CITY COMMISSION BOARD OF DIRECTORS**, for terms ending January 1, 2019
DELAYED BY MOTION #2017-159, 3/22/17

This was a portion of Item 35 on Agenda of March 22, 2017- was presented,

Council Member Davis to nominated Huey German-Wilson for appointment to Position B of the Houston Clean City Commission Board of Directors.

Council Member Cisneros to nominated Amy Boyers for appointment to Position H of the Houston Clean City Commission Board of Directors.

Council Member Robinson to nominated Jason Smith for appointment to Position At-Large 2 of the Houston Clean City Commission Board of Directors.

Council Member Cohen moved to close nominations for Positions B, H and At-Large Position 2 to the Houston Clean City Commission Board of Directors and seconded by Council Member Robinson, all voting aye, nays none. Council Member Boykins absent. **MOTION 2017-0173 ADOPTED**

- 30. ORDINANCE** authorizing the transfer of \$480,000.00 from the NEWPP Expansion–Swift Fund (Fund 8434) into the PWE-NEWPP Construction Fund (Fund 8506), appropriating \$480,000.00 from Fund 8506, and approving the expenditure of said sum from Fund 8506 for services associated with the Northeast Water Purification Plant ("NEWPP") Expansion Project ("Project"); appropriating \$2,520,000.00 from the Water Authorities Capital Contrib-Newpp Fund (Fund 8505) and approving the expenditure of said sum from Fund 8505 for services associated with Project; approving and authorizing second amendment to the Design-Build Agreement between the City of Houston and **HOUSTON WATERWORKS, TEAM**, a Joint Venture between **CH2M HILL ENGINEERS, INC** and **CDM CONSTRUCTORS, INC** (Approved by Ordinance No. 2015-1260) for the Project; amending Ordinance No. 2015-1260 to increase the maximum project amount
TAGGED BY COUNCIL MEMBER DAVIS

This was Item 40 on Agenda of March 22, 2017- was presented, all voting aye, nays none.
Council Member Boykins absent. **ORDINANCE 2017-0231 ADOPTED**

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Cohen first

Members of Council announced events and discussed matters of interest.

There being no further business before Council; the City Council adjourned at 10:38 a.m.
Council Members Davis, Martin, Le, Travis, Laster, Knox and Kubosh absent. **DETAILED
INFORMATION ON FILE ON THE OFFICE OF THE CITY SECRETARY**

MINUTES READ AND APPROVED

Anna Russell, City Secretary



INSURANCE SERVICES OFFICE, INC.

3000 SOUTH IH-35 SUITE 225 AUSTIN, TX 78704
PO BOX 3540 AUSTIN, TX 78764-3540
PHONE (800) 444-4554 FAX (800) 736-3289

March 04, 2003

Gene Whitenack, Fire Chief
City of Tomball
1200 Rudel
Tomball, Tx 77375

RE: Public Protection Classification Results
City of Tomball, Harris County, Tx

Dear: Chief Whitenack

We wish to thank you and the other community officials for your cooperation during our recent Public Protection Classification (PPC) survey. ISO is the leading supplier of statistical, underwriting, and actuarial information for the property/casualty insurance industry. Most insurers use the PPC classifications for underwriting and calculating premiums for residential, commercial and industrial properties.

ISO has completed its analysis of the structure fire suppression delivery system provided in your community. We would like to report that the resulting classification is a Class 1. This is an improvement from the former classification of Class 4. That means your community's fire suppression services are improving in the face of the demands of a changing environment. Congratulations on this recognition of your commitment to serve the needs of your community's property owners and residents.

Enclosed is a summary of the ISO analysis of your fire suppression services. If you would like to know how your community's classification could improve, or if you would like to learn about the potential effect of proposed changes to your fire suppression delivery system, please call me at the phone number listed below.

The PPC program is not intended to analyze all aspects of a comprehensive structure fire suppression delivery system program. It is not for purposes of determining compliance with any state or local law, nor is it for making recommendations about loss prevention or life safety.

Direct Testimony of David Esquivel, P.E.

Ex. DME-14

If you have any questions about your classification, please let us know.

