



City of Azle Regular Meeting Agenda City Council

505 W. Main Street
Azle, Texas 76020

June 20, 2023

6:00 PM

Council Chambers

Pursuant to Section 551.071 of the Texas Government Code, the Council may convene into Executive Session(s) from time to time as deemed necessary during the meeting for any posted agenda item and may receive advice from its attorney as permitted by law.

CALL TO ORDER

INVOCATION

The City of Azle is accepting volunteers from all Religions and Denominations to provide the invocation at the beginning of the City Council meeting. If you are interested in giving the invocation at a future meeting, please call the city secretary's office at 817-444-7101 or email: yforgey@cityofazle.org

Cynthia Chapa - Executive Director at The Edge Church

PLEDGE OF ALLEGIANCE

PUBLIC PARTICIPATION

This is an opportunity for the public to address the City Council on posted agenda items or non-agenda items. In order to address the Council, please complete a Speaker's Request Form and submit to the City Secretary prior to the start of the council meeting. All comments must be directed to the Presiding Officer, rather than an individual council member or city staff. All speakers must refrain from personal attacks toward any individual. Comments are limited to three (3) minutes and must pertain to the subject matter listed on the Speaker's Request Form. Speakers requiring the assistance of a translator shall be provided four (4) minutes. Council may not comment publicly on non-agenda items, but may direct the City Manager to resolve the matter or request the matter be placed on a future agenda. Public comments regarding non-agenda items shall not include any "deliberation" as defined by Chapter 551 of the Government Code, as now or hereafter amended. If you have a subject that may require City Council action, you may obtain a form from the City Secretary and request the item be placed on a future agenda.

PRESENTATION

1. Department Presentation - City Secretary's Office
Yael Forgey, City Secretary

ACTION ITEMS

2. Consider any action on the minutes of the June 6, 2023 regular council meeting.
Yael Forgey, City Secretary
3. Consider any action on Resolution No. 2023-09 amending authorized representatives for the City's Texas Local Government Investment Pool (TexPool) account.
Renita Bishop, Finance Director
4. Consider any action verifying the completion of the FY 2022-23 Cybersecurity Training Program.
Renita Bishop, Finance Director
5. Consider any action on Resolution No. 2023-08 amending Community Waste Disposal's (CWD) sludge disposal rate for the City.
Rick White, Public Services Director
6. Consider any action approving Ordinance No. 2023-07 regarding the 2023 Roadway System Impact Fee Study, Land Use Assumptions, Roadway System Capital Improvements Plans, and the Roadway Impact Fee Rates.

David Hawkins, Director of Planning and Development

PUBLIC HEARING

7. Conduct a public hearing to allow questions and comments regarding the City of Azle's 2022 Annual Drinking Water Quality Report (CCR)

Brad Geary, Water Plant Superintendent

ITEMS TO BE PLACED ON FUTURE MEETING AGENDAS

MAYOR/COUNCIL COMMENTS OF COMMUNITY INTEREST

ADJOURNMENT

I, the undersigned authority, do hereby certify the above Agenda was posted at City Hall on June 16, 2023, at the City's official bulletin board and is readily accessible to the public at all times in accordance with V.T.C.A. Chapter 551, Texas Government Code.



**Yael Forgey,
City Secretary**

This facility is wheelchair accessible and handicapped parking spaces are available. Auxiliary aids and services are available to a person when necessary to afford an equal opportunity to participate in city functions and activities. Auxiliary aids and services or accommodations should be requested forty-eight hours prior to the scheduled starting time by calling the City Secretary's Office at 817-444-7101. Complete City Council agenda packet is available for review at the City Secretary's Office and on our website www.cityofazle.org.



Presenter: Yael Forgey, City Secretary

Agenda Item: Department Presentation - City Secretary`s Office

Background and Explanation:

Annual report/update of the functions and activities of each City Department and Boards and Commissions.

Board/Commission/Committee Recommendation:

N/A

Staff Recommendation:

N/A

Attachments:

None



Presenter: Yael Forgey, City Secretary

Agenda Item: Consider any action on the minutes of the June 6, 2023 regular council meeting.

Background and Explanation:

Procedural.

Board/Commission/Committee Recommendation:

N/A.

Staff Recommendation:

N/A.

Attachments:

1. Minutes 06-06-23



MINUTES Regular Meeting Azle City Council

505 W. Main Street
Azle, Texas 76020

June 6, 2023

6:00 PM

Council Chambers

CALL TO ORDER

Mayor Brundrett called the meeting to order at 06:05 PM.

Members Present:

Mayor Alan Brundrett
Mayor Pro Tem Randa Goode
Councilmember Derrick Nelson
Councilmember Stacy Peek
Councilmember Amy Estes
Councilmember Brian Conner

Members Absent:

Councilmember Rouel Rothenberger

Staff Present:

Tom Muir	City Manager
Lawrence Bryant	Assistant City Manager
Yael Forgey	City Secretary
Susie Hiles	Assistant to the City Manager
Andrea Russell	City Attorney
David Hawkins	Director of Planning and Development
Kristen Pegues	Marketing Coordinator
Will Scott	Fire Chief
Lee Godbold	Assistant Fire Chief
Ben Hall	Police Chief

INVOCATION

Rev. Alton Davis, board president of the Azle Area Ministerial Alliance and pastor of Community Bible Fellowship, gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Brundrett led the Pledge of Allegiance.

PUBLIC PARTICIPATION

Paula Martinez -125 Ashville Street addressed the council on Senior Center availability for quilters.

PRESENTATIONS

1. Texas Municipal Clerk's Achievement of Excellence Award.

Mayor Brundrett recognized City Manager Tom Muir, who invited Amanda Campos, City Secretary for the City of Burleson and past TMCA President, to present the 2023 Municipal Clerk's Achievement of Excellence Award to Azle's City Secretary, Yael Forgey. This is the second time the award has been presented to Azle's Municipal Clerk's office. Mayor Brundrett congratulated Ms. Forgey on this achievement.

ACTION ITEMS

2. Consider any action on the minutes of the 05-16-2023 City Council regular meeting.

Mayor Pro Tem Goode moved to approve the minutes of the 05-16-2023 City Council regular meeting, as presented. Councilmember Estes seconded the motion.

Yes: (6) Alan Brundrett, Randa Goode, Derrick Nelson, Amy Estes, Stacy Peek, Brian Conner

3. Consider any action on Resolution No. 2023-07 designating the *Tri-County Reporter* as the official newspaper.

Councilmember Conner moved to approve Resolution No. 2023-07 designating the *Tri-County Reporter* as the official newspaper for the City of Azle. Councilmember Peek seconded the motion.

Yes: (6) Alan Brundrett, Randa Goode, Derrick Nelson, Amy Estes, Stacy Peek, Brian Conner

4. Consider any action authorizing the City Manager to execute an interlocal agreement with the City of Pelican Bay for police dispatch and detention services.

