



MINUTES
CITY COUNCIL MEETING
DECEMBER 19, 2023

CALL TO ORDER – Roll Call and Determination of a Quorum

The Parker City Council met in a regular meeting on the above date at Parker City Hall, 5700 E. Parker Road, Parker, Texas, 75002.

Mayor Lee Pettie called the meeting to order at 6:00 p.m. Mayor Pro Tem Jim Reed and Councilmembers Todd Fecht (arrived at 6:11 p.m.), Randy Kercho, Terry Lynch, and Amanda Noe were present.

Staff Present: Asst. City Administrator/City Secretary Patti Scott Grey, Finance/Human Resources Director Grant Savage (arrived at 7:04 p.m.), City Attorney Amy J. Stanphill, Public Works Director Gary Machado, City Engineer John Birkhoff, P.E., Fire Chief Mike Sheff (arrived at 6:05 p.m.), and Police Chief Kenneth Price

EXECUTIVE SESSION - Pursuant to the provisions of Chapter 551, Texas Government Code, Vernon's Texas Codes Annotated the City Council may hold a closed meeting.

RECESS TO CLOSED EXECUTIVE SESSION IN ACCORDANCE WITH THE AUTHORITY CONTAINED IN:

Government Code Section 551.074 Personnel—To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

Government Code Section 551.071(1)—Consultation with City Attorney concerning Pending or Contemplated Litigation.

Government Code Section 551.071(2) – Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter (Open Meetings Act).

Mayor Lee Pettie recessed the regular meeting to Executive Session at 6:01 p.m.

RECONVENE REGULAR MEETING.

Mayor Lee Pettie reconvened the meeting at 7:06 p.m.

ANY APPROPRIATE DELIBERATION AND/OR ACTION ON ANY OF THE EXECUTIVE SESSION SUBJECTS LISTED ABOVE.

No action was taken.

PLEDGE OF ALLEGIANCE

AMERICAN PLEDGE: Ted Lane led the pledge.

TEXAS PLEDGE: Lynnette Ammar led the pledge.

PUBLIC COMMENTS The City Council invites any person with business before the Council to speak. No formal action may be taken on these items at this meeting. Please keep comments to 3 minutes.

No comments

ITEMS OF COMMUNITY INTEREST

Mayor Pettle reviewed the upcoming Community Interest items below:

CANCELED - CITY COUNCIL (CC) – TUESDAY, JANUARY 2, 2024, 7 PM

GOAL SETTING/PLANNING WORKSHOP – TUESDAY, JANUARY 9, 2024, 4 – 7 PM

PARKS AND RECREATION COMMISSION (P&R) – WEDNESDAY, JANUARY 10, 2024, 5 PM

ELECTION DAY, MARCH 5, 2024 PRIMARY ELECTION – 7 AM - 7 PM*

MARCH 5, 2024 DEMOCRATIC AND REPUBLICAN PRIMARY ELECTION –

EARLY VOTING LOCATIONS, DATES AND HOURS

*(Elecciones primarias demócratas y republicanas del 5 de marzo de 2024 –
Lugares de Votación Temprana, Fechas y Horas)*

Sunday <i>(Domingo)</i>	Monday <i>(Lunes)</i>	Tuesday <i>(Martes)</i>	Wednesday <i>(Miércoles)</i>	Thursday <i>(Jueves)</i>	Friday <i>(Viernes)</i>	Saturday <i>(Sábado)</i>
February 18 No Voting (18 de febrero) (Sin votar)	February 19 No Voting Holiday (18 de febrero) (Sin votar) (Día festivo)	February 20 Early Voting (20 de febrero) (Votación adelantada) 8 am – 5 pm	February 21 Early Voting (21 de febrero) (Votación adelantada) 8 am – 5 pm	February 22 Early Voting (22 de febrero) (Votación adelantada) 8 am – 5 pm	February 23 Early Voting (23 de febrero) (Votación adelantada) 8 am – 5 pm	February 24 Early Voting (24 de febrero) (Votación adelantada) 7 am – 7 pm
February 25 Early Voting (25 de febrero) (Votación adelantada) 11 am – 5 pm	February 26 Early Voting (26 de febrero) (Votación adelantada) 7am - 7pm	February 27 Early Voting (27 de febrero) (Votación adelantada) 7am - 7pm	February 28 Early Voting (28 de febrero) (Votación adelantada) 7am - 7pm	February 29 Early Voting (29 de febrero) (Votación adelantada) 7am - 7pm	March 1 Early Voting (1 de marzo) (Votación adelantada) 7am - 7pm	March 2 No Voting (2 de marzo) (Sin votar)

INDIVIDUAL CONSIDERATION ITEMS

2. APPROVAL OF MEETING MINUTES FOR DECEMBER 5, 2023

MOTION: Councilmember Noe moved to approve the December 5, 2023 meeting minutes. Councilmember Fecht seconded with Councilmembers Fecht, Kercho, Lynch, Noe, and Reed voting for the motion. Motion carried 5-0.

3. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION NO. 2023-775 REGARDING THE EXTENSION AND RATE INCREASE ADDENDUM TO THE LEASE AGREEMENT WITH MOBILE MODULAR.

MOTION: Councilmember Lynch moved to postpone Resolution No. 2023-775 regarding the extension and rate increase addendum to the lease agreement with mobile modular for additional clarification. Mayor Pro Tem Reed seconded with Councilmembers Fecht, Kercho, Lynch, Noe, and Reed voting for the motion. Motion carried 5-0.

4. PUBLIC HEARING FOR THE WATER IMPACT FEE LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENT PLAN AND IMPACT FEES UPDATE IN ACCORDANCE WITH TEXAS LOCAL GOVERNMENT CODE CHAPTER 395.

Mayor Pettle opened a public hearing to receive comments regarding Water Impact Fee Land Use Assumptions, Capital Improvement Plan and impact fees update in accordance with Texas Local Government Code Chapter 395 at 7:21 pm. and then asked City Engineer John W. Birkhoff, P.E., of Birkhoff, Hendricks & Carter, LLP, to review the item. City Engineer Birkhoff summarized the information in the tonight's packet and responded to questions from City Council.

Mayor Lee Pettle asked if there were any questions from the audience.

No one came forward. Mayor Pettle declared the public meeting closed at 7:42 p.m.

RECESS

Mayor Lee Pettle recessed the regular meeting for legal clarification on the matter at 7:45 p.m.

RECONVENE REGULAR MEETING

Mayor Lee Pettle reconvened the meeting at 7:46 p.m.

5. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ADOPTION OF LAND USE ASSUMPTIONS, WATER CAPITAL IMPROVEMENTS PLAN (CIP), AND IMPACT FEES AND UPDATE THE CITY OF PARKER CODE OF ORDINANCES SECTIONS 51.85 – 51.99 ACCORDINGLY.

Mayor Pettle asked City Attorney Stanphill to start the item. Mrs. Stanphill noted for clarification purposes that proposed Ordinance No. 862 [***See Exhibit 1 – proposed Ordinance No. 862 (2023 Updated Land Use Assumptions, Water Capital Improvements Plan, and Impact Fees)***] was not in tonight's packet. It, however, is available on the dais for City Council and Exhibit A for the proposed ordinance, the 2023 Water Impact Fee report, is available under item #4 Public Hearing. Mrs. Stanphill also noted, currently, the item reads: CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ADOPTION OF LAND USE ASSUMPTIONS, WATER CAPITAL IMPROVEMENTS PLAN (CIP), AND IMPACT FEES AND UPDATE THE CITY OF PARKER CODE OF ORDINANCES SECTIONS 51.85 – 51.99. and asked that the caption be revised on the floor to read: CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ADOPTION OF LAND USE ASSUMPTIONS, WATER CAPITAL IMPROVEMENTS PLAN (CIP), AND IMPACT FEES AND ORDINANCE NO. 862 UPDATING THE CITY OF PARKER CODE OF ORDINANCES SECTIONS 51.85 – 51.99.

MOTION: Councilmember Kercho moved to revise the caption as requested by City Attorney Stanphill and adopt the Land Use Assumptions, Water Capital Improvements Plan (CIP) and Ordinance No. 862 updating the City Of Parker Code of ordinances sections 51.85 – 51.99 (excluding Impact Fees) . Mayor Pro Tem Reed seconded with Councilmembers Fecht, Kercho, Lynch, Noe, and Reed voting against the motion. Motion failed 5-0.

MOTION: Councilmember Lynch moved to revise the caption as requested by City Attorney Stanphill and adopt the Land Use Assumptions, Water Capital Improvements Plan (CIP), and Impact Fees and Ordinance No. 862 updating the City of Parker Code of Ordinances Sections 51.85 – 51.99 (including Impact Fees), and a re-review in 6 months with inflation. Councilmember Noe seconded with Councilmembers Fecht, Lynch, Noe, and Reed voting for the motion. Councilmember Kercho voting against the motion. Motion carried 4-1.

6. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ORDINANCE NO. 859 ADOPTING A DEVELOPMENT APPLICATION, CHECKLIST, AND PROCESS TO BE ADMINISTERED, MAINTAINED, AND UPDATED BY THE CITY ADMINISTRATOR AND/OR DIRECTOR OF PUBLIC WORKS AND POSTED ON THE CITY OF PARKER WEBSITE; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

MOTION: Councilmember Lynch moved to approve Ordinance No. 859 adopting a Development Application, Checklist, and Process to be administered, maintained, and updated by the City Administrator and/or Director of Public Works and posted on the City of Parker website; providing for repealer; providing for severability; finding that the meeting at which this ordinance is passed was noticed and is open to the public as required by law; and providing an effective date. Councilmember Fecht seconded with Councilmembers Fecht, Kercho, Lynch, Noe, and Reed voting for the motion. Motion carried 5-0.

7. KINGS CROSSING PHASE 5:

CONSIDERATION OF AND/OR ANY APPROPRIATE ACTION ON KINGS CROSSING PHASE 5 FINAL PLAT.

Developer Preston Walhood, with the Warner Group, Inc., 4040 N. Central Expressway, Suite 850 Dallas, Texas 75204, reviewed the Kings Crossing Phase 5 Final Plat and requested City Council approve the final plat.

City Engineer Birkhoff reviewed the Kings Crossing Phase 5 Final Plat, noting "On Thursday, November 30, 2023 the city confirmed the minor items identified in our November 8th letter (punch list items) are now complete and acceptable to the City. Accordingly, this project is recommended for final plat approval by the City." *[This statement was in John W. Birkhoff, P.E.'s letter, dated December 11, 2023, which was in tonight's packet.]*

MOTION: Councilmember Lynch moved to accept Kings Crossing Phase 5 Final Plat, 36 Residential Lots, 2 Common Area Lots, being 49.585 acres situated in the Ann S. Hurt Survey, Abstract No. 428, City of Parker, Collin County, Texas.. Councilmember Fecht seconded with Councilmembers Fecht, Kercho, Lynch, Noe, and Reed voting for the motion. Motion carried 5-0.

PROPOSED KINGS CROSSING PHASE 5 SERVICE AGREEMENT
PUBLIC HEARING KINGS CROSSING PHASE 5 ANNEXATION

Mayor Pettle opened the public hearing regarding the Kings Crossing Phase 5 annexation at 8:32 p.m.