Sincerely,

Clinton T. Butts
Public Protection Department
(800) 444-4554, Option 2 FAX: (800) 736-3289

www.iso.com

Encl.

cc:

The Honorable Ben Griffin
Mary Cocker
Robert T Sanders



INSURANCE SERVICES OFFICE, INC.

3000 SOUTH IH-35 SUITE 225 AUSTIN, TX 78704
PO BOX 3540 AUSTIN, TX 78764-3540
PHONE (800) 444-4554 FAX (800) 736-3289

March 4, 2003

Gene Whitenack, Fire Chief
Tomball OPA
1200 Rudel
Tomball, Tx. 77375

RE: Public Protection Classification Results
Tomball OPA, Harris County, Texas

Dear: Chief Whitenack

We wish to thank you and the other community officials for your cooperation during our recent Public Protection Classification (PPC) survey. ISO is the leading supplier of statistical, underwriting, and actuarial information for the property/casualty insurance industry. Most insurers use the PPC classifications for underwriting and calculating premiums for residential, commercial and industrial properties.

ISO has completed its analysis of the structure fire suppression delivery system provided in your community. We would like to report that the resulting classification is a Class 2/10. This is an improvement from the former classification Class of 4/9. That means your community's fire suppression services are improving in the face of the demands of a changing environment. Congratulations on this recognition of your commitment to serve the needs of your community's property owners and residents.

Enclosed is a summary of the ISO analysis of your fire suppression services. If you would like to know how your community's classification could improve, or if you would like to learn about the potential effect of proposed changes to your fire suppression delivery system, please call me at the phone number listed below.

The PPC program is not intended to analyze all aspects of a comprehensive structure fire suppression delivery system program. It is not for purposes of determining compliance with any state or local law, nor is it for making recommendations about loss prevention or life safety.

Direct Testimony of David Esquivel, P.E.

Ex. DME-15

If you have any questions about your classification, please let us know.

Sincerely,

Clinton T. Butts
Public Protection Department
(800) 444-4554, Option 2 FAX: (800) 736-3289

www.iso.com

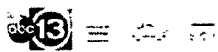
Encl.

cc: The Honorable H.G. Harrington
Ben Griffin
Mary Cocker
Robert T Sanders

5/4/2017

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NEWS

WATER WOES: RESIDENTS LEFT WITH OUTRAGEOUS WATER BILLS IN TOMBALL AREA

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By Tracy Clemons

Friday, October 07, 2016

TOMBALL (KTRK) -- Rebecca Borgstedte says her water bills have been pretty consistent

"I'm normally \$100," she says.

But her last bill spiked to \$372. It's just her and her three young sons in the house.

"For the water bill to jump that high is just a little bit crazy," she says.

Borgstedte had the house checked for leaks, but there was nothing. She tells abc13 she's called the city of Tomball to get someone to come out to check her meter, but got no response. The city denies that claim.

She posted her water woe to the neighborhood site Nextdoor.com and was shocked to find out she's not alone.

Gloria Phillips was one of the first to respond to her post.

"They don't have a pool. They don't have water running all the time. It's just the two of them. And their bill went from about \$80 to \$1,500," Phillips says.

Her grandparents get their water through Quadvest Water & Sewer Utility along with other residents in this area who are not within the city limits.

<http://abc13.com/news/residents-left-with-outrageous-water-bills-in-tomball-area/1545179/>

1/3

Direct Testimony of David Esquivel, P.E.
COT1886

Ex. DME-16

5/4/2017

WATER WOES: Residents left with outrageous water bills in Tomball area | abc13.com

"I thought it was a typo. But we've got the same type of bill at our house too," Phillips says. "When I called the water company, they said maybe you have a pool. I said we don't. Maybe you have a sprinkler system. They don't. And they said that's just what it is."

A payment confirmation email shows they paid \$125 on September 12. Two weeks later, they got an email saying they too owed \$1,500. David posted to the thread on Nextdoor that he got a bill last month for \$912. Debbie posted her bill was \$800.

"That's not fair. So something needs to happen," says Borgstedte. "Something needs to be checked out."