Mayor Alan Brundrett introduced Police Chief Ben Hall, who advised the City of Pelican Bay requested the Azle Police Department provide dispatch services as their contracted provider (City of Sansom Park) gave notice of their intent to end service. The ILA provides that the City of Azle will provide for magistrate, arraignment, police dispatch, holding facility use, and warrant services as the City of Pelican Bay does not possess the staffing for such services. The agreement is for a one-year term with an annual renewal option.

Councilmember Conner moved to authorize the City Manager to execute an interlocal agreement with the City of Pelican Bay for police dispatch and detention services, effective June 28, 2023. Mayor Pro Tem Goode seconded the motion.

Yes: (6) Alan Brundrett, Randa Goode, Derrick Nelson, Amy Estes, Stacy Peek, Brian Conner

PUBLIC HEARING

5. Conduct a public hearing and take any action on Ordinance No. 2023-07 regarding the 2023 Roadway System Impact Fee Study, Land Use Assumptions, Roadway System Capital Improvements Plans, and the Roadway Impact Fee Rates.

Mayor Brundrett introduced Nick Kirk, Jacob and Martin LLC, who gave a presentation on the Roadway System Impact Fee study.

Mayor Brundrett opened the public hearing at 6:32 PM.

Mr. Jim Kirk - 116 Westlake Woods Drive, commented on this study.

Mayor Brundrett closed the public hearing at 6:36 PM.

Council requested several changes to the ordinance. This item was tabled and will be brought back at the next council meeting for council consideration.

DISCUSSION ITEMS

6. Food Trucks

Mayor Brundrett introduced Community and Marketing Specialist Kristen Pegues, who gave a presentation on the pros and cons of several locations for food trucks in the City. Council is open to considering other locations, but prefers to use the city property located on Church Street for this purpose. The Council requested Ms. Pegues do some further research and come back with her findings. It was noted the city ordinance will need to be amended.

Councilmember Derrick Nelson left the meeting at 7:24 PM.

ITEMS TO BE PLACED ON FUTURE MEETING AGENDAS

None.

MAYOR/COUNCIL COMMENTS OF COMMUNITY INTEREST

- 07-04-2023 - no meeting
- Splash Pad is open
- 06-09-2023 Music in the Park presents Electric Circus Band.

ADJOURNMENT

Mayor Brundrett adjourned at 7:34 PM.

Presented and approved on 06-20-2023

Alan Brundrett, Mayor

Attest:

Yael Forgey, TRMC, CMC
City Secretary



Presenter: Renita Bishop, Finance Director

Agenda Item: Consider any action on Resolution No. 2023-09 amending authorized representatives for the City's Texas Local Government Investment Pool (TexPool) account.

Background and Explanation:

The City currently invests funds in TexPool, a public funds investment pool. TexPool requires a resolution by the Council to add any authorized representatives to the City's account. This amendment is to add Angelia Garrett, Assistant Finance Director, to the account. Ms. Garrett will be processing routine transfers between the City's depository and TexPool accounts. She has recently completed ten (10) hours of investment training, as required by the Public Funds Investment Act and the City's Investment Policy.

A copy of the resolution required by TexPool is attached for your review.

Board/Commission/Committee Recommendation:

N/A.

Staff Recommendation:

Approve Resolution No. 2023-09.

Attachments:

1. Resolution 2023-09

Resolution Amending Authorized Representatives

Please complete this form to amend or designate Authorized Representatives. *This document supersedes all prior Authorized Representative forms.*

*** Required Fields**

1. Resolution

WHEREAS,

Participant Name* Location Number*

("Participant") is a local government of the State of Texas and is empowered to delegate to a public funds investment pool the authority to invest funds and to act as custodian of investments purchased with local investment funds; and

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

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

NOW THEREFORE, be it resolved as follows:

- A. That the individuals, whose signatures appear in this Resolution, are Authorized Representatives of the Participant and are each hereby authorized to transmit funds for investment in TexPool / TexPool Prime and are each further authorized to withdraw funds from time to time, to issue letters of instruction, and to take all other actions deemed necessary or appropriate for the investment of local funds.
- B. That an Authorized Representative of the Participant may be deleted by a written instrument signed by two remaining Authorized Representatives provided that the deleted Authorized Representative (1) is assigned job duties that no longer require access to the Participant's TexPool / TexPool Prime account or (2) is no longer employed by the Participant; and
- C. That the Participant may by Amending Resolution signed by the Participant add an Authorized Representative provided the additional Authorized Representative is an officer, employee, or agent of the Participant;

List the Authorized Representative(s) of the Participant. Any new individuals will be issued personal identification numbers to transact business with TexPool Participant Services.

1.

Name	Title
Phone	Fax
Email	
Signature	

2.

Name	Title
Phone	Fax
Email	
Signature	

3.

Name	Title
Phone	Fax
Email	
Signature	

1. Resolution (continued)

4.

Name	Title
Phone	Fax
Email	
Signature	

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

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Name

In addition and at the option of the Participant, one additional Authorized Representative can be designated to perform only inquiry of selected information. *This limited representative cannot perform transactions.* If the Participant desires to designate a representative with inquiry rights only, complete the following information.

Name	Title
Phone	Fax
Email	

D. That this Resolution and its authorization shall continue in full force and effect until amended or revoked by the Participant, and until TexPool Participant Services receives a copy of any such amendment or revocation. This Resolution is hereby introduced and adopted by the Participant at its regular/special meeting held on the

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 day of

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 20

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

--

Name of Participant*

SIGNED

--

Signature*

--

Printed Name*

--

Title*

ATTEST

--

Signature*

--

Printed Name*

--

Title*

2. Delivery Instructions

Please return this document to **TexPool Participant Services:**

Email: texpool@dstsystems.com

Fax: 866-839-3291



Presenter: Renita Bishop, Finance Director

Agenda Item: Consider any action verifying the completion of the FY 2022-23 Cybersecurity Training Program.

Background and Explanation:

In accordance with Texas Government Code Chapter 2054, employees, elected officials, and appointed officials who have access to the City's computer system or database and use a computer to perform at least 25 percent of their duties are required to complete a cybersecurity training course annually. The training program must be certified by the Texas Department of Information Resources (DIR). With the assistance of VersaTrust, the City contracts with KnowBe4, a certified training source. The training program for FY2022-23 began on March 3 and included employees and elected officials, as of that date.

The law requires the governing body to verify and report on the completion of the training program as well as require periodic audits to ensure compliance. A summary report showing completion of the training campaign is included for your review. Verification must be submitted to the DIR by August 31. Upon approval, Staff will submit this verification electronically to the DIR.

Board/Commission/Committee Recommendation:

N/A.

Staff Recommendation:

Verify completion of the cybersecurity training for FY 2022-23.