Developer Preston Walhood of Warner Group, Inc., 4040 N. Central Expressway, Suite 850 Dallas, Texas 75204, requested City Council approve the Kings Crossing Phase 5 annexation.

No one else came forward and Mayor Pettle declared the public hearing closed at 8:33 p.m.

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ORDINANCE NO. 860 AUTHORIZING EXECUTION OF KINGS CROSSING PHASE 5 SERVICE AGREEMENT, ORDINANCE NO. 861 ANNEXING APPROXIMATELY 49.585 ACRES INTO THE CITY LIMITS (THE KINGS CROSSING PHASE 5 ANNEXATION).

MOTION: Councilmember Noe moved to approve Ordinance No. 860 authorizing execution of Kings Crossing Phase 5 Service Agreement, Ordinance No. 861 annexing approximately 49.585 acres into the city limits (The Kings Crossing Phase 5 Annexation). Councilmember Fecht seconded with Councilmembers Fecht, Kercho, Lynch, Noe, and Reed voting for the motion. Motion carried 5-0.

REMOVED/WITHDRAWN ITEM

8. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION NO. 2023-776 APPROVING AND ADOPTING THE PERSONNEL POLICY MANUAL REPLACING THE PREVIOUS EMPLOYEE MANUAL ADOPTED BY RESOLUTION 2009-277 (PREVIOUSLY RES. NO. 2009-254).

Mayor Pettle said this item has been removed/withdrawn from tonight's agenda for further discussion/review.

ROUTINE ITEMS

9. UPDATE(S):

ENTERPRISE UPDATE BY CITY ADMINISTRATOR OLSON

Mayor Pettle noted City Administrator Olson was out sick. Mayor Pettle noted Enterprise is working on a new vehicle chart for the City for future vehicles and should be present at a future 2024 meeting to provide additional information to City Council and answer questions.

POLICE VEHICLES

Police Chief Price said one of the new police vehicles was in Pennsylvania being outfitted with Police lights, etc. and will be brought to Texas and another vehicle was in Texas being outfitted as part become available.

FM2551

Public Works Director Machado stated things are going to get really messy, especially Dillehay Drive and Parker Road. Texas Department of Transportation (TxDot) changed its plans and is now doing some drainage work along Parker Road.

WEBSITE

Mayor Pettle noted meetings were in process with CivicPlus, the City's website designer. The Mayor also reassured everyone the City's website would continue to be available until the new version is completed and posted

COMP PLAN w/Council and Planning and Zoning (P&Z) Commission

Mayor Pettle said a joint Comprehensive (COMP) Plan meeting with City Council and Planning and Zoning (P&Z) Commission is in the process of being scheduled.

CAPITAL IMPROVEMENT PLAN (CIP)

Mayor Pettle said a Capital Improvement Plan (CIP) meeting is in the process of being scheduled.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ)

City Attorney Stanphill noted the previously scheduled hearing on the "Merits for MUD #7" was continued from November 28-30, 2023 to February 13-15, 2024, unless an agreement is reached at the December mediation.

REQUEST FOR QUALIFICATIONS (RFQ) FOR ENGINEERING

There was no update at time of the meeting.

ANY ADDITIONAL UPDATES

No additional updates were noted.

MONTHLY/QUARTERLY REPORTS

City Council accepted the reports hyperlinked below:

[November 2023 - Building Permit/Code Report](#)

[October/November 2023 – Finance \(monthly financials\) Report](#)

[November 2023 – Police Report](#)

[October 2023 – Republic Services Inc., dba Allied Waste Services of Plano](#)

DONATION(S)

10. ACCEPTANCE OF DONATION(S) FOR POLICE, FIRE, AND CITY STAFF FOR THE RECORD (Each valued at between \$0 - \$500).

Pam and Allen Terrell donated a tray of cookies valued at \$25 to the Police Department.

Pam & Allen Terrell donated a two layer cake valued at \$40 to City Staff and Council.

The Kristen Ainsworth family donated food valued at \$175 to the Police Department.

The Biswas Family donated cookies valued at \$10 to the Police Department.

The Biswas Family donated assorted holiday cookies valued at \$15 to other City Staff.

Pam and Allen Terrell donated homemade cake, coffee, hot chocolate, & herbal tea valued at \$45 to the Police Department.

.Mayor Pettle, on behalf of herself, City Council, and City Staff, thanked the donors for their kind and generous donations.

FUTURE AGENDA ITEMS

11. FUTURE AGENDA ITEMS

Mayor Pettle asked if there were any items to be added to the future agenda and noted, the following:

Item #3 - Resolution No. 2023-775 regarding the extension and rate increase addendum to the lease agreement with mobile modular was postponed tonight for additional clarification;

Item #5 - Ordinance No. 862 (2023 Updated Land Use Assumptions, Water Capital Improvements Plan, and Impact Fees), updating the City of Parker Code of Ordinances Sections 51.85 – 51.99 (including Impact Fees), and a re-review in 6 months with inflation [*City Attorney Stanphill noted: The Water Capital Improvements Committee would need to re-review the item and bring back to City Council within 6 months.*];

Councilmember Lynch's request for a Fences/drainage easement Policy;

Item #8 - Resolution No. 2023-776 approving and adopting the Personnel Policy Manual replacing the previous Employee Manual adopted by Resolution No. 2009-277 (previously Res. No. 2009-254), which was removed from tonight's agenda; [A workshop was suggested for this item.]

and the Request for Qualifications (RFQ) for Engineering Update.

Hearing no additional requests, she encouraged everyone to email her any requests. She reminded everyone the next regularly scheduled meeting for January 2, 2024 was canceled, due to the New Year's Day Holiday; there is a Goal Setting/Planning Workshop scheduled for January 9, 2024, 4-7 p.m., and noted the next meeting would be Tuesday, January 16, 2024.

ADJOURN


Mayor Lee Pettle adjourned the meeting at 8:48 p.m.



APPROVED:


Mayor Lee Pettle

ATTESTED:


Patti Scott Grey, City Secretary

Approved on the 16th day
of January, 2024.

ORDINANCE NO. 862

(2023 Updated Land Use Assumptions, Water Capital Improvements Plan, and Impact Fees)

AN ORDINANCE OF THE CITY COUNCIL OF PARKER, COLLIN COUNTY, TEXAS, APPROVING THE LAND USE ASSUMPTIONS, THE UPDATED WATER CAPITAL IMPROVEMENTS PLAN, AND UPDATED IMPACT FEES; AMENDING CITY OF PARKER CODE OF ORDINANCES SECTIONS 51.85 – 51.99; PROVIDING FOR SEVERABILITY, REPEALER, PROPER NOTICE AND MEETING, AND AN EFFECTIVE DATE.

WHEREAS, The City Council adopted the current Water Impact Fees in accordance with Texas Local Government Code Chapter 395 by Ordinance No. 72017 on April 4, 2017, as codified by the City of Parker Code of Ordinances Sections 51.85 – 51.99; and

WHEREAS, Texas Local Government Code Sec. 395.052 requires the governing body's periodic review of land use assumptions and/or water Capital Improvements Plan ("CIP") every 5 years even though the term of the CIP runs for 10 years from adoption; and

WHEREAS, City Council adopted Resolution No. 2023-734 to engage the engineering firm of Birkhoff, Hendricks and Carter to perform the 2023 water impact fee analysis update; and

WHEREAS, City Council adopted Resolution No. 2023-735 appointing the Water Capital Improvements Advisory Committee ("CIAC") for the review of the land use assumptions and water impact fee capital improvements in accordance with Chapter 395 to provide recommendations to the City Council; and

WHEREAS, the *2023 – 2033 Water Impact Fee Report with 2023-2033 Impact Fee Capital Improvement Plan Program* has been prepared for the City by Birkhoff, Hendricks, and Carter, LLP, both of which are attached hereto as **Exhibit "A"** and incorporated herein by this reference, and presented to the CIAC at a public meeting; and

WHEREAS, the CIAC, by written comments in a letter dated November 9, 2023, after review of the *2023 – 2033 Water Impact Fee Report* which included a *2023-2033 Impact Fee Capital Improvement Plan Program* and a land use assumptions report indicating no substantive change to the land use assumptions, recommended the City Council move forward with the public hearing and appropriate action under Chapter 395; and

WHEREAS, the public hearing on the Land Use Assumptions, Water Capital Improvements Plan, and related Impact Fees was held on December 19, 2023, after proper notice in accordance with Chapter 395 was published in the Dallas Morning News, the official newspaper of the City of Parker; and

WHEREAS, The City Council finds that the City has fully complied with Chapter 395 of the Texas Local Government Code, as amended, in the notice, adoption, promulgation and methodology necessary to adopt the land use assumptions, 2023-2033 water Impact Fee Capital Improvement Plan Program and updated water impact fees.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS:

Section 1. INCORPORATION OF RECITALS/FINDINGS OF FACT

The recitals contained in the preamble of this Ordinance are incorporated into the body of this Ordinance as if set out fully herein as legislative findings of fact.

Section 2. ADOPTION OF LAND USE ASSUMPTIONS, UPDATED WATER CAPITAL IMPROVEMENTS PLAN, AND UPDATED IMPACT FEES

The City Council hereby (1) adopts the Land Use Assumptions; (2) adopts the updated Capital Improvements Plan; and (3) adopts the updated Impact Fees as presented in Exhibit "A" hereto, including, without limitation, the Allowable Maximum Fee per Living Unit Equivalent and Per Meter Size and Type as reflected on Table No. 17 in **Exhibit "A"** and copied below.

TABLE NO. 17
ALLOWABLE MAXIMUM FEE PER LIVING UNIT EQUIVALENT
AND
PER METER SIZE AND TYPE

50% Max . Water Impact fee /LUE				\$ 8,269.17
Typical Land Use	Meter Type	Meter Size	LUE	Maximum Water Impact Fee
Single Family Residential	Simple	1"	1	\$ 8,269.17
Single Family Residential	Simple	2"	4	\$ 33,076.67

Section 3. AMENDMENT TO CITY OF PARKER CODE OF ORDINANCES SECTIONS 51.85 – 51.99, WATER IMPACT FEES

Sections 51.85 – 51.99 of the City of Parker Code of Ordinances, Water Impact Fees, also referred to as the City of Parker Water Impact Fee subchapter, shall be updated and amended to reflect the adoption of this Ordinance, the date of adoption, and the approved impact fees which are highlighted on **Exhibit "B"** hereto and incorporated herein by this reference.

The actual and maximum impact fees in §51.86, Water Impact Fees, for a one-inch meter shall be \$8,269.17, and for a two-inch meter shall be \$33,076.67.

The maximum water impact fee rate allowed by state law for capital improvements is calculated in the Capital Improvements Plan to be as follows:

- (a) Single Family Residential 1-inch meter (living unit equivalent: 1): \$8,269.17.

(b) Single Family Residential 2-inch meter (living unit equivalent: 4): \$33,076.67.

Section 4. REPEALER

In the case of any conflict between other provisions of this Ordinance and any existing Ordinance of the City, the provisions of this Ordinance shall control.