"I think there's a glitch in the system. I think it's quite obvious," adds Phillips. "And I think whoever they have for the records needs to take an average until they get it fixed."

Water at Phillips' grandparents house is set for disconnection next week.

We left a message at Quadvest and emailed to find out what's going on with these bills. They did not respond in time for this story. We will let you know if and when they do.

Related Topics:

news bills water Tomball

11:10 AM GET News 13 (1/1)

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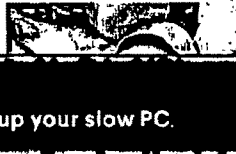
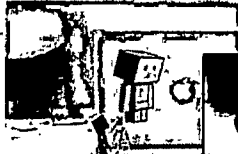
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UTILITY FEES

UTILITY DEPOSIT COMPUTATION

- Residential Accounts - Average 12 months of previous billing and multiply by 2 (Round result).
If result is under \$100, minimum deposit will be \$100.00.
- Commercial Accounts - Average 12 months of previous billing and multiply by 2 (Round result).
If result is under \$125, minimum deposit will be \$125.00.

WATER RATES

The monthly rates and charges for potable water provided by the City shall be as follows:

- a. **Small Residential.** A base rate of \$10.90, plus a consumption charge of \$2.85 for each 1,000 gallons used. "Small Residential" shall mean residential customers using 10,000 gallons or less during the billing month.
- b. **Medium Residential.** A base rate of \$12.54, plus a consumption charge of \$3.56 for each 1,000 gallons used. "Medium Residential" shall mean residential customers using 10,001 gallons or more up to 15,000 gallons during the billing month.
- c. **Large Residential.** A base rate of \$14.42, plus a consumption charge of \$4.45 for each 1,000 gallons used. "Large Residential" shall mean residential customers using 15,001 gallons or more during the billing month.
- d. **Small Commercial.** A base rate of \$18.45, plus a consumption charge of \$3.45 for each 1,000 gallons used. "Small Commercial" shall mean commercial customers using up to 5,000 gallons during the billing month.
- e. **Medium Commercial.** A base rate of \$29.70, plus a consumption charge of \$4.32 for each 1,000 gallons used. "Medium Commercial" shall mean commercial customers using 5,001 gallons or more up to 51,000 gallons during a billing month.
- f. **Large Commercial.** A base rate of \$51.99, plus a consumption charge of \$5.40 for each 1,000 gallons used. "Large Commercial" shall mean commercial customers using 51,001 gallons or more during a billing month.

Bulk Sales. A base rate of \$87.05, plus a consumption charge of \$4.83 for each 1,000 gallons used. Additionally, if a meter is desired, the deposit will be \$1,000.00.

The City collects additional surcharges, based on rates established by the **North Harris County Regional Water Authority**, for each 1,000 gallons used on behalf of NHCRWA, which will be adjusted as the surcharge increases.

SANITARY SEWER RATES (WITH POTABLE WATER SERVICE)

The monthly rates and charges for sanitary sewer services provided by the City for customers who receive potable water services from the City shall be as follows:

- a. **Residential - Winter Rates (November-February):** A base rate of \$8.51, plus a charge of \$2.98 for each 1,000 gallons of potable water used.
- b. **Residential - Summer Rates (March-October):** Rates for summer months are calculated at the same rate as winter rates and may be based upon the previous winter months' average monthly water consumption. The rate charged shall be the lesser of actual water consumption or the previous winter month's average consumption.
- c. **Small Commercial.** A base rate of \$13.69, plus a consumption charge of \$3.78 for each 1,000 gallons of potable water used. "Small Commercial" shall mean commercial customers using up to 5,000 gallons of potable water during the billing month.
- d. **Medium Commercial.** A base rate of \$20.76, plus a consumption charge of \$4.72 for each 1,000 gallons of potable water used. "Medium Commercial" shall mean commercial customers using 5,001 gallons or more up to 51,000 gallons in the billing month.
- e. **Large Commercial.** A base rate \$43.06, plus a charge of \$5.90 for each 1,000 gallons of potable water used. "Large Commercial" shall mean commercial customers using 51,001 gallons or more of potable water during a billing month.