Attachments:

1. Training Campaign Completion 6.12.2023

Campaign Content

Texas Cybersecurity Awareness Training from KnowBe4

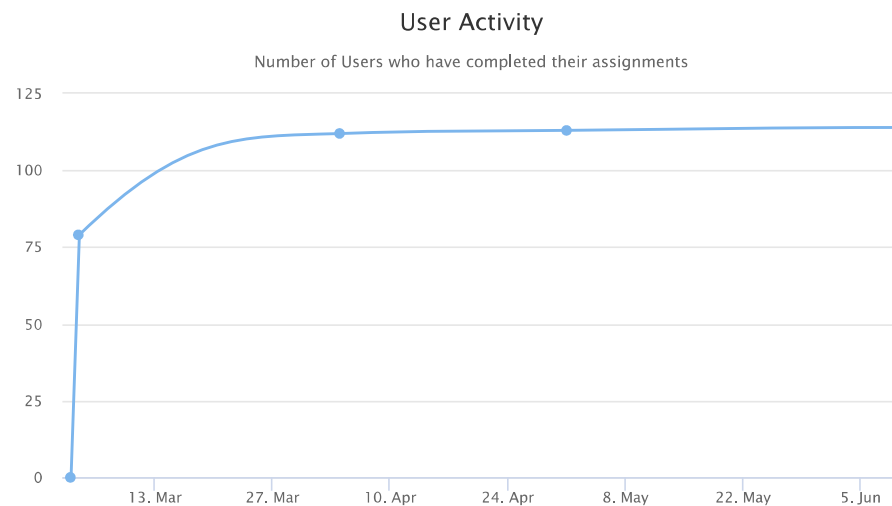
User Progress

Report Type

Display by Complete Assignments

User Status

Active Users



Campaign Summary



Status	In Progress
Start Date	03/03/2023, 9:00 AM
Relative Duration	30 days
Users	114
Auto-Enroll	No
Scheduled Notifications	
- Remind Users 1 day after due date and every 5 days thereafter - Send welcome notification to Users on enrollment - Remind Admins 1 day after due date	



Presenter: Rick White, Public Services Director

Agenda Item: Consider any action on Resolution No. 2023-08 amending Community Waste Disposal's (CWD) sludge disposal rate for the City.

Background and Explanation:

The City's garbage franchise agreement with CWD includes the hauling and disposal of sludge generated by the City's wastewater treatment plant.

CWD has advised the need to increase their sludge disposal rate from \$1635.79/load, as per the contract, to \$1745.80/load as the result of an increase being imposed by Republic Waste for their Arlington landfill, as well as increases in fuel costs and the CPI index.

CWD averages 15 hauls per month. The \$110.01/per haul increase will result in a \$1,650 increase in the monthly cost and a \$4,950 increase in the budget for the remainder of the FY2022-23 budget year.

On January 17, 2023, Council approved a market adjustment on garbage rates (effective February 1, 2023), however, there was no increase in the sludge rate at that time.

Board/Commission/Committee Recommendation:

N/A.

Staff Recommendation:

Staff recommends the City Council approve Resolution No. 2023-08.

Attachments:

1. Sludge rate request letter
2. Resolution 2023-08



June 06, 2023

City of Azle
Susie Hiles
613 Southeast Parkway
Azle, TX 76020

RE: City of Azle Sludge Haul Increase Effective July 01, 2023

Dear Susie:

In accordance with the Contract with Community Waste Disposal, LP for Collection of Solid Waste, Community Waste Disposal (CWD) request an annual cost adjustment. This notice is to inform you of our request for a cost adjustment effective July 01, 2023. Attached is a new schedule "A" outlining the changes in rates. Also included is the CPI index, the DOE Fuel Prices, and a worksheet that recaps the changes in disposal, fuel, and landfill.

Please see below on the change to the rate:

2022 = Sludge Hauls Rate to City \$1635.79

2023 = Sludge Hauls Rate to City \$1745.80

If you have any questions concerning this matter, please feel free to contact either Robert Medigovich at 972.333.6106.

Sincerely,

Chyna Pham-Nguyen
Accounts Receivable Manager

Enc: Sludge Schedule A for 2023
Adjustment Worksheet
CPI Statistical Data
DOE Fuel Prices

CC: Robert Medigovich
Greg Roemer
Jim Huyck

2010 California Crossing Road
Dallas, Texas 75220-2310
Telephone
972.392.9300 or 817.795.9300
Facsimile
972.392.9301

RESOLUTION NO. 2023-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AZLE, TEXAS AMENDING THE RATE FOR THE REMOVAL/DISPOSAL OF WASTEWATER SLUDGE

WHEREAS, the City Council has awarded a contract to Community Waste Disposal to remove and dispose of garbage and recyclable materials within the city; and

WHEREAS, this service includes the removal and disposal of wastewater sludge from the City of Azle's Wastewater Treatment Plant; and

WHEREAS, due to a disposal rate increase at the Republic Services Arlington landfill, an increase in fuel costs, and an increase in the CPI index, Community Waste Disposal is requesting a cost adjustment to their disposal rate.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AZLE, TEXAS THAT:

SECTION 1

The attached Schedule A, fully incorporated herein, hereby establishes the amended rate for the removal and disposal of wastewater sludge for the City of Azle beginning July 1, 2023.

SECTION 2

This resolution shall become effective immediately upon passage.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF AZLE
TEXAS ON JUNE 20, 2023 REGULAR MEETING**

Alan Brundrett, Mayor

ATTEST:

Yael Forgey, City Secretary

Schedule A

City of Azle Sludge
For the period of;
July 01, 2023 to June 30, 2024

Note: CWD considers this material as proprietary rate information that could affect their competitiveness if the waste services contract goes to competitive bid process. Therefore, CWD requests that their extension request letters and all associated discussion information to be exempt from public disclosure. CWD request this information is exempt from Public Records, and is only allowed to be part of Public Records, after a ruling of the Attorney General of Texas.

	2022 Azle Rate	2022 CWD Rate	Total Adjustment	2023 CWD Rate	2023 Azle Rate
City of Azle Sludge Hauls					
Open Top Sludge Container Rental	n/a	\$0.00	\$0.00	\$0.00	n/a
Open Top Sludge Hauls - 30 Yard	n/a	\$1,635.79	\$110.01	\$1,745.80	n/a



Presenter: David Hawkins, Director of Planning and Development

Agenda Item: Consider any action approving Ordinance No. 2023-07 regarding the 2023 Roadway System Impact Fee Study, Land Use Assumptions, Roadway System Capital Improvements Plans, and the Roadway Impact Fee Rates.

Background and Explanation:

Chapter 395 of the Texas Local Government Code (TLGC) grants cities the authority to collect impact fees for new residential and commercial developments within their jurisdictions. The City of Azle currently collects only water and sewer impact fees and has just recently adopted its 5-year update on March 21, 2023. On March 7, 2023, the City Council directed City staff to proceed forward with the adoption process for adding Roadway Impact Fees to the City of Azle.

Per Chapter 395 of the TLGC, cities may use impact fees as a funding mechanism to help offset and recoup costs for capital improvements or facility expansions necessitated by and attributed to new development. The concept is such that each development pays an equitable and commensurate share of its “impact” onto the transportation and utility network, as the community grows.

The amount of the proportionate fee for each development and use is determined by a detailed study (City-wide), which makes assumptions about future land use and infrastructure (capital improvements) needed over time, commonly as 10-year projections. Such a study is required by Chapter 395 of the Texas Local Government Code, in order to legitimize the impact fee structure that the City implements.