Section 5. SEVERABILITY

If any article, paragraph, sentence, subdivision, clause, phrase, or section of this Ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal, or unconstitutional, and shall not affect the validity of this Ordinance as a whole.

Section 6. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice and a public hearing were also provided as required by Texas Government Code Chapter 212, Subchapter E.

Section 7. EFFECTIVE DATE

This Ordinance will take effect on the date the requirements in Local Government Code Section 52.011 for publication of notice of its adoption are met. From and after this effective date, the City will compute and collect water and wastewater impact fees as described herein.

READ, PASSED, AND APPROVED BY THE CITY COUNCIL OF PARKER, COLLIN COUNTY, TEXAS, THIS 19TH DAY OF DECEMBER 2023.

[Signature page below]

Lee Pettle, Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

Patti Scott Grey, City Secretary

Amy J. Stanphill, City Attorney

EXHIBIT A

***2023 – 2033 Water Impact Fee Report
&
2023-2033 Impact Fee Capital Improvement Plan Program***

**WATER IMPACT FEE REPORT
2023 - 2033**

Submitted To The City Of



Submitted By

**BIRKHOFF, HENDRICKS & CARTER, L.L.P.
SPECIALIZING IN CIVIL ENGINEERING FOR
MUNICIPALITIES AND GOVERNMENTAL AGENCIES**

October 2023

BIRKHOFF, HENDRICKS & CARTER, L.L.P.
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DEREK B. CHANEY, P.E., R.P.L.S.
CRAIG M. KERKHOFF, P.E., CFM
JUSTIN R. IVY, P.E.
COOPER E. REINBOLD, P.E.

Mr. Luke Olson
City Administrator
City of Parker
5700 E. Parker Road
Parker, Texas 75002

Re: Water Impact Fee Update

Dear Mr. Olson:

This report presents the results of the City of Parker Water Impact Fee Update for the planning years 2023 through 2033. This report includes the updated impact fee Capital Improvements Plan and the updated Maximum Impact Fees by meter size for water. The maximum allowable fees per service unit (for a 5/8 x 3/4-inch water meter), adjusted to fifty percent (50%) of the calculated fees are the following:

Maximum Allowable Water Impact Fee per Service Unit \$8,269.17

We have enjoyed working with the City on this important study and are available to discuss the findings and conclusions of this updated impact fee further at your convenience. We look forward to our continued working relationship with you and the City of Parker.



Sincerely yours,

A handwritten signature in black ink that reads "John W. Birkhoff".

John W. Birkhoff, P.E.

**CITY OF PARKER, TEXAS
WATER IMPACT FEE STUDY
2023 TO 2033**

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CITY OF PARKER, TEXAS WATER IMPACT FEE STUDY 2023 to 2033

A. INTRODUCTION

Chapter 395, of the Local Government Code is an act that provides guidelines for financing capital improvements required by new development in municipalities, counties, and certain other local governments. Under Chapter 395, political subdivisions receive authorization to enact or impose impact fees on land that is located within their political subdivision's corporate boundaries and extraterritorial jurisdictions. No governmental entity or political subdivision can enact or impose an impact fee unless they receive specific authorization by state law or by Chapter 395.

An "Impact Fee" is a charge or assessment imposed by a political subdivision for new development within its service area in order to generate revenue for funding or recouping the costs of capital improvements necessitated by and attributable to the new development.¹ The first step in determining an impact fee is preparation of land use and growth assumptions for the service area for the next ten years. Next, a Capital Improvements Plan must be created to describe the water distribution system infrastructure that will be necessary to serve the anticipated land uses and growth. Following the preparation of the Capital Improvements Plan the Water Impact Fee is calculated.

¹ P. 831, Texas Local Government Code, West's Texas Statutes and Codes, 1998 Edition.

B. WATER IMPACT FEES

The following items can be included in the water impact fee calculation:

- 1) The portion of the cost of the new infrastructure that is to be paid by the City, including engineering, property acquisition and construction cost.
- 2) Existing excess capacity in lines and facilities that will serve future growth and which were paid for in whole or part by the City.
- 3) Interest and other finance charges on bonds issued by the City to cover its portion of the cost.
- 4) Cost of the Impact Fee Analysis.

These items are summed and the utilized capacity is calculated over the impact fee period. The maximum allowable impact fee per service unit may not exceed fifty percent of the calculated maximum amount of the total utilized capital improvement cost divided by the total number of new standard service units. This maximum allowable impact fee recovers a portion of the City's costs for the construction of facilities to serve the new developments and support new growth. However, the City may recover the maximum fee by crediting the portion of utility service revenue generated by new service units during the 10-year program period.

Chapter 395 requires that an update of the land use assumptions, capital improvements plan, and impact fees be performed every five years, unless it is determined by the political subdivision after a review that such an update is not necessary.

This section of the report constitutes the City's 2023 water portion of the Capital Improvements Plan, and the maximum allowable impact fees. As required by state law, the study period is a ten-year period with 2023 as the base year. The engineering analysis of the water system is based on established land use in the year 2023, projected land use patterns through the year 2033, and on proposed infrastructure.

The engineering analysis portion of the City of Parker's 2023 Impact Fee determines utilized capacity cost of the water distribution system master plan between the years 2023 and 2033.

C. GLOSSARY

1. Advisory Committee means the capital improvements advisory committee established by the City for purposes of reviewing and making recommendations to the City Council on adoption and amendment of the City's impact fee program.
2. Area-related facility means a capital improvement or facility expansion which is designated in the impact fee capital improvements plan and which is not a site-related facility. Area-related facility may include a capital improvement which is located off-site, or within or on the perimeter of the development site.
3. Assessment means the determination of the amount of the maximum impact fee per service unit which can be imposed on new development.
4. Capital improvement means a water facility, wastewater facility or roadway with a life expectancy of three or more years, to be owned and operated by or on behalf of the City.
5. City means the City of Parker, Texas.
6. Credit means the amount of the reduction of an impact fee due, determined under this ordinance or pursuant to administrative guidelines that is equal to the value of area-related facilities provided by a property owner pursuant to the City's subdivision or zoning regulations or requirements, for the same type of facility.
7. Facility expansion means either a water facility expansion, sewer facility expansion or roadway expansion.
8. Final plat approval means the point at which the applicant has complied with all conditions of approval in accordance with the City's subdivision regulations, and the plat has been approved for filing with Collin County.
9. Impact fee means either a fee for water facilities, wastewater facilities or roadway facilities, imposed on new development by the City pursuant to Chapter 395 of the Texas Local Government Code in order to generate revenue to fund or recoup the costs of capital improvements or facility expansion necessitated by and attributable to such new development. Impact fees do not include the dedication of rights-of-way or easements for such facilities, or the construction of such improvements, imposed pursuant to the City's zoning or subdivision regulations.

10. Impact fee capital improvements plan means either a water capital improvements plan, wastewater capital improvements plan or roadway capital improvements plan, adopted or revised pursuant to the impact fee regulations.
11. Land use assumptions means the projections of population and growth, and associated changes in land uses, densities and intensities over at least a ten-year period, as adopted by the City and as may be amended from time to time, upon which the capital improvements plans are based.
12. Land use equivalency table means a table converting the demands for capital improvements generated by various land uses to numbers of service units, as may be amended from time to time.
13. 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.
14. Plat has the meaning given the term in the City's subdivision regulations. Plat includes replat.
15. Platting has the meaning given the term in the City's subdivision regulations. Platting includes replatting.
16. Property owner has the meaning given the term in the City's subdivision regulations. Property owner includes the developer for a new development.
17. Recoupment means the imposition of an impact fee to reimburse the City for capital improvements which the City had previously oversized to serve new development.
18. Service area means either a water service area or wastewater benefit area within the City, within which impact fees for capital improvements or facility expansion will be collected for new development occurring within such area, and within which fees so collected will be expended for those types of improvements or expansions identified in the type of capital improvements plan applicable to the service area. For roadways, it means a roadway service area within the city limits.

19. Service unit means the applicable standard units of measure shown on the land use equivalency table in the Impact Fees Capital Improvements Plan which can be converted to water meter equivalents, for water or for wastewater facilities, which serves as the standardized measure of consumption, use or generation attributable to the new unit of development. For roadway facilities, the service unit is converted vehicle miles.
20. Site-related facility means an improvement or facility which is for the primary use or benefit of a new development, and/or which is for the primary purpose of safe and adequate provision of water, wastewater or roadway facilities to serve the new development, and which is not included in the impact fees capital improvements plan and for which the property owner is solely responsible under subdivision or other applicable development regulations.
21. Utility connection means installation of a water meter for connecting a new development to the City's water system, or connection to the City's wastewater system.
22. Water facility means a water interceptor or main, pump station, storage tank or other facility included within and comprising an integral component of the City's water storage or distribution system. Water facility includes land, easements or structures associated with such facilities. Water facility excludes site-related facilities.
23. Water facility expansion means the expansion of the capacity of any existing water facility for the purpose of serving new development, but does not include the repair, maintenance, modernization, or expansion of an existing water improvement to serve existing development.
24. Water improvements plan means the adopted plan, as may be amended from time to time, which identifies the water facilities or water expansions and their associated costs which are necessitated by and which are attributable to new development, for a period not to exceed 10 years.
25. Water meter means a device for measuring the flow of water to a development, whether for domestic or for irrigation purposes.

D. LAND USE ASSUMPTIONS SUMMARY

Under Chapter 395, of the Local Government Code, "Land Use Assumptions" includes a description of service area and projected changes in land uses, densities, intensities, and population in the service area for a minimum of a 10-year period. In order to impose an impact fee, the City must adopt an order, ordinance, or resolution that establishes a public hearing date to consider the land use assumptions within the designated service area. After the public hearing on the land use assumptions, the City makes a determination of adoption or rejection of the ordinance, order or resolution approving the land use assumptions that will be utilized to develop the Capital Improvement Plan. For this analysis the existing land use plan was utilized as no changes in land use has been made by the city.

Table 1 provides a summary of the growth assumptions used for the water distribution system.

TABLE NO. 1
POPULATION GROWTH ASSUMPTIONS

	2023	2033	Buildout
Population Assumption	5,884	8,710	12,000
Percent of Buildout Population (%)	49%	73%	100%
2023 to 2033 Population Growth:		148%	

E. DEFINITION OF A WATER SERVICE UNIT

Chapter 395 of the Local Government Code requires that impact fees be based on a defined service unit. A “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. The City of Parker has previously defined a water service unit to be a 1-inch water meter and has referred to these service units as Single Family Living Unit Equivalents (SFLUE). The service unit is based on the continuous duty capacity of a 1-inch water meter. This is the typical meter used for a single family detached dwelling within the City, and therefore is considered to be equivalent to one “living unit”. Other meter sizes can be compared to the 1-inch meter through a ratio of water flows as published by the American Water Works Association and shown in Table No. 1 below. This same ratio is then used to determine the proportional water impact fee amount for each water meter size.