SANITARY SEWER RATES (WITHOUT POTABLE WATER SERVICE)

The monthly rates and charges for sanitary sewer services provided by the City for customers who do not receive potable water services from the City shall be as follows:

- a. **Residential.** A base rate of \$35.01, plus a charge of \$2.29 for each drain in excess of ten (10) drains within such residence.
- b. **Commercial.** A base rate of \$58.26, plus a charge of \$2.32 for each drain in excess of fifteen (15) drains within such commercial unit.

GARBAGE AND TRASH COLLECTION/DISPOSAL SERVICE RATES

The monthly rates and charges for garbage and trash collection and disposal services provided by the City, excluding applicable sales tax, shall be as follows:

- a. **Residential.** \$15.70
- c. **Commercial**
 - (1) **Hand Loaded.** For once a week pickup, \$24.87 for the first container, \$17.70 for each additional container. For twice a week pickup, \$25.52 for the first container, \$29.62 for each additional container. Each collection of excess garbage and refuse (i.e. - garbage and refuse in volume which exceeds the capacity of the approved container(s) for which the customer's regular billing is determined) shall be assessed a \$5.00 excess collection fee and can only be collected on Monday and Thursday collection days.



WATER UTILITY TARIFF

Docket Number: 44809

Quadvest, L.P.
(Utility Name)

26926 FM 2978
(Business Address)

Magnolia, Texas 77354
(City, State, Zip Code)

281/356-5347
(Area Code/Telephone)

This tariff is effective for utility operations under the following Certificate of Convenience and Necessity:

11612

This tariff is effective in the following counties:

Aransas, Brazoria, Fort Bend, Harris, Jackson, Liberty, Matagorda, Montgomery, Walker and Waller

This tariff is effective in the following cities or unincorporated towns (if any):

Richmond (portion of Bridlewood Estates only - same rates)

This tariff is effective in the following subdivisions or systems:

See attached chart.

TABLE OF CONTENTS

The above utility lists the following sections of its tariff (if additional pages are needed for a section, all pages should be numbered consecutively):

SECTION 1.0 -- RATE SCHEDULE	4
SECTION 2.0 -- SERVICE RULES AND POLICIES	7
SECTION 3.0 -- EXTENSION POLICY	14
APPENDIX A - DROUGHT CONTINGENCY PLAN	
APPENDIX B - SAMPLE SERVICE AGREEMENT	
APPENDIX C - APPLICATION FOR SERVICE	

Direct Testimony of David Esquivel, P.E.

Ex. DME-18

000003

SUBDIVISION	PWS ID NUMBER	COUNTY
Bauer Landing	1013526	Harris
Bayer Utility (Old Town Spring)	1010212	Harris
Bella Vista	1460175	Liberty
Benders Landing	1700678	Montgomery
Benders Landing Estates	1700678	Montgomery
Bridlewood Estates	0790350	Fort Bend
Brazos Lakes	0790363	Fort Bend
Caddo Village	1700473	Montgomery
Canterbury Ranch	1700624	Montgomery
Campwood	1700624	Montgomery
Clear Creek Forest	1700576	Montgomery
Chenango Ranch	0200656	Brazoria
The Colony	1011806	Harris
Creekside Village	1700742	Montgomery
Decker Oaks Estates	1700605	Montgomery
Estates of Clear Creek	1700576	Montgomery
Grande San Jacinto	1460179	Liberty
Indigo Lake Estates	1700576	Montgomery
Jacobs Reserve	1700609	Montgomery
Lake Windcrest	1700624	Montgomery
Live Oak Landing	1610129	Matagorda
Lone Star Ranch	1700655	Montgomery
Lakes of Magnolia	1700736	Montgomery
Magnolia Reserve	1700864	Montgomery
McCall Sound	1700763	Montgomery
Montgomery Trace	1700577	Montgomery
Mostyn Manor	1700669	Montgomery
Northcrest Ranch	1700623	Montgomery
Oaks of Suncreek	0200640	Brazoria
Red Oak Ranch	1700609	Montgomery
Rancho San Vicente	1460178	Liberty
Rocky Creek	1013393	Harris
Sawmill Estates	1700576	Montgomery
Sendera Ranch	1700577	Montgomery
Shaw Acres	1013468	Harris
Sierra Woods	1700624	Montgomery