At the June 6th Council meeting, the Council chose to add an annual CPI adjustment or a flat 3% adjustment for inflation. Council consequently tabled action on the ordinance until it could be revised. Staff is working with the City Attorney's office on those revisions and will provide the ordinance prior to the June 20th Council meeting.

Board/Commission/Committee Recommendation:

The Capital Improvements Advisory Committee (CIAC) considered the 2023 Roadway System Impact Fee Study, Land Use Assumptions, Roadway System Capital Improvement Plans and the Roadway Impact Fee Rates at their April 6, 2023 meeting and recommended approval with the following amendment:

1. The residential roadway impact fee be waived once per year for the splitting of one lot into two. The motion passed by a vote of 4-2 (Committee Member Simmons was absent).

Staff Recommendation:

The City Council has the following options when considering this agenda item:

1. Approval
2. Approval with additional changes
3. Denial
4. Table to a future meeting.

Attachments:

1. ORD 2023-07.
2. Exhibit A - Division 3 Roadway Impact Fee Ordinance
3. Exhibit B - Roadway System Impact Fee Study

ORDINANCE NO. 2023-07

AN ORDINANCE AMENDING ARTICLE 10.04 "IMPACT FEES" OF CHAPTER 10 "SUBDIVISION ORDINANCE" OF THE CODE OF ORDINANCES, CITY OF AZLE, TEXAS, BY ADDING A NEW DIVISION 3 "ROADWAY IMPACT FEES", AS AMENDED, BY ADOPTING ROADWAY IMPACT FEES ON NEW LAND DEVELOPMENT OR REDEVELOPMENT AND ADOPTING LAND USE ASSUMPTIONS AND CAPITAL IMPROVEMENT PLANS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Azle is a home-rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City of Azle currently provides public roadway facilities that serve land within its city limits and Extraterritorial Jurisdiction; and

WHEREAS, the City is committed to providing public roadway facilities and minimum levels of service by utilizing funds allocated in the capital budget and capital improvements programming processes and relying upon the funding sources indicated therein; and

WHEREAS, the City Council has determined that new residential and nonresidential development causes and imposes increased and excessive demands upon city facilities and services, including roadway facilities that would not otherwise occur; and

WHEREAS, planning and zoning projections indicate that such development will continue and will place ever-increasing demands on the city to provide necessary public facilities; and

WHEREAS, to the extent that such new development places demands upon the public facility infrastructure, the City Council has determined that those demands should be satisfied by shifting the responsibility for financing the provision of such facilities from the public at large to the developments actually creating the demands for them; and

WHEREAS, in accordance with state law, the City Council has adopted impact fees to finance new development demands for roadway facilities, codified in Article 10.04 of the Code of Ordinances, City of Azle, Texas; and

WHEREAS, the amount of the impact fees to be imposed is determined by the projections set forth in Land Use Assumptions and the cost of the additional public facilities needed to support such development, which public facilities are identified in Capital Improvement Plans; and

WHEREAS, the City Council now desires to adopt the Land Use Assumptions, Capital Improvement Plans and the roadway impact fees in accordance with state law.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AZLE, TEXAS THAT:

SECTION 1

This Ordinance shall be cumulative of all provisions of ordinances of the City of Azle, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed. Prior impact fee ordinances of the City of Azle shall remain applicable to the assessment and collection of impact fees on properties that are not subject to the assessment and collection of impact fees under this ordinance.

SECTION 2

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 3

All rights and remedies of the City of Azle are expressly saved as to any and all violations of the provisions of the Code of Ordinances, City of Azle, Texas, as amended, which have accrued at the time of the effective date of this ordinance; and, as such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, shall not be affected by this ordinance but may be prosecuted until final disposition by the court.

SECTION 4

This ordinance shall be in full force and effect from and after its passage, and it is so ordained.

AND IT IS SO ORDAINED.

DULY PASSED AND APPROVED by the City Council of the City of Azle, Texas, on June 6, 2023.

Mayor, Alan Brundrett

ATTEST:

Yael Forgey, City Secretary

APPROVED AS TO FORM:

Cara Leahy White, City Attorney

Exhibit “A”

Division 3 Roadway Impact Fees

§ 10.04.060 Purpose.

This division is intended to impose roadway impact fees, as established in this division, in order to finance public facilities, the demand for which is generated by new development in the designated service area or areas.

§ 10.04.061 Authority.

The city is authorized to enact this division by chapter 395 of the Texas Local Government Code, as amended (“chapter 395”), which authorizes it to enact or impose impact fees on land within its corporate boundaries or extraterritorial jurisdiction, as charges or assessments imposed 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 such new development. The provisions of this division shall not be construed to limit the power of the city to adopt such ordinance pursuant to any other source of local authority, nor to utilize any other methods or powers otherwise available for accomplishing the purposes set forth herein, either in substitution of or in conjunction with this division. Guidelines may be developed by resolution or otherwise to implement and administer this division.

§ 10.04.062 Definitions.

As applied in this division, the following words and terms shall be used:

Assessment. The levying or charging of the approved impact fee per service unit which can be imposed on new development pursuant to this division.

Building permit. Written permission issued by the city for the construction, repair, alteration or addition to a structure. Written permission herein shall refer to either a building permit or a plumbing permit which is associated with an increase in meter unit equivalents on the property.

Capital construction cost of service. Costs of constructing capital improvements or facility expansions, including and limited to the construction contract price, surveying and engineering fees, land acquisition costs (including land purchases, court awards and costs, attorney’s fees, and expert witness fees), interest charges and other finance costs for bonds, notes or other obligations issued to finance capital improvements identified in the capital improvement plan and not used to reimburse bond funds expended for facilities that are not identified in the capital improvements plan, and the 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 city.

Capital improvement. 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

Exhibit “A”

Capital improvement plan (CIP). The plan or plans adopted in section 10.04.067 of this division which identify roadway facilities capital improvements or facility expansions pursuant to which impact fees may be assessed.

Capital improvements advisory committee (advisory committee). An advisory committee, appointed by the city council, consisting of at least five members, not less than 40 percent of which shall be representatives of the real estate, development, or building industries which are not employees of the city, and, if impact fees are to be applied within the extraterritorial jurisdiction of the city, including one member representing the extraterritorial jurisdiction; or consisting of the planning and zoning commission, including one regular or ad hoc member who is not an employee of the city and which is representative of the real estate, development, or building industry, and, if impact fees are to be applied within the extraterritorial jurisdiction of the city, one representative of the extraterritorial jurisdiction area; which committee is appointed to regularly review and update the capital improvement plan in accordance with the requirements of chapter 395.

City council (council). The governing body of the City of Azle.

Commercial development. For the purposes of this division, all development which is neither residential nor industrial.

Comprehensive plan (master plan). The comprehensive long-range plan, adopted by the city council, which is intended to guide the growth and development of the city, which may include analyses, recommendations and proposals for the city regarding such topics as population, economy, housing, transportation, community facilities and land use.