**TABLE NO. 2
LIVING UNIT EQUIVALENCIES
FOR VARIOUS TYPES AND SIZES OF WATER METERS**

Meter Type	Meter Size	Continuous Duty Maximum Rate ^(a)	Living Unit Per Meter Size
Simple	1"	25	1.0
Simple	2"	80	3.2
Compound	2"	80	3.2
Turbine	2"	100	4.0

^(a) Source: AWWA Standard C700 - C702

F. CALCULATION OF WATER LIVING UNIT EQUIVALENTS 2023-2033

The City of Parker provided the existing water meter count by size category as of October 2023. In total, there are 2,100 water meters serving the existing population of 5,882 residents in the Water Service Area. Table No. 2 shows the number of existing meters, the living unit equivalent factor, and the total number of living unit equivalents (LUE's) for water accounts. As shown in Table No. 2, the new LUE's during the impact fee period total 1,136.

TABLE NO. 3
WATER LIVING UNIT EQUIVALENTS BY METER SIZE

Meter Size	2023			2033				New Living Units During Impact Fee Period
	Number of Water Meters	Living Unit Equivalent Ratio for 1" Used	Total Number of Living Units	Future Meter Size	Number of Water Meters	Living Unit Equivalent Ratio for 1" Used	Total Number of Living Units	
5/8" x 3/4"	197	1.0	197	1"	292	1.0	292	95
1"	1,820	1.0	1,820	1"	2,701	1.0	2,701	881
2"	83	4.0	332	2"	123	4.0	492	160
Totals	2,100		2,349		3,116		3,485	1,136

G. WATER DISTRIBUTION SYSTEM

Computer models for the years 2023 and 2033 were prepared based on the City's Water Distribution System Master Plan. The models were developed from residential population projections as shown in Table 1. The water distribution system include major distribution lines, pressure reducing valves, pump stations, elevated storage tanks and ground storage reservoirs.

All computer models were run for a 72-hour Extended Period Simulation to insure proper sizing of the facilities to meet peak demand periods.

G.1 Existing Pump Stations, Ground Storage Reservoirs & Elevated Storage Tanks

The existing water distribution system includes the facilities as shown in Table No. 4 and Table No. 5 below.

TABLE NO. 4
WATER DISTRIBUTION SYSTEM
EXISTING PUMP STATIONS & GROUND STORAGE

Pump Station	Number Of Pumps	Rated Capacity (MGD)	Number of Ground Storage Reservoirs	Total Ground Storage Available (MG)
East Side Pump Station	4	3.50	2	0.5
Total:	4	3.50	2	0.5

TABLE NO. 5
WATER DISTRIBUTION SYSTEM
EXISTING ELEVATED STORAGE

Pump Station	Capacity (MG)
City Hall Elevated Storage Tank	1.0
Total:	1.0

The pump stations and ground storage facilities were analyzed on the maximum daily demand, while elevated storage acts dynamically and therefore was analyzed utilizing the difference between the Maximum Hourly Demand and the Maximum Daily Demand.

G.2 Distribution Lines

The distribution lines consist of all lines within the service area planning boundary supplying water to customers in the City of Parker. Lines vary in size from 3/4-inch service lines to 18-inch transmission lines. Unless a smaller diameter water line is expected to be constructed by the City of Parker, only those proposed water lines 8-inches in diameter or larger were considered in the Impact Fee calculations. The cost of water lines includes construction cost, appurtenances (water valves, fire hydrants, taps, etc.), utility relocations, purchase of easements and engineering costs. Financing cost is included for each project assuming a bond rate of 5% over a 20-year term.

Unit cost for water lines 12-inches in diameter or larger, which are anticipated to be constructed by private development, include the City's oversize cost participation only. City initiated water lines include the full cost of the proposed facility. Developer initiated water line projects which are 8-inches or less in diameter are not included in this Impact Fee analysis, unless otherwise shown on the CIP map. The cost for these size lines are the responsibility of the developer.

H. CAPITAL IMPROVEMENT PLAN

H.1 Executive Summary

The City of Parker owns and operates their water distribution system comprised of pump stations, ground storage reservoirs, elevated storage tanks and pipeline infrastructure. This system is being improved and expanded to meet the needs of the water demands imposed by the current residents and future residents of Parker, Texas. A schedule for future improvements and investments in the water distribution system is known as the Capital Improvements Plan. Chapter 395 of the Texas Local Government Code requires the political subdivision create its Capital Improvement Plan to impose impact fees. The Capital Improvement Plan and its costs are required for the calculation of the water impact fee. Birkhoff, Hendricks, and Carter, with assistance of City staff, created the Capital Improvements Plan. Only projects from the Capital Improvement Plan that are required to provide capacity to serve growth during the impact fee (2023-2033) period can be included in the impact fee calculation.

H.2 Introduction

In accordance with Chapter 395 of the Texas Local Government Code, the City of Parker has retained Birkhoff, Hendricks & Carter, L.L.P. to establish the Capital Improvement Plan in conjunction with the Water Impact Fee Study. This section establishes the engineering basis for the capital projects and costs which are included in the water impact fee calculations.

The Capital Improvements Plan consists of the necessary water distribution system improvements to support the projected water demands placed on the distribution system due to future growth.

H.3 Facility Capacity Requirements

H.3.1 General

This section of the report discusses the capacity of those facilities that are required to be included in the Impact Fee Capital Improvements Plan and are also eligible in the calculation of the impact fee. The capacities evaluated are the existing available capacities and the increased capacities due to projected growth. These increased capacities serve the growth projected during the impact fee period.

H.3.2 Water Usage

The water distribution system must be improved in accordance with this Capital Improvement Plan in order to support the water demands imposed on the system by the projected growth the City is envisioning within the next 10-year period. The City's existing 2023 residential population is approximately 5,882 residents. In year 2033 the City projects the residential population to grow to approximately 8,710 residents. Based on a water demand study conducted for the City in August of 2023, the residential per capita water usage rate for maximum daily demand is 666 gallons per capita per day (gpcd). Table No. 6 illustrates the water demand rates used to calculate the water demands for the projected population.

TABLE NO. 6
2023 DESIGN WATER DEMAND RATES

Land Use	Maximum Daily Demand Rate	Maximum Hourly Demand Rate
Residential	666 g.p.c.d.	1,078 g.p.c.d.

g.p.c.d. – gallons per capita per day

g.p.a.d. – gallons per acre per day

residential peaking factor 1.62

Table No. 7 summarizes the calculated water demands for year 2023 and 2033, within the City's planning area.

TABLE NO. 7
WATER DEMANDS

Water Demand Capacities	Maximum Daily Demand (MGD)	Maximum Hourly Demand (MGD)
2023 Water Demands	3.92	6.34
2033 Water Demands	5.80	9.39
Additional Capacity Required:	1.88	3.05

H.3.3 Water Supply

The City currently receives treated water supply from the North Texas Municipal Water District (NTMWD) at the East Side Pump Station delivery point located at the southwest corner of the Parker Road and F.M. 1378 intersection. The East Side Pump Station delivery point has capacity to receive up to 3.50 MGD supply rate. It does not have enough capacity to support the additional supply required for the growth within the next ten year period. This site also does not have sufficient area for expansions. Based on the growth projections and the calculated water demands, a second delivery point for water supply will be needed to meet the new water demands. This new delivery point will be the Central Pump Station delivery point. The locations of the existing and proposed delivery points are shown on the Capital Improvement Plan Map included in this report. Table No. 8 summarizes the maximum day supply capacity requirements at each delivery point within the next ten-year impact fee period.

TABLE NO. 8
WATER SUPPLY

Water Supply Capacities	East Side Supply (MGD)	Central Supply (MGD)
2023 NTMWD Supply	3.50	0.00
2033 NTMWD Supply	3.50	2.30
Additional Supply Capacity Required:	0.00	2.30

H.3.4 Water Distribution System

The City's existing water distribution system can support the water demands applied to the system from the existing residential population. As the City grows within the next ten-year period, additional water distribution system facilities will need to be constructed to support water demand created from new growth. In addition to facilities, the water distribution system will require additional water lines.

The design of the proposed water distribution system is based on three separate demand conditions. The first condition is based on the maximum daily demand. This demand is the rate at which water is supplied and the rate which pump stations must be sized to deliver water to the system. The second condition is the maximum hourly demand rate on the day of maximum demand. Maximum hourly demand rate is used to size distribution lines and to determine the volume of elevated storage. The third condition used is the minimum hourly demand rate on the day of maximum demand. This rate is used to analyze the refill rates of elevated storage tanks. These three demand conditions were modeled over a three-day period with an Extended Period Simulation (EPS) in the hydraulic water model utilizing the InfoWater Pro water model software.

The existing and proposed distribution lines along with facilities are shown on the Capital Improvement Plan Map presented in this section of the Impact Fee Report. Table No. 9 summarizes the maximum hourly demands that the proposed distribution system will need to support.

**TABLE NO. 9
WATER LINE DEMANDS**

Waterline Capacities	Maximum Hourly Demand (MGD)
2023 Waterline Demands	6.34
2033 Waterline Demands	9.39
Addition Waterline Capacity Required:	3.05

H.3.5 High Service Pump Stations

The City can meet its pumping system demand requirements with the existing East Side Pump Station. This pump station has a firm pumping capacity of 3.50 MGD with the largest pump on standby to meet the Texas Commission on Environmental Quality (TCEQ) regulations. In order to meet the projected maximum daily demands, a second pump station with an initial firm capacity of 3.0 MGD will be required to be in service to meet the additional maximum daily demands. Table No. 10 summarizes the pump station capacities.

**TABLE NO. 10
PUMP STATIONS**

Pump Station Capacities	East Side Pump Station (MGD)	Central Pump Station (MGD)
2023 Pumping Capacity	3.50	0.00
2033 Pumping Capacity	0.00	3.0
Additional Pumping Capacity Required:	0.00	3.0

H.3.6 Ground Storage Reservoirs

Ground Storage within the system is necessary to provide a dependable supply and during periods of interruption in supply. The volume of ground storage was designed for a 6-hour drawdown for the maximum demand pumping. The East Side Pump Station currently has a 200,000-gallon and a 300,000-gallon ground storage reservoir. These two existing reservoirs serve the East Side delivery point and pump station. The new delivery point will require additional ground storage to meet TCEQ

regulations and to provide a dependable supply to the Central Pump Station. Table No. 11 illustrates the ground storage capacity requirements. The ground storage reservoir at the Central Pump Station will need to be constructed congruently with the proposed pump station.

TABLE NO. 11
GROUND STORAGE RESERVOIR REQUIREMENTS

Ground Storage Capacities	Ground Storage Added (MG)	Ground Storage Available (MG)
2023 Ground Storage Capacity	0.00	0.50
2033 Ground Storage Capacity	1.0	1.5
Reservoir Capacity Required:	1.0	1.5

H.3.7 Elevated Storage Tanks

Elevated storage within the system is required by TCEQ to maintain system pressure. In the Parker system, elevated storage is sized to meet the maximum hourly demands working in conjunction with the pump stations, while maintaining system pressures.

The City currently has one 1.0-MG elevated storage tank located on Parker Road, adjacent to City Hall, with a high water level at 800-ft above mean sea level (MSL). Table No. 12 summarizes the elevated storage requirements to meet maximum hourly demand rates within the 10-year study period.