SUBDIVISION	PWS ID NUMBER	COUNTY
Sonoma Ridge	1700763	Montgomery
Stonecrest Ranch	1700611	Montgomery
Summerset Estates	1700655	Montgomery
Suncreek Estates	0200640	Brazoria
Suncreek Ranch	0200616	Brazoria
Sunrise Bay	1200037	Jackson
Sunset Bay	0040055	Aransas
Texas Grand Ranch	2360088	Walker
Telge Terrace	1011805	Harris
Timberdale	1011810	Harris
Vaquero River Estates	1610129	Matagorda
Village of Decker Oaks	1700605	Montgomery
Waterstone Estates	1013389	Harris
Waypoint Landing	1610137	Matagorda
Westwood	2370042	Waller
Windcrest Farms	1700577	Montgomery
Yesterdays Crossing	1700758	Montgomery

The rates set or approved by the city for the systems entirely within its corporate boundary are not presented in this tariff. Those rates are not under the original jurisdiction of the PUC and will have to be obtained from the city or utility.

SECTION 1.0 – RATE SCHEDULE**Section 1.01 - Rates**

<u>Meter Size</u>	<u>Monthly Minimum Charge*</u>	<u>Gallage Charge</u>
5/8" or 3/4"	<u>\$28.75</u> (Includes 0 gallons)	<u>\$1.75</u> per 1000 gallons for the first 10,000 gallons
1"	<u>\$71.88</u>	<u>\$2.00</u> per 1,000 gallons from 10,001 to 20,000 gallons
1½"	<u>\$143.75</u>	<u>\$2.25</u> per 1,000 gallons from 20,001 to 30,000 gallons
2"	<u>\$230.00</u>	<u>\$2.93</u> per 1,000 gallons thereafter
3"	<u>\$431.25</u>	
4"	<u>\$718.75</u>	
6"	<u>\$1,437.50</u>	
8"	<u>\$2,300.00</u>	
10"	<u>\$3,306.25</u>	
12"	<u>\$6,181.25</u>	

*The Monthly Minimum Charge for any meter sizes larger than 12" will be calculated using American Water Works Association approved meter equivalency factors.

An additional pass through gallage charge of \$2.60 per 1,000 gallons of water will be added for fees imposed by any non-affiliated third party water supplier or underground water district having jurisdiction over the utility. Bluebonnet GCD, Brazoria County GCD, City of Rosenberg, North Fort Bend Water Authority, West Harris County Regional Water Authority, North Harris County Regional Water Authority, Harris-Galveston Subsidence District, Lone Star GCD, San Jacinto River Authority (Docket No. 45548). **SEE PURCHASED WATER AND/OR DISTRICT FEE PASS THROUGH CLAUSE.**

FORM OF PAYMENT: The utility will accept the following forms of payment:

Cash X, Check X, Money Order X, Credit Card X, Other (specify) Bank Draft
THE UTILITY MAY REQUIRE EXACT CHANGE FOR PAYMENTS AND MAY REFUSE TO ACCEPT PAYMENTS MADE USING MORE THAN \$1.00 IN SMALL COINS. A WRITTEN RECEIPT WILL BE GIVEN FOR CASH PAYMENTS.

REGULATORY ASSESSMENT 1.0%
PUC RULES REQUIRE THE UTILITY TO COLLECT A FEE OF ONE PERCENT OF THE RETAIL MONTHLY BILL AND TO REMIT THE FEE TO THE TCEQ.

Section 1.02 - Miscellaneous Fees

TAP FEE \$810.00
TAP FEE COVERS THE UTILITY'S COSTS FOR MATERIALS AND LABOR TO INSTALL A STANDARD RESIDENTIAL 5/8" x 3/4" METER. AN ADDITIONAL FEE TO COVER UNIQUE COSTS IS PERMITTED IF LISTED ON THIS TARIFF.