Credit. The amount of the reduction of an impact fee for fees, payments or charges for the same type of capital improvements for which the fee has been assessed.

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

Final plat. The map, drawing or chart meeting the requirements of the city’s subdivision ordinance on which is provided a subdivider’s plan of a subdivision, and which has received final approval by the planning and zoning commission or city council and which is recorded with the office of the county clerk. A final plat shall not include an amended plat which does not show any lots in addition to those on the original plat.

Impact fees. The fee to be imposed upon new development, calculated based upon the costs of facilities in proportion to development creating the need for such facilities. Impact fees do not include dedication of land for public parks or payment in lieu of the dedication to serve park needs; dedication of rights-of-way or easements, or construction or dedication of site-related water distribution or wastewater collection facilities required by other ordinances of the city; or lot or acreage fees placed in trust funds for the purpose of reimbursing developers for overriding [oversizing] or constructing water or wastewater mains or lines; or other pro rata fees for reimbursement of water or wastewater mains or lines extended by the city.

Exhibit “A”

Land use assumptions. Description of the service area and projections of changes in land uses, densities, intensities, and population therein over at least a 10-year period, adopted by the city, as may be amended from time to time, upon which the capital improvement plan is based.

New 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.

Offset. The amount of the reduction of an impact fee designed to fairly reflect the value of system-related facilities, pursuant to rules herein established or administrative guidelines, provided and funded by a developer pursuant to the city’s subdivision regulations or requirements.

Roadway facilities. 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.

Service area. The area within the corporate boundaries, 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. The service area, for the purposes of this chapter, may include all or part of the land within the political subdivision. 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.

Service unit. 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.

§ 10.04.063 **Applicability.**

(a) This division shall be uniformly applicable to all new development which occurs within the corporate limits of the city.

§ 10.04.064 **Impact fees as condition of development approval.**

No application for new development shall be approved within the city without assessment of impact fees pursuant to this division, and no building permit shall be issued unless the applicant has paid the applicable impact fees imposed by and calculated hereunder.

§ 10.04.065 **Establishment of roadway service areas.**

(a) Service areas for roadway impact fees are hereby established as depicted and included in exhibit B, on file in the office of the city secretary, which is incorporated herein for all purposes.

(b) The service areas shall be established consistent with any facility service area defined in the capital improvement plan for each utility or facility. Additions or revisions to the service areas may be approved by the city council consistent with the procedures set forth in chapter 395.

Exhibit “A”

§ 10.04.066 **Land use assumptions.**

The land use assumptions used in the development of the impact fees, included in exhibit B to this article, on file in the office of the city secretary, are hereby adopted and codified in this section. These assumptions may be revised by the city council according to the procedures set forth in chapter 395.

§ 10.04.067 **Capital improvement plan.**

(a) The capital improvement plan for the city is hereby adopted as the roadway capital improvement plan, which are included in exhibit B to this article, on file in the office of the city secretary, and are hereby adopted and codified in this section.

(b) The roadway capital improvement plan may be amended by the city council from time to time, pursuant to the procedures set forth in chapter 395.

§ 10.04.068 **Service units.**

(a) Service units are established in accordance with generally accepted engineering and planning standards. Service units for roadway impact fees are expressed in vehicle-miles.

(b) The number of service units for roadways impact fees for a new development shall be determined by using the land use equivalency table, attached hereto and incorporated herein by reference as exhibit B.

(c) The city council may revise the service units designation according to the procedures set forth in chapter 395.

§ 10.04.069 **Impact fees per service unit.**

(a) The maximum impact fee per service unit for each service area shall be computed by subtracting fifty percent 50% of the total projected cost of implementing the capital improvement plan from the capital construction cost in the capital improvement plan for that category of capital improvements, and dividing that amount by the total number of projected service units anticipated within the service area which are necessitated by and attributable to new development, used on the land use assumptions for that service area. The total impact fee assessed per service unit shall be the roadway impact fees. The assessed impact fees per service unit established by category of capital improvements are on file in the office of the city secretary, and as set forth in the fee schedule in appendix A to this code.

(b) The maximum assessable impact fees in exhibit B, on file in the office of the city secretary, are hereby adopted and shall be codified in this section. The maximum assessable impact fees may be amended by the city council according to the procedures set forth in chapter 395.

§ 10.04.070 **Assessment.**

(a) The approval of any subdivision of land or of any new development shall include as a condition the assessment of the impact fees applicable to such development.

(b) Assessment of impact fees for any new development shall be at the time of final plat approval and shall be the impact fee per service unit then in effect, as set forth in exhibit B, on file in the office of the city secretary, and section 10.04.069 of this division.

Exhibit "A"

- (1) Where a final plat is approved after the effective date of this division for a development which had applied for such approval prior to the effective date of this division, impact fees shall be assessed at the rate in effect on the date of application.
- (2) For a development which received final plat approval prior to adoption of impact fees by the city, or for which no plat approval is required, assessment of impact fees shall be at the time of building permit in the amount set forth in exhibit B, on file in the office of the city secretary, and section 10.04.069 of this division.
- (3) After a development has been assessed impact fees under this or any prior ordinances, no new impact fee shall be assessed against that development unless:
 - (A) The final plat lapses or expires or a new application for final plat approval is submitted on the property; or
 - (B) The number of service units to be developed on the property increases.
- (4) For purposes of this section, a final plat shall not include an amended plat submitted under the city's subdivision ordinance that does not increase the number of lots on the plat being amended.

§ 10.04.071 **Calculation.**

- (a) Following a request for a building permit for new development, the city shall compute roadway impact fees due for the new development in the following manner:
 - (1) The amount of each impact fee due for a new development shall not exceed an amount computed by multiplying the maximum impact fee per service unit in exhibit B by the number of service units generated by the development.
 - (2) Whenever the property owner proposes to increase the number of service units for a development, the additional impact fees collected for such new service units shall be determined by using Schedule 2 then in effect and such additional fee shall be collected either prior to or at the time of issuance of a new building permit, or prior to or at the time of enlargement of the connection to the city's water or wastewater system.
 - (3) The total number of vehicle-miles shall be multiplied by the impact fee as set forth in the applicable fee schedule in exhibit B, on file in the office of the city secretary.
 - (4) Fee credits and offsets shall be subtracted as determined by the process set forth in section 10.04.073 of this division.
- (b) The value of each impact fee due for a new development shall not exceed a value computed by multiplying the fee assessed per service unit pursuant to section 10.04.070 by the number of service units generated by the development.

§ 10.04.072 **Collection.**

- (a) No building permit or certificate of occupancy shall be issued until all impact fees have been paid to the city except as provided otherwise by contract.