TABLE NO. 12
ELEVATED STORAGE TANK REQUIREMENTS

Elevated Storage Capacities	Elevated Storage Added (MG)	Elevated Storage Available (MG)
2023 Elevated Storage Capacities	0.0	1.0
2033 Elevated Storage Capacities	1.0	2.0
Elevated Storage Capacity Required:	1.0	2.0

H.4 Facilities – Utilized Capacity

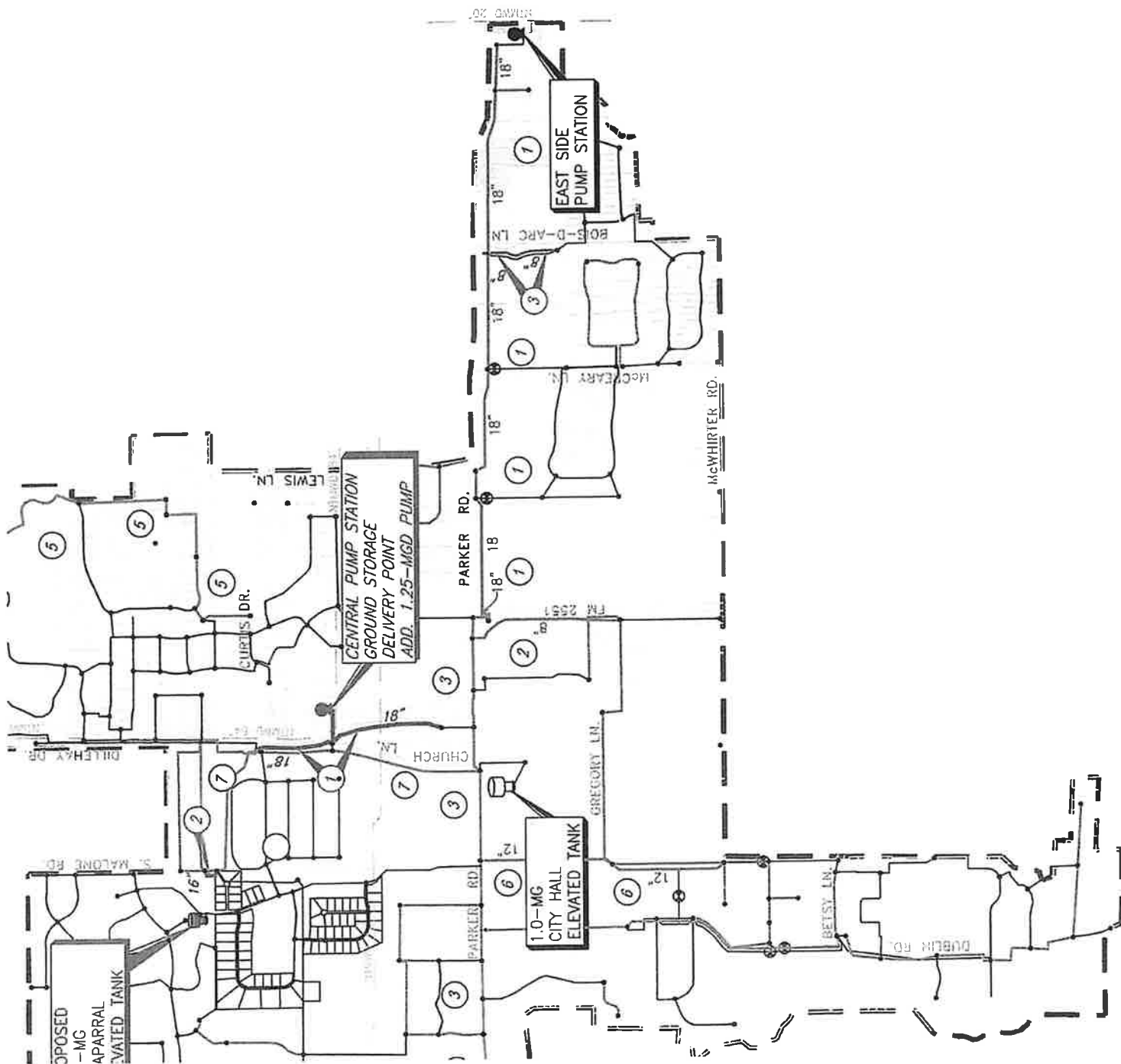
Utilized capacity for the water distribution system was calculated based on the demand required for each model year (2023, 2033 and Buildout). The models of the water distribution system are based on the 72-hour extended period simulation (EPS). Transmission and distribution facilities are sized based on either the maximum hour demand or the minimum hour demand, whichever demand is greater for a particular water line. Often times, the capacity of a water line is determined by the flows generated by the minimum hour demand. The minimum hour flows are usually higher in those lines which are used to refill elevated storage. Table No. 13 below shows the unit flow assumptions used for analysis of each element of the distribution system.

TABLE NO. 13
WATER DISTRIBUTION SYSTEM ANALYSIS
BASIS OF DEMAND CALCULATION

Type of Facilities	Demand Type	Impact Fee Per Capita Use
Pumping	Maximum Day	666 gallons/day
Distribution System	Maximum Hour	1,078 gallons/day
Ground Storage	Maximum Day x 6/24 Hours	
Elevated Storage	Maximum Hour - Maximum Day x 6/24 Hours	

For each line segment in the water distribution model, the build-out flow rate in any given line was compared to the flow rate in the same line for the 2023 and the 2033 models. The utilized capacity was then calculated for each year based on the build-out being 100% capacity. The utilized capacity during the Impact Fee period is the difference between the year 2023 percent utilized and the year 2033 percent utilized. The utilized capacity for each water distribution facility, both existing and proposed, is presented in the Impact Fee Capacity Calculation Tables provided in Appendix A. Table No. 14 summarizes the project cost and utilized cost over the impact fee period of 2023 - 2033 for each element of the Water Distribution System.

WATER 2023-2031 CAPITAL AND RECO



H.6 Capital Improvement Plan Cost

In order to meet the demands of the anticipated growth over the next 10-years, certain water distribution system improvements are required. These recommended improvements form the basis for the Water Distribution System Impact Fee Calculation and totals \$13,916,225. Adding the cost of financing brings the total 10-year Water Distribution System Capital Improvement cost to \$22,321,381. Table No. 16 represents a summary of the existing and proposed facilities capital costs within the planning period.

The existing facilities that were determined to be impact fee eligible due to available capacity that can be utilized to support growth were included in the impact fee calculations. The actual cost of construction for these facilities were used in the calculations when known. Existing eligible infrastructure without available project costs were estimated based on average unit cost.

The average unit cost for the proposed capital improvement projects and the existing facilities was derived from a limited survey of projects, which bid recently, plus an estimated cost for engineering, easements and debt service. The cost and the utilized capacity of the proposed water lines, pump stations, ground storage reservoirs elevated storage tanks and existing facility proposed improvements during the impact fee period are included in Table No. 15.

TABLE No. 14
CITY OF PARKER, TEXAS
2023 IMPACT FEE
WATER DISTRIBUTION SYSTEM
10-YEAR CAPITAL IMPROVEMENT PLAN

PROPOSED WATER LINES

Project No. ⁽³⁾	Project	Size	Opinion of Project Cost ⁽¹⁾	Debt Service ⁽²⁾	Total Project Cost
1	Dillehay Drive 18-Inch Water Line	18"	\$ 1,546,875	\$ 935,630	\$ 2,482,505
2	Chaparral Elevated Storage Tank 16-Inch Water Line	16"	\$ 96,250	\$ 58,217	\$ 154,467
3	Bois-D-Arc Lane 8-Inch Water Line	8"	\$ 317,300	\$ 191,919	\$ 509,219
Subtotal: Proposed Water Lines			\$ 1,960,425	\$ 1,185,766	\$ 3,146,191

SUPPLY, PUMPING, STORAGE FACILITIES AND FACILITY IMPROVEMENTS

Project No. ⁽⁴⁾	Project	Capacity	Opinion of Project Cost ⁽¹⁾	Debt Service ⁽²⁾	Total Project Cost
4	Central Pump Station - 1.75 MGD P.S.	1.75 MGD	\$ 4,391,800	\$ 2,656,388	\$ 7,048,188
5	Central Pump Station - 1.0 MG G.S.R.	0.75 MG	\$ 1,160,000	\$ 701,628	\$ 1,861,628
6	NTMWD Delivery Point No. 2	5 MGD	\$ 1,320,000	\$ 798,404	\$ 2,118,404
7	Chaparral 1.0-MG Elevated Storage Tank	1 MG	\$ 4,920,000	\$ 2,975,871	\$ 7,895,871
8	Additional 1.25-MGD Pump at Central Pump Station		\$ 144,000	\$ 87,099	\$ 231,099
Subtotal, Supply, Pumping and Storage Facilities:			\$ 11,935,800	\$ 7,219,390	\$ 19,155,190

PLANNING EXPENSES

Project No.	Project	Opinion of Cost (1)(b)	Debt Service ⁽²⁾	Total Project Cost
	Water Impact Fee	\$ 20,000	\$ -	\$ 20,000
Subtotal, Planning Expenses:		\$ 20,000	\$ -	\$ 20,000
Water Distribution System CIP Grand Total:		\$ 13,916,225	\$ 8,405,156	\$ 22,321,381

Notes:

- (1) Opinion of Project Cost includes:
 - a) Engineer's Opinion of Construction Cost
 - b) Professional Services Fees (Survey, Engineering, Testing, Legal)
 - c) Cost of Easement or Land Acquisitions
- (2) Debt Service based on 20-year simple interest bonds at 5%

H.7 Utilized Capacity Costs

TABLE NO. 15
SUMMARY OF ELIGIBLE CAPITAL COST & UTILIZED CAPACITY COST

Water System	Total Capital Cost (\$)	Total 20-Year Project Cost (\$)	Utilized Capacity During Fee Period (\$)
Existing Water Lines	\$ 2,259,443	\$ 3,580,694	\$ 287,912
Existing Water Facilities	\$ 3,494,971	\$ 5,511,919	\$ 1,322,514
Existing Water System Subtotal:	\$ 5,754,414	\$ 9,092,613	\$ 1,610,426
Proposed Water Lines	\$ 1,960,425	\$ 3,146,191	\$ 1,842,802
Proposed Water Facilities	\$ 11,935,800	\$ 19,155,189	\$ 15,314,320
Impact Fee Expenses	\$ 20,000	\$ 20,000	\$ 20,000
Proposed Water System Subtotal:	\$ 13,916,225	\$ 22,321,380	\$ 17,177,122
TOTAL:	\$ 19,670,639	\$ 31,413,993	\$ 18,787,548

I. CALCULATION OF MAXIMUM WATER IMPACT FEES

The maximum impact fees for the water distribution system is calculated by dividing the cost of the capital improvements or facility expansions necessitated and attributable to new development in the service area within the 10-year period by the number of living units anticipated to be added to the City within the 10-year period as shown on Table No. 16. The calculations are shown below.