TAP FEE \$910.00
TAP FEE COVERS THE UTILITY'S COSTS FOR MATERIALS AND LABOR TO INSTALL A STANDARD 3/4" AND 1" METER. AN ADDITIONAL FEE TO COVER UNIQUE COSTS IS PERMITTED IF LISTED ON THIS TARIFF.

TAP FEE (Large meter) Actual Cost
TAP FEE IS THE UTILITY'S ACTUAL COST FOR MATERIALS AND LABOR FOR METER SIZE INSTALLED.

TAP FEE (Unique Costs) Actual Cost
FOR EXAMPLE, A ROAD BORE FOR CUSTOMERS OUTSIDE A SUBDIVISION IS A UNIQUE COST. UNIQUE COSTS WILL BE DETERMINED ON A CASE BY CASE BASIS.

SECTION 1.0 -- RATE SCHEDULE (CONTINUED)

RECONNECTION FEE

THE RECONNECT FEE MUST BE PAID BEFORE SERVICE CAN BE RESTORED TO A CUSTOMER WHO HAS BEEN DISCONNECTED FOR THE FOLLOWING REASONS (OR OTHER REASONS LISTED UNDER SECTION 2.0 OF THIS TARIFF):

- a) Non payment of bill (Maximum \$25.00).....\$25.00
 - b) Customer's request that service be disconnected\$50.00
- OR OTHER REASONS LISTED UNDER SECTION 2.0 OF THIS TARIFF

SEASONAL RECONNECTION FEE:

BASE RATE TIMES NUMBER OF MONTHS OFF THE SYSTEM NOT TO EXCEED SIX MONTHS WHEN LEAVE AND RETURN WITHIN A TWELVE MONTH PERIOD.

TRANSFER FEE\$45.00

THE TRANSFER FEE WILL BE CHARGED FOR CHANGING AN ACCOUNT NAME AT THE SAME SERVICE LOCATION WHEN THE SERVICE IS NOT DISCONNECTED.

LATE CHARGE (EITHER \$5.00 OR 10% OF THE BILL) 10%

PUC RULES ALLOW A ONE-TIME PENALTY TO BE CHARGED ON DELINQUENT BILLS. A LATE CHARGE MAY NOT BE APPLIED TO ANY BALANCE TO WHICH THE PENALTY WAS APPLIED IN A PREVIOUS BILLING.

RETURNED CHECK CHARGE.....\$25.00

RETURNED CHECK CHARGES MUST BE BASED ON THE UTILITY'S DOCUMENTABLE COST.

CUSTOMER DEPOSIT RESIDENTIAL (Maximum \$50)\$50.00

COMMERCIAL & NON-RESIDENTIAL DEPOSIT..... 1/6TH OF ESTIMATED ANNUAL BILL

METER TEST FEE.....\$25.00

THIS FEE WHICH SHOULD REFLECT THE UTILITY'S COST MAY BE CHARGED IF A CUSTOMER REQUESTS A SECOND METER TEST WITHIN A TWO-YEAR PERIOD AND THE TEST INDICATES THAT THE METER IS RECORDING ACCURATELY. THE FEE MAY NOT EXCEED \$25.

METER RELOCATION FEE.....Actual Cost to Relocate the existing Meter

THIS FEE MAY BE CHARGED IF A CUSTOMER REQUESTS RELOCATION OF AN EXISTING METER.

METER CONVERSION FEE.....Actual Cost to Convert the existing Meter

THIS FEE MAY BE CHARGED IF A CUSTOMER REQUESTS CHANGE OF SIZE OF AN EXISTING METER OR CHANGE IS REQUIRED BY MATERIAL CHANGE IN CUSTOMERS SERVICE DEMAND.

ILLEGAL RECONNECTION, LOCK REMOVAL OR DAMAGE FEE\$100.00

THIS FEE MAY BE CHARGED TO A DISCONNECTED CUSTOMER FOR DAMAGE CAUSED BY CUSTOMER'S ATTEMPT TO RESTORE WATER SERVICE BY CUTTING OR BREAKING LOCK, REMOVAL OR BYPASS OF METER.