Exhibit “A”

- (b) Except as provided below, impact fees shall be collected at the time of the issuance of the building permit for new development.
- (c) The city may provide for a different date of fee collection under any of the following circumstances:
 - (1) The city may collect impact fees at the time of building permit for any development which will utilize capital improvements which are subject to pro rata reimbursement.
 - (2) The city may defer collection of impact fees to a later date where service for which the fee is assessed will not be available within a reasonable period of time.
 - (3) The city may, at its sole discretion, enter into contracts with the owners of tracts of land for which a plat has been recorded to establish a different date and method of payment of the impact fees.
- (d) The city shall collect the lesser of the impact fee assessed under section 10.04.070 of this division or the impact fee which would have been assessed were the final plat approved the same day the impact fee is collected.
- (e) The city council shall have the authority to waive impact fees for individual hardship, purposes of promoting general economic development.
- (f) If fees are not completely waived as provided in subsection (e) above and the applicant demonstrates to the city council that the payment of the full amount of the fee at the time of building permit issuance will work a financial hardship against the applicant, the city council may approve an alternate payment agreement.
 - (1) Upon approval by the city council, the impact fees for such customers may be paid in increments over a period of not more than one year for residential customers or five years for other customers, with interest computed on the unpaid balance at the statutory rate as set forth in section 302.002, Texas Finance Code.
 - (2) If the city approves the extended payment plan, the applicant shall sign and file with the city secretary, and consent to the recordation of, a “notice of impact fee due,” which shall be recorded as a lien against the subject property. The city shall release the lien held only upon payment in full of the impact fees and any late penalties and applicable interest.
 - (3) Late payment shall subject the applicant to a penalty of ten percent of the amount due and additional interest in addition to all other remedies available to the city as lienholder.

§ 10.04.073 **Offsets and credits.**

- (a) The city may offset the present value of any system-related facilities, pursuant to rules established in this section, which have been dedicated to and have been received by the city, including the value of rights-of-way and capital improvements constructed pursuant to an agreement with the city, against the value of the impact fee due for that category of capital improvement.
- (b) The city may credit impact, perimeter roadway, pro rata, acreage or lot fees which have been paid pursuant to city ordinances against the value of impact fees due for that category of capital improvement, subject to guidelines established by the city.

Exhibit “A”

- (c) The city shall give a credit for the dedication or construction by a developer of any roadway facilities that are identified in the capital improvement plan as eligible for impact fee funding.
- (d) If the building permit for a new development for which an impact fee has been paid has expired, no utility connections for that category of capital improvement have been made to the development, and a modified or new application has not been approved within six months of such expiration, the city shall, upon written application, rebate the amount of the impact fee to the record owner of the property for which the impact fee was paid. If no application for rebate pursuant to this subsection has been filed within this period, no rebate shall become due.
- (e) All offsets and credits against impact fees shall be subject to the following limitations and shall be granted based on this division and additional standards promulgated by the city, which may be adopted as administrative guidelines:
 - (1) No offset or credit shall be given for the dedication or construction of site-related facilities unless such facilities are identified in the capital improvement plans as eligible for impact fee funding.
 - (2) The unit costs used to calculate the offsets shall not exceed those assumed for the capital improvements included in the capital improvement plans for the category of facility for which the impact fee is imposed.
 - (3) If an offset or credit applicable to a plat has not been exhausted within ten (10) years from the date of plat filing, or within such period as may be otherwise designated by contract, such offset or credit shall expire.
 - (4) The city will not reimburse the property owner or developer for an offset or credit when no impact fees for the new development can be collected pursuant to this division or for any value exceeding the total impact fees due for the development for that category of capital improvement, unless otherwise agreed to by the city.
- (f) An applicant for new development must apply for an offset or credit against impact fees due for the development either at or before the time of fee assessment, or the entitlement to such offset or credit shall be deemed waived, unless the city agrees to a different time. The applicant shall file an application for offsets or credits with the city manager. The contents of the application shall be established by administrative guidelines. The city manager shall provide the applicant, in writing, with a decision on the offset or credit request, including the reasons for the decision. The decision shall specify the maximum value of the offset or credit which may be applied against an impact fee, which value and the date of the determination shall be associated with the plat for the new development.
- (g) The available offset or credit associated with the plat shall be applied against an impact fee in the following manner:
 - (1) Such offset or credit shall be prorated equally among all service units and remain applicable to such service units, to be applied at time of filing and acceptance of an application for a building permit, as appropriate, against impact fees due.
 - (2) If the total number of service units used by the city in the original offset or credit calculation described in subsection (g)(1) is eventually exceeded by the number of total service units

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realized by the actual development, the city may, at its sole discretion, collect the full impact fee, exclusive of any associated offset or credits, for the excess service units.

- (h) At its sole discretion, the city may authorize alternative credits or offsets upon petition by the owner in accordance with guidelines promulgated by the city.

§ 10.04.074 **Establishment of accounts; records.**

- (a) The city shall establish separate interest-bearing accounts, in a bank authorized to receive deposits of city funds, for roadway impact fees.
- (b) Interest earned by each account shall be credited to that account and shall be used solely for the purposes specified for funds authorized in section 10.04.075.
- (c) The city shall maintain and keep adequate financial and accounting controls to ensure that impact fees disbursed from the account are utilized solely for the purposes authorized in section 10.04.075. 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 division; provided, however, that any fee paid shall be expended within a reasonable period of time, but not to exceed ten (10) years from the date the fee is deposited into the account.
- (d) The city shall maintain and keep adequate financial records for each such account, which shall show the source and disbursement of all revenues, which shall account for all monies received, and which shall ensure that the disbursement of funds from each account shall be used solely and exclusively for the provision of uses specified in the capital improvement plan as system-related capital projects. The city finance department shall also maintain such records as are necessary to ensure that refunds are appropriately made under the provisions in section 10.04.077 of this division, and such other information as may be necessary for the proper implementation of this division.

§ 10.04.075 **Use of proceeds.**

- (a) The impact fees collected pursuant to this division may be used to finance or to recoup capital construction costs of service. Impact fees may also be used to pay the principal sum and interest and other finance costs on bonds, notes or other obligations issued by or on behalf of the city to finance such capital improvements or facilities expansions.
- (b) Impact fees collected pursuant to this division shall not be used to pay for any of the following expenses:
 - (1) Construction, acquisition or expansion of capital improvements or assets other than those identified for the appropriate facility in the capital improvements plan;
 - (2) Repair, operation, or maintenance of existing or new capital improvements or facilities expansions;
 - (3) Upgrading, expanding or replacing existing capital improvements to serve existing development in order to meet stricter safety, efficiency, environmental or regulatory standards;
 - (4) Upgrading, expanding or replacing existing capital improvements to provide better service to existing development; provided, however, that impact fees may be used to pay the costs of

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upgrading, expanding or replacing existing capital improvements in order to meet the need for new capital improvements generated by new development; or

(5) Administrative and operating costs of the city.