TABLE NO. 16
MAXIMUM ALLOWABLE WATER IMPACT FEE

Maximum Water Impact Fee	=	<div>Eligible Existing Utilized Cost</div>	+	<div>Eligible Proposed Utilized Cost</div>	
		Number of New Living Unit Equivalent over the Next 10 Years			
	=	<div>\$1,610,426</div>	+	<div>\$17,177,122</div>	<div>\$18,787,548</div>
			<div>1,136</div>		<div>1,136</div>
Maximum Impact Fee	=	<u><u>\$16,538.33</u></u>			
Allowable Maximum Water Impact Fee: (Max Impact Fee x 50%)*	=	<u><u>\$8,269.17</u></u>			
<i>* Maximum allowable impact fee is 50% of the maximum calculated impact fee per Chapter 395 LGC</i>					

Based on the Maximum Impact Fee Calculation for Water, Table No. 17 calculates the maximum impact fee for the various sizes of water meters.

TABLE NO. 17
ALLOWABLE MAXIMUM FEE PER LIVING UNIT EQUIVALENT
AND
PER METER SIZE AND TYPE

50% Max . Water Impact fee /LUE				\$	8,269.17
Typical Land Use	Meter Type	Meter Size	LUE	Maximum Water Impact Fee	
Single Family Residential	Simple	1"	1	\$	8,269.17
Single Family Residential	Simple	2"	4	\$	33,076.67

APPENDIX
WATER IMPACT FEE UTILIZED
CAPACITY TABLES

TABLE NO. 19
CITY OF PARKER, TEXAS
2023 WATER SYSTEM IMPACT FEE STUDY
EXISTING WATER LINES

Pipe Number	Length (Ft.)	Diameter (Inches)	Date of Const.	Avg. Unit Cost (\$/Ft.)	Construction Cost (\$)	20 Year Debt Service Utilizing Simple Interest	Total 20 Year Project Cost (\$)	(%) Utilized Capacity		(\$ Utilized Capacity	
								2023	2033	2023	2033
1 - Parker Road 12 & 18-Inch Water Line (East Side P.S. to F.M. 2551)											
P-1078	358	12	0	\$61.79	\$22,119	\$13,379	\$35,498	68%	72%	\$24,139	\$25,559
P-1084	2,615	12	0	\$61.79	\$161,569	\$97,726	\$259,295	68%	72%	\$176,321	\$186,692
P-1271	7,903	18	0	\$61.79	\$488,292	\$295,344	\$783,636	100%	100%	\$783,636	\$0
P-1289	2,072	18	0	\$61.79	\$128,020	\$77,433	\$205,453	100%	100%	\$205,453	\$0
Subtotal:	12,948				\$800,000	\$483,881	\$1,283,881			\$1,189,549	\$1,201,340
2 - F.M. 2551 8-Inch Water Line											
P-1035	3,315	8	0	\$77.08	\$255,515	\$154,549	\$410,063	79%	85%	\$323,950	\$348,554
Subtotal:	3,315				\$255,515	\$154,549	\$410,063			\$323,950	\$348,554
3 - Parker Road 12-Inch Water Line (F.M. 2551 to Springhill Estates Drive)											
P-1068	1,989	12	0	\$30.00	\$59,670	\$36,092	\$95,762	100%	100%	\$95,762	\$0
P-1069	585	12	0	\$30.00	\$17,550	\$10,615	\$28,165	100%	100%	\$28,165	\$0
P-1070	1,008	12	0	\$30.00	\$30,240	\$18,291	\$48,531	100%	100%	\$48,531	\$0
P-1071	560	12	0	\$30.00	\$16,800	\$10,162	\$26,962	100%	100%	\$26,962	\$0
P-1072	645	12	0	\$30.00	\$19,350	\$11,704	\$31,054	100%	100%	\$31,054	\$0
P-1073	1,009	12	0	\$30.00	\$30,270	\$18,309	\$48,579	100%	100%	\$48,579	\$0
P-1074	944	12	0	\$30.00	\$28,320	\$17,129	\$45,449	96%	100%	\$43,631	\$1,818
P-1075	812	12	0	\$30.00	\$24,360	\$14,734	\$39,094	100%	100%	\$39,094	\$0
P-1076	953	12	0	\$30.00	\$28,590	\$17,293	\$45,883	100%	100%	\$45,883	\$0
P-1077	596	12	0	\$30.00	\$17,880	\$10,815	\$28,695	100%	100%	\$28,695	\$0
P-1178	1,927	12	0	\$30.00	\$57,810	\$34,966	\$92,776	77%	94%	\$71,438	\$15,772
Subtotal:	11,028				\$330,840	\$200,109	\$530,949			\$507,794	\$17,590
4 - Chaparral Elevated Storage Tank 16-Inch Water Line											
P-1260	2,956	16	0	\$33.83	\$100,000	\$60,485	\$160,485	7%	71%	\$11,234	\$113,944
Subtotal:	2,956				\$100,000	\$60,485	\$160,485			\$11,234	\$113,944
5 - Muddy Creek 12-Inch Water Line											
P-1169	2,780	12	0	\$30.00	\$83,400	\$50,445	\$133,845	100%	100%	\$133,845	\$0
P-1170	3,035	12	0	\$30.00	\$91,050	\$55,072	\$146,122	35%	39%	\$51,143	\$5,845
P-1171	1,890	12	0	\$30.00	\$56,700	\$34,295	\$90,995	100%	100%	\$90,995	\$0
P-1176	325	12	0	\$30.00	\$9,750	\$5,897	\$15,647	100%	100%	\$15,647	\$0
P-1280	1,570	12	0	\$30.00	\$47,100	\$28,489	\$75,589	70%	70%	\$52,912	\$0
P-1317	3,350	12	0	\$30.00	\$100,500	\$60,788	\$161,288	100%	100%	\$161,288	\$0
P-1319	320	12	0	\$30.00	\$9,600	\$5,807	\$15,407	100%	100%	\$15,407	\$0
P-1321	990	12	0	\$30.00	\$29,700	\$17,964	\$47,664	54%	54%	\$25,739	\$0
Subtotal:	14,260				\$427,800	\$258,756	\$686,556			\$546,976	\$5,845

TABLE NO. 19
CITY OF PARKER, TEXAS
2023 WATER SYSTEM IMPACT FEE STUDY
EXISTING WATER LINES

Pipe Number	Length (Ft.)	Diameter (Inches)	Date of Const.	Avg. Unit Cost (\$/Ft.)	Construction Cost (\$)	20 Year Debt Service Utilizing Simple Interest	Total 20 Year Project Cost (\$)	(%) Utilized Capacity			(\$ Utilized Capacity			
								2023	2033	During Fee Period	2023	2033	During Fee Period	
6 - 2009 12-Inch Water Line Phase-2														
P-1181	2,419	12	2009	\$50.43	\$121,996	\$73,789	\$195,785	52%	81%	29%	\$101,808	\$158,586	\$56,778	
P-1254	2,940	12		\$50.43	\$148,271	\$89,682	\$237,953	72%	100%	28%	\$171,326	\$237,953	\$66,627	
Subtotal:	5,359				\$270,267	\$163,471	\$433,738				\$273,134	\$396,539	\$123,405	
7 - Church Road Waterline														
P-1080	3,124	12	2002	\$15.72	\$49,113	\$0	\$49,113	96%	100%	4%	\$47,148	\$49,113	\$1,965	
P-1220	1,648	12		\$15.72	\$25,908	\$0	\$25,908	100%	100%	0%	\$25,908	\$25,908	\$0	
Subtotal:	4,772				\$75,021	\$0	\$75,021				\$73,056	\$75,021	\$1,965	
Total:	54,638				\$2,259,443	\$1,321,251	\$3,580,694				\$2,925,693	\$3,213,602	\$287,912	

TABLE NO. 20

Pump Station Improvements	Year Const.	Capacity	Units	Pump Station Cost (\$)				Capacity Utilized (%)		Capacity Utilized (\$)		
				Engineering, Testing and Property Acquisition	Debt Service Interest Rate %	20 Year Debt Service Utilizing Simple Interest	Total 20 Yr. Project Cost (\$)	2023	In The CRF Period	2023	In The CRF Period	
Existing Pump Stations, Ground Storage, and Elevated Storage Facilities												
Facilities & Water Line Purchase From Pecan Orchard	1988	*****	*****	\$196,000	50	Special	\$21,560	\$217,560	68%	\$147,941	\$156,643	\$8,702
East Side Pump Station Improvements	2003	3 60	MGD	\$396,700	\$79,340	5%	\$287,934	\$763,974	100%	\$763,974	\$763,974	\$0
City Hall Elevated Storage Tank	2011	1 0	MG	\$2,352,442	\$470,488	5%	\$1,707,455	\$4,530,385	61%	\$2,763,535	\$4,077,347	\$1,313,812
Existing Facilities Total:				\$2,945,142	\$549,828		\$2,016,948	\$5,511,919		\$3,675,449	\$4,997,964	\$1,322,514

TABLE NO. 21
CITY OF PARKER, TEXAS
2023 WATER SYSTEM IMPACT FEE STUDY
PROPOSED WATER LINES

* * Average Unit costs are based in 2023 dollars unless otherwise indicated and includes 20% for engineering and design

Average Unit Costs are based on 2023 contracts unless otherwise indicated and include 20% for engineering and owner's fees.												
Pipe Number	Length (Ft.)	Diameter (Inches)	Avg. Unit Cost (\$/Ft.)	Construction Cost (\$)	20 Year Debt Service @ 5% Simple Interest	Total 20 Year Project Cost (\$)	(%) Utilized Capacity			(\$ Utilized Capacity		
							2023	2033	During Fee Period	2023	2033	During Fee Period
1 - Dillehay Drive 18-Inch Water Line												
This project begins at the proposed Central Pump Station and bears north and south. The northern segment terminates near Kara Lane approximately 1,400 feet south of Chaparral where it's southern segment terminates to just south of Lakesey Lane approximately 2,000 feet north of Parker Road.												
2	P-1252	2,490	18"	\$375.00	\$933,750	\$564,780	\$1,498,530	0.0%	91.0%	\$0	\$1,363,663	\$1,363,663
2	P-1253	1,635	18"	\$375.00	\$613,125	\$370,850	\$983,975	0.0%	24.0%	\$0	\$236,154	\$236,154
Subtotal:		4,125			\$1,546,875	\$935,630	\$2,482,505			\$0	\$1,599,817	\$1,599,817
2 - Chaparral Elevated Storage Tank 16-Inch Water Line												
This water line begins at the proposed Chaparral Elevated Storage Tank and continues north to the intersection of Maline Drive and Northshore Road.												
2	P-1191	385	16"	\$250.00	\$96,250	\$58,217	\$154,467	0.0%	65.0%	\$0	\$100,404	\$100,404
Subtotal:		385			\$96,250	\$58,217	\$154,467			\$0	\$100,404	\$100,404
3 - Bois-D-Arc Lane 8-Inch Water Line												
This water line begins at a point for connection to the existing 16-inch Parker Road Water Line and continues south to the existing 8-inch water line south of Bois-D-Arc Lane.												
2	P-1157	1,670	8"	\$190.00	\$317,300	\$191,919	\$509,219	0.0%	28.0%	\$0	\$142,581	\$142,581
Subtotal:		1,670			\$317,300	\$191,919	\$509,219			\$0	\$142,581	\$142,581
CIP Total:		6,180			\$1,960,425	\$1,185,766	\$3,146,191			\$0	\$1,842,802	\$1,842,802