GOVERNMENTAL TESTING, INSPECTION AND COSTS SURCHARGE:

WHEN AUTHORIZED IN WRITING BY PUC AND AFTER NOTICE TO CUSTOMERS, THE UTILITY MAY INCREASE RATES TO RECOVER INCREASED COSTS FOR INSPECTION FEES AND WATER TESTING. [PUC Subst. R. 24.21(K)(2)]

LINE EXTENSION AND CONSTRUCTION CHARGES:

REFER TO SECTION 3.0--EXTENSION POLICY FOR TERMS, CONDITIONS, AND CHARGES WHEN NEW CONSTRUCTION IS NECESSARY TO PROVIDE SERVICE.

SECTION 1.0 -- RATE SCHEDULE (CONTINUED)

TEMPORARY WATER RATE:

Unless otherwise superseded by PUC order or rule, if the Utility is ordered by a court or government body of competent jurisdiction to reduce its pumpage, production or water sales, the Utility shall be authorized to increase its approved gallonage charge according to the formula:

$$TGC = \frac{cgc + (pr)(cgc)(r)}{(1.0 - r)}$$

Where:

TGC = temporary gallonage charge

cgc = current gallonage charge

r = water use reduction expressed as a decimal fraction (the pumping restriction)

pr = percentage of revenues to be recovered expressed as a decimal fraction, for this tariff pr shall equal 0.5

To implement the Temporary Water Rate, the Utility must comply with all notice and other requirements of 16 TAC 24.21(l).

PURCHASED WATER AND/OR DISTRICT FEE PASS THROUGH CLAUSE:

Changes in fees imposed by any non-affiliated third party water supplier or underground water district having jurisdiction over the Utility shall be passed through as an adjustment to the water gallonage charge according to the following formula:

$$WPC = (E + (AP - AC)) / (JC \times AU), \text{ Where:}$$

WPC = Water pass-through gallonage charge per 1,000 gallons, rounded to the nearest cent.

E = Estimated sum of upcoming 12 months of purchase water, groundwater conservation district costs, and fees.

AP = Actual payments by utility for prior 12 months for purchased water, district costs and fees.

AC = Actual collections by utility in prior 12 months from water pass-through gallonage charge.

JC = Year end customer connections.

AU = Average annual usage per connection, in 1,000 gallons from most recent year.

The WPC must be trued up and adjusted every twelve months.

To implement, all notice requirements must be met. The utility may begin to charge the new filed WPC on the proposed effective date in the notice. Implementation of this WPC adjustment provision shall be governed by P.U.C. Subst. R. 24.21(h).

With each annual WPC adjustment, the utility must file a true-up report that shows the calculation for the next 12-month WPC reflected in the notice. The report shall contain up to five years' worth of data, as available, showing the annual and accumulated difference between WPC amounts collected from customers and amounts actually paid to the entities whose charges are included in the WPC.

SECTION 2.0 -- SERVICE RULES AND POLICIES

The utility will have the most current Public Utility Commission of Texas (PUC or Commission) Commission Rules, Chapter 24, available at its office for reference purposes. The Rules and this tariff shall be available for public inspection and reproduction at a reasonable cost. The latest Rules or Commission approved changes to the Rules supersede any rules or requirements in this tariff.

Section 2.01 - Application for Water Service

All applications for service will be made on the utility's standard application or contract form (attached in the Appendix to this tariff), will be signed by the applicant, any required fees (deposits, reconnect, tap, extension fees, etc. as applicable) will be paid and easements, if required, will be granted before service is provided by the utility. A separate application or contract will be made for each service location.

Section 2.02 - Refusal of Service

The utility may decline to serve an applicant until the applicant has complied with the regulations of the regulatory agencies (state and municipal regulations) and for the reasons outlined in the PUC Rules. In the event that the utility refuses to serve an applicant, the utility will inform the applicant in writing of the basis of its refusal. The utility is also required to inform the applicant that a complaint may be filed with the Commission.