§ 10.04.076 **Appeals.**

- (a) The property owner or applicant for new development may appeal the following decisions of the public services director to the city manager:
 - (1) The applicability of an impact fee to the development;
 - (2) The calculation of applicable service units attributable to the development;
 - (3) The value of the impact fee due;
 - (4) The availability or the value of an offset or credit;
 - (5) The application of an offset or credit against an impact fee due;
 - (6) The amount of the refund due under section 10.04.077, if any.
- (b) An appeal to the city manager must be filed by the applicant with the city secretary within thirty (30) days following the public services director’s decision. The city council shall hear the appeal within 45 days of receipt by the city secretary. Notice of the hearing shall be mailed to the applicant at least seven (7) days prior to the hearing.
- (c) At the hearing, the city manager shall consider all relevant evidence and shall allow testimony from the applicant, city personnel and other interested persons relevant to the appeal. The hearing may be continued from time to time.
- (d) The burden of proof shall be on the appellant to demonstrate that the fee is not applicable or that the determination of service units or the value of the fee or of the offset or credit was not calculated according to the applicable impact fee schedule or the guidelines established in this division. The applicant shall submit an engineering report prepared by a qualified professional engineer licensed to perform such engineering services in the state, which demonstrates that the applicant’s burden has been met.
- (e) Following the hearing, the city manager shall consider all relevant evidence and determine whether the appeal should be granted (in whole or in part) or denied.
- (f) If the appeal is accompanied by a bond or other sufficient security satisfactory to the city attorney in an amount equal to the original determination of the impact fee due, the development application or tap purchase or building permit issuance may be processed while the appeal is pending.

§ 10.04.077 **Refunds.**

- (a) Any impact fee or portion thereof collected pursuant to this division which has not been expended within ten (10) years from the date of payment shall be refunded, upon application, to the record owner of the property at the time the refund is paid, or, if the impact fee was paid by another governmental entity, to such governmental entity, together with interest calculated from the date

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of collection to the date of refund at the statutory rate as set forth in section 302.002, Texas Finance Code, or any successor statute.

- (b) If a refund is due pursuant to subsection (a) above, the city shall prorate the same by dividing the difference between the amount of expenditures and the amount of the fees collected by the total number of service units assumed within the service area for the period to determine the refund due per service unit. The refund to the record owner or governmental entity 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 upon that amount.
- (c) Upon completion of all the capital improvements or facilities expansions identified in the capital improvements plan upon which the fee was based, the city shall recalculate the maximum impact fee per service unit using the actual costs for the improvements or expansions. If the maximum impact fee per service unit based on actual cost is less than the impact fee per service unit paid, the city shall refund the difference, if such difference exceeds the impact fee paid by more than ten percent (10%). The refund to the record owner or governmental entity shall be calculated by multiplying such difference by the number of service units for the development for which the fee was paid, and interest due shall be calculated upon that amount.
- (d) Upon the request of an owner of the property on which a roadway fee has been paid, the city shall refund such fees if:
 - (1) Existing service is available and service is denied;
 - (2) Service was not available when the fee was collected and the city has failed to commence construction of facilities to provide service within two years of fee payment; or
 - (3) Service was not available when the fee was collected and has not subsequently been made available within a reasonable period of time considering the type of capital improvement or facility expansion to be constructed, but in no event later than five years from the date of fee payment.
- (e) Petition for refunds shall be submitted to the public services director on a form provided by the city for such purpose. Within one month of the date of receipt of a petition for refund, the public services director must provide the petitioner, in writing, with a decision on the refund request, including the reasons for the decision. If a refund is due to the petitioner, the public services director shall notify the city secretary and request that a refund payment be made to the petitioner. The petitioner may appeal the determination to the council, as set forth in section 10.04.076.

§ 10.04.078 **Updates to plan and revision of fees.**

The city shall review the land use assumptions and capital improvement plan for roadway facilities at least every five years, the first five-year period to commence from the date of adoption of the capital improvement plan referenced herein. The city council shall accordingly then make a determination of whether changes to the land use assumptions, capital improvement plan or impact fees are needed and shall, in accordance with the procedures set forth in chapter 395, either update the fees or make a determination that no update is necessary.

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§ 10.04.079 **Functions of advisory committee.**

(a) The functions of the advisory committee are those set forth in chapter 395 and shall include the following:

- (1) Advise and assist the city in adopting land use assumptions;
- (2) Review the capital improvement plan regarding roadway capital improvements and file written comments thereon;
- (3) Monitor and evaluate implementation of the capital improvement plan;
- (4) Advise the city of the need to update or revise the land use assumptions, capital improvement plan and impact fees; and
- (5) Submit to the city council a semiannual report evaluating the progress of the city in achieving the capital improvement plan and identifying any problems in implementing the plan or administering the impact fees.

(b) The city shall make available to the advisory committee any professional reports prepared in the development or implementation of the capital improvement plan.

(c) The city council may adopt procedural rules for the committee to follow in carrying out its duties.

§ 10.04.080 **Agreement for capital improvements.**

(a) The city council may authorize the owner of a new development to construct or finance some of the public improvements identified in the capital improvement plan. In the case of such approval, the property owner must enter into an agreement with the city prior to collection of impact fees. The agreement shall be on a form approved by the city, and shall establish the estimated cost of the improvements, the schedule for initiation and completion of the improvements, a requirement that the improvements shall be completed to city standards, and any other terms and conditions the city deems necessary. The public services director shall review the improvement plan, verify costs and time schedules, determine if the improvements are contained in the capital improvement plan, and determine the method and timing of reimbursing the owner for construction costs from impact fee or other revenues. The amount of the applicable credit for such improvement to be credited to the otherwise applicable impact fee shall be calculated before submitting the proposed agreement to the city council for approval.

(b) The city and such owner either may agree that the costs incurred or funds advanced will be credited against the impact fees otherwise due from the new development, or they may agree that the city shall reimburse the owner for such costs from impact fees paid from other new developments which will use such capital improvements or facility expansions.

§ 10.04.081 **Use of other financing mechanisms.**

(a) The city may finance roadway capital improvements or facilities expansions designated in the capital improvement plan through the issuance of bonds, through the formation of public improvement districts or other assessment districts, or through any other authorized mechanism, in such manner and subject to such limitations as may be provided by law, in addition to the use of impact fees.

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(b) Except as herein otherwise provided, the assessment and collection of an impact fee shall be additional and supplemental to, and not in substitution of, any other tax, fee, charge or assessment which is lawfully imposed on and due against the property.

§ 10.04.082 **Provisions supplemental; consistency with other regulations.**

(a) Impact fees established by this division are additional and supplemental to, and not in substitution of, any other requirements imposed by the city on the development of land or the issuance of building permits or the issuance of certificates of occupancy. Such fees are intended to be consistent with and to further the policies of the city’s comprehensive plan, capital improvement plan, zoning ordinance, subdivision regulations and other city policies, ordinances and resolutions by which the city seeks to ensure the provision of adequate public facilities in conjunction with the development of land.

(b) This division shall not affect, in any manner, the permissible use of property, density of development, design and improvement standards and requirements, or any other aspect of the development of land or provision of public improvements subject to the zoning and subdivision regulations or other regulations of the city, which shall be operative and remain in full force and effect without limitation with respect to all such development.