1 - City Participate in Cost Oversize

2 - City Initiated & Funded

TABLE NO. 22
CITY OF PARKER, TEXAS
2023 WATER DISTRIBUTION IMPACT FEE STUDY
PROPOSED WATER FACILITIES

	Projected Capacity	Units	Water Facilities Cost (\$)				Capacity Utilized (%)			Capacity Utilized (\$)			
			Capital Cost (\$)	Engineering, Testing and Property Acquisition 20% (\$)	Opinion of Project Total Cost (\$)	20 Year Debt Service Utilizing 5% Simple Interest (\$)	Total 20 Yr. Project Cost (\$)	In The CRF Period		2023	2033	In The CRF Period	
								2023	2033				
Proposed Pump Stations, Ground Storage, and Elevated Storage Facilities													
8	Central Pump Station - 1.75 MGD P S	1.75	MGD	\$4,391,800	\$0	\$4,391,800	\$2,656,388	\$7,048,188	0.0%	73.0%	\$0	\$5,145,177	\$5,145,177
9	Central Pump Station - 1.0 MGD G S R	0.75	MG	\$1,160,000	\$0	\$1,160,000	\$701,628	\$1,861,628	0.0%	73.0%	\$0	\$1,358,988	\$1,358,988
10	NTMWD Delivery Point No. 2	5.0	MGD	\$1,100,000	\$220,000	\$1,320,000	\$798,404	\$2,118,404	0.0%	73.0%	\$0	\$1,546,435	\$1,546,435
11	Choptank 1.0-MGD Elevated Storage Tank	1.0	MG	\$4,100,000	\$820,000	\$4,920,000	\$2,975,871	\$7,895,871	0.0%	89.8%	\$0	\$7,086,544	\$7,086,544
12	Additional 1.25-MGD Pump at Central Pump Station	1.25	MGD	\$120,000	\$24,000	\$144,000	\$87,099	\$231,099	0.0%	76.7%	\$0	\$177,176	\$177,176
Proposed Facility Total:				\$10,871,800	\$1,064,000	\$11,935,800	\$7,219,389	\$19,155,189				\$15,314,320	\$15,314,320



2023 - 2033
WATER IMPACT FEE STUDY

BIRKHOFF, HENDRICKS & CARTER, L.L.P.
PROFFESIONAL ENGINEERS
DALLAS, TEXAS
(214) 361-7900

October 2023

**2023-2033 Impact Fee
Capital Improvement Plan Program**

Submitted To The City Of



Submitted By

BIRKHOFF, HENDRICKS & CARTER, L.L.P.
***SPECIALIZING IN CIVIL ENGINEERING FOR
MUNICIPALITIES AND GOVERNMENTAL AGENCIES***

October 2023

**CITY OF PARKER, TEXAS
2023 to 2033 IMPACT FEE
CAPITAL IMPROVEMENT PROGRAM**

PROPOSED WATER LINES

Project No.	Project	Size	Length (ft.)
1	Dillehay Drive 18-Inch Water Line	18"	4,125
2	Chaparral Elevated Storage Tank 16-Inch Water Line	16"	385
3	Bois-D-Arc Lane 8-Inch Water Line	8"	1,670

SUPPLY, PUMPING, STORAGE FACILITIES AND FACILITY IMPROVEMENTS

Project No.	Project	Capacity
4	Central Pump Station - 1.75 MGD P.S.	1.75 MGD
5	Central Pump Station - 1.0 MG G.S.R.	0.75 MG
6	NTMWD Delivery Point No. 2	5 MGD
7	Chaparral 1.0-MG Elevated Storage Tank	1 MG
8	Additional 1.25-MGD Pump at Central Pump Station	1.25 MGD

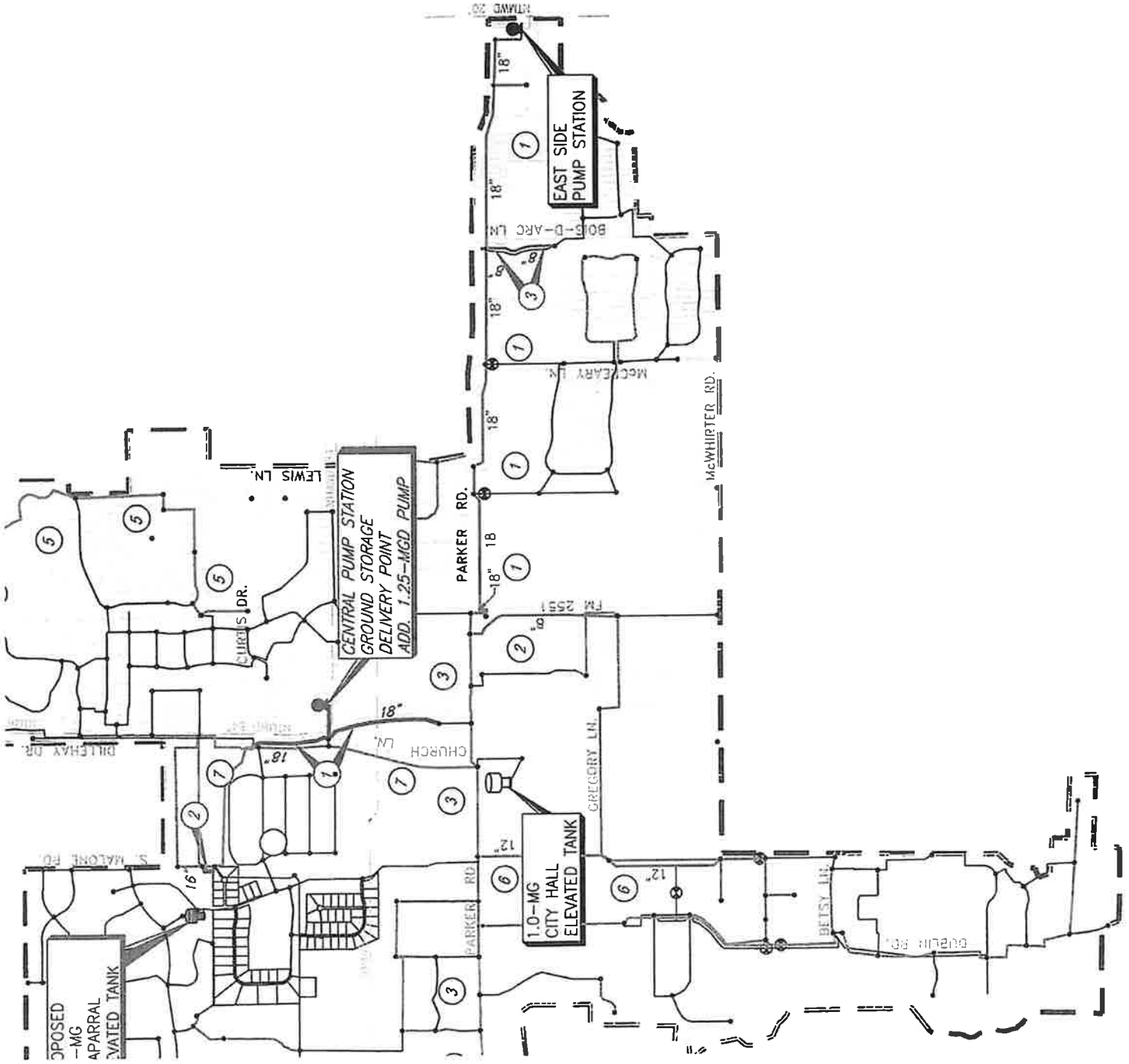


EXHIBIT B

**CITY OF PARKER CODE OF ORDINANCES
CITY OF PARKER WATER IMPACT FEE SUBCHAPTER**

§§ 51.85 - 51.99

WATER IMPACT FEES

§ 51.85 GENERAL PROVISIONS.

(A) *Short title.* This subchapter shall be known and cited as the City of Parker Water Impact Fee subchapter.

(B) *Purpose.* The purpose of this subchapter is to help ensure that adequate water facilities are available to serve new growth and development, and to provide for new growth and development to bear a proportionate share of the cost of water and wastewater facilities that serve the new growth and development.

(C) *Authority; implementing guidelines.*

(1) This subchapter is adopted pursuant to Tex. Local Gov't Code Ch. 395.

(2) Guidelines to implement and administer this subchapter may be developed and approved by ordinance or resolution of the City Council.

(D) *Definitions.* For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADVISORY COMMITTEE. The Capital Improvements Advisory Committee on impact fees in accordance with Tex. Local Gov't Code Ch. 395.

CAPITAL IMPROVEMENT. A water facility with a life expectancy of 3 or more years that is owned and operated by or on behalf of the city, whether or not the facility is within the impact fee service area.

CAPITAL IMPROVEMENT PLAN. The plan approved by the City Council which describes the water capital improvements or facility expansions and their costs which are necessitated by and attributable to development in the impact fee service area based on the approved land use assumptions. The initial capital improvements plan is the Capital Improvements Plan and Report for Water Impact Fees prepared for the city by Birkhoff, Hendricks, and Carter, LLP, which was approved by the City Council by resolution dated January 9, 2017, and updated by City Council by Ordinance on December 19, 2023.

CITY. The City of Parker, Texas.

DEVELOPMENT. The subdivision of land, or 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 that may be used on the land or in conjunction with the structure. **DEVELOPMENT** includes the conversion of an existing use from on-site water facilities to the use of city water facilities.

FACILITY EXPANSION. An expansion of the capacity of any existing water facility for the purpose of serving development; it does not include the repair, maintenance, modernization, or expansion of an existing water facility to the extent it serves existing development.

IMPACT FEE. A fee for water facilities imposed on development in order to generate revenue to fund or recoup the costs of capital improvements or facility expansions necessitated by and attributable to the development. **IMPACT FEE** does not include:

- (a) The dedication of rights-of-way or easements for water facilities;
- (b) Construction or dedication of on-site or off-site water facilities under the city's subdivision or other regulations;
- (c) Fees placed in trust funds for the purpose of reimbursing developers for oversizing or constructing water facilities;
- (d) Pro rata fees for reimbursement of the costs for extending city water; or
- (e) Charges for water services to a wholesale customer such as a water district, political subdivision of the state, or other wholesale utility customer.

IMPACT FEE RATE. The amount of the impact fee living unit.

IMPACT FEE SERVICE AREA. The area designated in the Water Impact Fee Report adopted by the City Council by resolution on January 9, 2017 and adopted herein by reference within which impact fees will be collected in connection with development, and for which impact fees will be expended for capital improvements or facility expansions.

LAND USE ASSUMPTIONS. A report describing the impact fee service area and projections of changes in land uses, densities, intensities, and population in the service area. The initial land use assumptions are contained in the report on land use assumptions for the implementation of water impact fees prepared for the city by Birkhoff, Hendricks, and Carter, LLP, which was approved by the City Council by resolution dated January 9, 2017, and by Ordinance on December 19, 2023.

PROPERTY OWNER. Any person, corporation, legal entity or agent thereof having a legal or equitable interest in the land for which an impact fee becomes due. **PROPERTY OWNER** includes the developer for a development.

SERVICE UNIT. The applicable standard units of measure shown on the land use equivalency table in the Impact Fees Capital Improvements Plan which can be converted to water meter equivalents, for water facilities, which serves as the standardized measure of consumption, use or generation attributable to the new unit of development. For roadway facilities, the service unit is converted vehicle miles.