Section 2.03 - Fees and Charges & Easements Required Before Service Can Be Connected**(A) Customer Deposits**

If a residential applicant cannot establish credit to the satisfaction of the utility, the applicant may be required to pay a deposit as provided for in Section 1.02 - Miscellaneous Fees of this tariff. The utility will keep records of the deposit and credit interest in accordance with PUC Rules.

Residential applicants 65 years of age or older may not be required to pay deposits unless the applicant has an outstanding account balance with the utility or another water or sewer utility which accrued within the last two years.

Nonresidential applicants who cannot establish credit to the satisfaction of the utility may be required to make a deposit that does not exceed an amount equivalent to one-sixth of the estimated annual billings.

Refund of deposit. - If service is not connected, or after disconnection of service, the utility will promptly refund the customer's deposit plus accrued interest or the balance, if any, in excess of the unpaid bills for service furnished. The utility may refund the deposit at any time prior to termination of utility service but must refund the deposit plus interest for any customer who has paid 18 consecutive billings without being delinquent.

(B) Tap or Reconnect Fees

A new customer requesting service at a location where service has not previously been provided must pay a tap fee as provided in Section 1.02 of this tariff. A customer requesting service where service has previously been provided must pay a reconnect fee as provided in Section 1.02 of this tariff. Any applicant or existing customer required to pay for any costs not specifically set forth in the rate schedule pages of this tariff shall be given a written explanation of such costs prior to request for payment and/or commencement of construction. If the applicant or existing customer does not believe that these costs are reasonable or necessary, the applicant or existing customer shall be informed of their right to appeal such costs to the PUC or such other regulatory authority having jurisdiction over the utility's rates in that portion of the utility's service area in which the applicant's or existing customer's property(ies) is located.

SECTION 2.0 -- SERVICE RULES AND POLICIES (CONTINUED)

If the services of a registered professional engineer are required as a result of an application for service received by the Utility for service to that applicant's service extension only, such engineer will be selected by the Utility and the applicant, and the applicant shall bear all expenses incurred therein.

If an applicant requires service other than the standard service provided by the utility, such applicant will be required to pay all expenses incurred by the utility in excess of the expenses that would be incurred in providing the standard service and connection. Any applicant who places unique or non-standard service demands on the system may be required to provide contributions in aid of construction (as may be allowed by PUC rule) for the actual costs of, any additional facilities required to maintain compliance with the Texas Commission on Environmental Quality minimum design criteria for water production, treatment, pumping storage and transmission.

Fees in addition to the regular tap fee may be charged if listed specifically in Section 1.02 of this tariff to cover unique costs not normally incurred as permitted by 16 TAC 24.86(a)(1)(C). For example, a road bore for customers outside a subdivision or residential area could be considered a unique cost.

(C) Easement Requirement

Where recorded public utility easements on the service applicant's property do not exist or public road right-of-way easements are not available to access the applicant's property, the Utility may require the applicant to provide it with a permanent recorded public utility easement on and across the applicant's real property sufficient to provide service to that applicant. Such easement(s) shall not be used for the construction of production, storage, transmission or pressure facilities unless they are needed for adequate service to that applicant.

Section 2.04 - Utility Response to Applications for Service

After the applicant has met all the requirements, conditions and regulations for service, the utility will install tap, meter and utility cut-off valve and/or take all necessary actions to initiate service. The utility will serve each qualified applicant for service within 5 working days unless line extensions or new facilities are required. If construction is required to fill the order and if it cannot be completed within 30 days, the utility will provide the applicant with a written explanation of the construction required and an expected date of service.

Except for good cause where service has previously been provided, service will be reconnected within one working day after the applicant has met the requirements for reconnection.

Section 2.05 - Customer Responsibility

The customer will be responsible for furnishing and laying the necessary customer service pipe from the meter location to the place of consumption. Customers will not be allowed to use the utility's cutoff valve on the utility's side of the meter. Existing customers may install cutoff valves on their side of the meter and are encouraged to do so. All new customers may be required to install and maintain a cutoff valve on their side of the meter.

No direct connection between a public water supply system and any potential source of contamination or