WATER FACILITY. Water meter interceptor or main, pump station, storage tank or other facility included within and comprising an integral component of the city's water storage or distribution system. **WATER FACILITY** includes land, easements or structures associated with such facilities. **WATER FACILITY** excludes site-related facilities.

- (E) *Water impact fee service area; applicability of article.*

(1) The water impact fee service area is depicted on a map included in the Water Impact Fee Report prepared for the city by Birkhoff, Hendricks, and Carter, LLP. A copy of this map shall be retained on file at City Hall.

(2) This subchapter applies to all development within the impact fee service area. The provisions of this subchapter shall apply uniformly within the impact fee service area.

(F) *Land use assumptions and Capital Improvements Plan.*

(1) The land use assumptions are incorporated by reference in this subchapter.

(2) The Capital Improvements Plan is incorporated by reference in this subchapter.

(G) *Impact fees in relation to other fees and development regulations.*

(1) Impact fees established by this subchapter are in addition to water and wastewater meter, tap, or connection fees.

(2) For each development to which impact fees apply, the payment of impact fees as described in this subchapter will constitute a condition of plat, construction permit, utility connection and other development approvals.

(3) This subchapter shall not affect the permissible uses of property, the density of development, public improvement standards and requirements, or any other aspect of city development regulations.

(H) *Functions of Advisory Committee.* The Advisory Committee may perform the following functions:

(1) Advise and assist the City Council and city staff in reviewing, adopting and updating the land use assumptions and the Capital Improvements Plan;

(2) File written comments on the land use assumptions and the Capital Improvements Plan;

(3) Monitor and evaluate implementation of the Capital Improvements Plan;

(4) Advise the city of the need to update or revise the land use assumptions, Capital Improvements Plan and impact fees; and

(5) File periodic reports evaluating the progress of the Capital Improvements Plan and identifying perceived inequities in implementing the Plan or administering the impact fees.

(I) *Updates to plans and revision of fees.*

(1) The city shall update the land use assumptions and Capital Improvements Plan at least every 10 years, and shall recalculate the maximum impact fee rates based on the update, unless the City Council determines that an update is not needed under division (I)(3). The initial 10-year period will run from the January 9, 2017 date of the City Council's adoption of the Capital Improvements Plan.

(2) The city may review its land use assumptions, impact fees, Capital Improvements Plan and other factors such as market conditions more frequently than provided in division (1)(1) to determine whether the land use assumptions and Capital Improvements Plan should be updated and the maximum impact fee rates recalculated.

(3) If the City Council determines that no changes to the land use assumptions, Capital Improvements Plan or impact fees are needed at the time an update is required under division (1)(1), the Council will provide notice of this determination as described in Tex. Local Gov't Code § 395.0575. If no person submits a timely request for an update of the land use assumptions, Capital Improvements Plan or impact fee, no update will be necessary.

(4) The City Council may amend the actual impact fee rates herein at any time without revising the land use assumptions and Capital Improvements Plan. The actual impact fee rates may not, however, exceed the maximum impact fee rates established herein.

(Ord. 746, passed 4-4-2017)

§ 51.86 WATER IMPACT FEES.

(A) *Actual and maximum impact fee rates.*

(1) The actual impact fee rate charged by the city for each category of capital improvements is set as follows:

(a) One-inch meter: \$8,269.17.

(b) Two-inch meter: \$33,076.67.

(2) The maximum water impact fee rate allowed by state law for capital improvements is calculated in the Capital Improvements Plan to be as follows:

(a) Single Family Residential 1-inch meter (living unit equivalent: 1): \$8,269.17.

(b) Single Family Residential 2-inch meter (living unit equivalent: 4): \$33,076.67.

(B) *Determination of impact fee rates.*

(1) The impact fee rates will be those in effect at the time an application for a building permit, plumbing permit, or utility connection is submitted to the city, except as provided in division (2) below.

(2) For development on property platted or replatted after the original effective date of this subchapter, the impact fee rates will be those in effect at the time the plat or replat of the property was recorded. The applicant for a building or plumbing permit shall submit evidence of the date of plat or replat recording with the application for a building or plumbing permit.

(C) *Refunds.*

(1) At the written request of an owner of the property on which an impact fee has been paid, the political subdivision shall refund all or part of the impact fee, together

with interest calculated from the date of collection to the date of refund, if any of the following apply:

(a) Existing facilities are available to serve the development and service is denied for any reason;

(b) Existing facilities were not available to serve the development when the fee was paid, and the city has failed to commence construction of facilities to provide service within 2 years of payment of the fee; or

(c) Existing facilities were not available to serve the development when the fee was paid, and the city has failed to make service available within a reasonable period considering the type of facilities to be constructed, but in no event later than 5 years from the date of payment.

(2) Upon written request of an owner of the property on which an impact fee has been paid, the portion of an impact fee which has not been expended within 10 years from the date of payment shall be refunded. The application for refund under this section shall be submitted within 60 days after the expiration of the 10-year period. Under this section, impact fees will be deemed expended on a first-in, first-out basis. An impact fee collected under this subchapter will be deemed expended if the total expenditures for capital improvements or facility expansions within 10 years after the date of payment exceeds the total amount of fees collected for the category of improvements or expansions (water or wastewater) during that period.

(3) If a refund is due under divisions (1) or (2) of this section, the city shall divide the difference between the amount of expenditures and the amount of the fees collected by the total number of service units identified in the land use assumptions for the service area to determine the refund due per service unit. The refund shall be calculated by multiplying the refund due per service unit by the number of service units for the development for which the fee was paid, and interest due shall be calculated on that amount. Refunds shall be made to the record owner of the property at the time of the refund.

(D) *Rebates.* If a building or plumbing permit or an approval of a utility application in a development expires after an impact fee has been paid, and no utility connection has been made under the permit or approval, and a modified or new application has not been filed within 6 months of the expiration, and the property owner submits a written request to the city within 6 months of the expiration, the city shall rebate the amount of the impact fee to the record owner of the property at the time of the refund. If no request for a rebate is submitted within this period, no rebate shall become due.

(Ord. 746, passed 4-4-2017)

§ 51.87 ACCOUNTING AND USE OF IMPACT FEES.

(A) *Accounting for impact fees.*

(1) The city shall establish separate interest-bearing accounts for water system impact fees.

(2) Interest earned on each account shall be credited to that account, and shall be used solely for the purposes authorized in this subchapter.

(3) The city shall establish and maintain financial and accounting controls to ensure that impact fees disbursed from an account are used solely for the purposes authorized in this subchapter. Disbursement of funds shall be authorized by the city at such times as are reasonably necessary to carry out the purposes and intent of this subchapter.

(4) The city shall maintain financial records for each account which show the source and disbursement of all funds. The records shall be open for public inspection during ordinary business hours.

(B) Use of impact fee accounts.

(1) Impact fees collected under this subchapter shall be used to pay or recoup the costs of constructing capital improvements or facility expansions identified in the Capital Improvements Plan. Construction costs include the construction contract price, surveying and engineering costs, and land acquisition costs (including purchase price, court awards and costs, attorney's fees, and expert witness fees).

(2) Impact fees may be used to pay the principal and interest and other finance costs on bonds, notes or other obligations issued by or on behalf of the city to finance capital improvements or facility expansions identified in the Capital Improvements Plan.

(3) Impact fees may be used to pay fees to an independent qualified engineer or financial consultant (i.e., an engineer or consultant who is not an employee of the city) for preparing or updating the Capital Improvements Plan.

(4) Impact fees collected under this subchapter shall not be used to pay for any of the following:

(a) Construction or acquisition of capital improvements or facility expansions other than those identified in the Capital Improvements Plan;

(b) Repair, operation, or maintenance of existing or new capital improvements or facility expansions;

(c) Upgrade, expansion or replacement of existing capital improvements that serve existing uses in order to meet stricter safety, efficiency, environmental or regulatory standards;

(d) Upgrade, expansion, or replacement of existing capital improvements to provide better service to existing uses; or

(e) Administrative and operating costs of the city.

(5) The city may pledge impact fee revenues as security for the payment of debt service on a bond, note, or other obligation issued to finance a capital improvement or facility expansion identified in the Capital Improvements Plan if the City Council certifies in an ordinance or resolution that none of the revenues will be used or expended for an improvement or expansion not identified in the Plan.

(C) *Exceptions and exemptions.*

(1) Impact fees shall not be collected from any local taxing unit, as defined in the state tax code that is authorized to impose and is imposing ad valorem taxes on property.

(2) No wastewater impact fee shall be charged for an irrigation meter.

(3) No impact fee shall be charged for a fire line meter that serves only a fire suppression system.

(Ord. 746, passed 4-4-2017)

§ 51.99 PENALTY.

(A) *General.* Any person who shall violate any provision of this chapter for which no other penalty is provided shall, upon conviction thereof, be subject to penalties as provided in § 10.99 of this code.

(B) *Water system regulations.* Any person, firm, or corporation violating any of the provisions of this chapter, except §§ 51.70 *et seq.*, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished by a penalty or fine not to exceed the sum of \$2,000 for each offense; and each and every day the offense is continued shall constitute a new and separate offense. Further, the city may enforce the provisions of this chapter, except §§ 51.70 *et seq.*, by a civil action for damages or injunctive relief in a court of competent jurisdiction. In addition to the penalties provided for herein, any violation of these sections may result in the termination of water service.

(Ord. 337, passed 4-9-1991; Am. Ord. 345, passed 2-11-1992)

(C) *Emergency water management.*

(1) *Criminal penalty.* Any person, firm, or corporation violating any of the provisions or terms of the Emergency Water Management Plan, §§ 51.70 *et seq.*, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, be subject to a fine not exceeding \$2,000 for each offense; and each and every day the violation shall continue shall be deemed to constitute a separate offense.

(2) *Administrative remedy.* In addition to the fine that may be imposed for a violation of that subchapter pursuant to division (C)(1) above, upon Municipal Court conviction of a second offense within an 18-month period of any Stage 2 or Stage 3 requirement, the city may also terminate service and remove the meter from the location where the violations occurred.

(3) *Administrative remedy; customers outside city.* The City Administrator of Public Works shall advise customers outside the city limits receiving water service from the city of actions taken under the Plan. Noncompliance with any requirement in any stage shall result in termination of service and removal of meter. Prior to this termination, the customer shall be given notice of the city's intent to terminate service and shall have 5 business days from the mailing of the notice to appeal the decision to the City Administrator. Notice shall be sufficient if sent by certified mail to the last known

address of the customer. If service is terminated, the customer shall be liable for all costs of reinstallation.

(D) Any person, firm or corporation violating any provision of § 51.56, upon conviction, shall be punished by a fine not to exceed the sum of \$200 for each offense, and each and every day such violation shall continue be deemed and constitute a separate offense.

(E) Any person violating any provision of §§ 51.85 through 51.87 commits a misdemeanor and is subject to the penalty provided in the city code upon conviction.

(Ord. 439, passed 7-14-1998; Am. Ord. 523, passed 8-13-2002; Am. Ord. 592, passed 3-28-2006; Am. Ord. 746, passed 4-4-2017)

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