§ 10.04.083 **Relief procedures.**

(a) Any person who has paid an impact fee or an owner of land upon which an impact fee has been paid may petition the city council to determine whether any duty required by this division has not been performed within the time so prescribed. The petition shall be in writing and shall state the nature of the unperformed duty and request that the act be performed within sixty (60) days of the request. If the city council determines that the duty is required pursuant to this division and is late in being performed, it shall cause the duty to commence within sixty (60) days of the date of the request and to continue until completion.

(b) The city council may grant a variance or waiver from any requirement of this division, upon written request by a developer or owner of property subject to this division, following a public hearing, upon finding that a strict application of such requirement would, when regarded as a whole, result in confiscation of the property.

§ 10.04.084 **Certification of compliance.**

The city shall submit a written certification verifying compliance with chapter 395 to the attorney general not later than September 30 of each year. The certification shall be signed by the mayor and include the statement: “This statement certifies compliance with Chapter 395, Local Government Code.”



2022 ROADWAY SYSTEM IMPACT FEE STUDY

CITY OF AZLE, TEXAS

JANUARY 2023

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This roadway system impact fee study would not have been possible without assistance from several key City staff members. Providing us with input and information, for this they have expended considerable time and effort. These staff members included Rick White, Lawrence Bryant, Renita Bishop, David Hawkins, and Jimmy Duvall. Sincere thanks to these individuals for their hard work, dedication, and professionalism, without whom this study would not have been successfully completed.

Jacob and Martin relied upon the extensive data supplied by the City. Thus, the integrity of the study is largely dependent upon the accuracy of this data. Every effort has been made by Jacob and Martin to validate and confirm the information contained herein prior to the preparation of the final study documents. This report presents no assurance or guarantee that the forecast contained herein will be consistent with actual results or performances. These represent forecasts based on a series of assumptions about future behavior and are not guarantees. Any changes in assumptions or actual events may result in significant revisions to the forecast and its conclusions.



Section 1 - Executive Summary

1.1 GENERAL BACKGROUND

The State of Texas has in place rules regarding impact fees. “Local Government Code/Title 12: Planning and Development/Subtitle C: Planning and Development Provisions/Chapter 395: Financing Capital Improvements/Subchapter A – General Provisions/Section 395 (2021)”, govern how a municipality can create and maintain a roadway system impact fee. A copy of the State regulations is located in Appendix A, of this study.

Texas State rules mandate that an impact fee analysis is required before impact fees are set. Section 395 also requires that the analysis be updated, at a minimum, every five years with respect to land use assumptions and capital improvement plans.

This will be the first roadway system impact fee developed for the City of Azle.

The purpose of this study is to explain the methodology used to analyze the roadway system impact fees for the City of Azle. All requirements of the Texas Local Government Code Section 395, for the establishment of roadway system impact fees, have been satisfied by this study.

The statutory authority for impact fees was established by the Texas Legislature in 1987. These state laws provide for the means to allow municipalities to lessen the impact that growth has on their existing systems and to allow a viable way to place some of the burden of this growth on future new development.

The following is a summary of the key regulations and components of a municipal impact fee system, under the current Chapter 395 regulations.

- The time period that the impact fee and land use assumptions must be updated is a minimum of 5 years.
- The impact fee must be based on capital improvements necessary for growth during a specific time period; typically, no longer than 10 years.
- A public hearing is required to discuss any changes to the land use assumptions and capital improvements plan for cities with an existing, roadway system impact fee.

Impact fees can be used to pay for:

- Construction contract price.
- Surveying and engineering fees
- Land and easement acquisition costs.
- Fees paid to the consultant preparing or updating the capital improvements plan.
- Projected interest charges and other finance costs for facilities expansions identified in the capital improvements plan.

Impact fees cannot be used to pay for:



- Construction, acquisition, or expansion of public facilities or assets other than those identified on the capital improvements plan.
- Repair, operation, or maintenance of existing or new capital improvements.
- Upgrading, updating, expanding, or replacing existing capital improvements to serve existing development in order to meet stricter safety, efficiency, environmental, or regulatory standards.
- Upgrading, updating, expanding, or replacing existing capital improvements to provide better service to existing development.
- Administrative and operating costs of the political subdivision.
- Principal payments and interest or other finance charges on bonds or other indebtedness, except as allowed above.

In May 2022, the City of Azle authorized Jacob and Martin, LLC to perform an impact fee analysis on the City's roadway system. The impact fee analysis follows the general set of procedures in Subchapter B of Chapter 395, Authorization of Impact Fee.

The impact fee analysis involves determining the utilization of existing and proposed projects, as defined by the capital improvement plan, required to serve new development over the next 10-year time period. Once the utilization of a project by 2022-2032 development is determined, a portion of a project's cost can be assigned as impact fees.

For existing or proposed projects, the impact fee is calculated as a percentage of the project cost, based upon the percentage of the project's capacity needed to serve development projected to occur between 2022 and 2032. Costs associated with capacity to serve existing development and development projected for more than 10 years in the future are not included in the impact fee calculation.

1.2 MAXIMUM ALLOWABLE ROADWAY SYSTEM IMPACT FEE

The total cost of roadway system capital improvements between 2022 and 2032 is estimated to be \$36,518,232. The impact fee eligible cost of roadway system capital improvements to serve new development, projected to occur between 2022 and 2032, is \$6,309,167. Finance costs are not included as part of the cost estimates for this study.

Roadway system impacts use a service unit of vehicle-mile, which is a service equivalent to the capacity consumed in a single lane in the peak hour by a vehicle making a trip one mile in length. The 4 categories that were used to define transportation demand factors (TDF) in vehicle-miles are Residential, which define vehicle-miles by dwelling units, and industrial, office, and retail, which define vehicle-miles by square footage of gross floor area (GFA). The TDF is also discounted by the origin-destination discount, which is applied to prevent double counting trips that originate from and are destined to a fee assessed development. The origin-destination discount is 50%. Each land use had a different vehicle-mile equivalent, which can be found in Table 1.1 and is used as the basis for this impact fee analysis.



Table 1.1 – Transportation Demand Factor (TDF) Table

Variable	Residential	Industrial	Office	Retail
T	0.94	0.65	1.44	5.19
P_b	0%	0%	0%	40%
L	4.93	3.52	6.32	3.72
L_{max}	2.47	1.76	3.16	1.86
TDF	2.32	1.14	4.55	5.79

Where:

T = Trip rate from ITE Trip Generation Manual, 11th Edition,

P_b = Pass-by rate from ITE Trip Generation Manual, 11th Edition,

L = The average trip length in the study area,

L_{max} = min(L x OD **OR** 6)

Where:

OD = The origin-destination discount = 50%

TDF = Transportation Demand Factor in Vehicle-miles = T x P_b x L_{max}

Section 2 - Land Use Assumptions

2.1 PURPOSE

Chapter 395 of the Texas Local Government Code describes the process by which cities in Texas must formulate the development of impact fees. To assist the City of Azle in determining the need and timing of capital improvements to serve future development, a reasonable estimation of future growth is required.

For the purposes of determining an impact fee structure, growth and development projections were formulated based on assumptions pertaining to the type, location, quantity, and timing of various future land uses in the community. The purpose of this section of the study is to establish and document the methodology used for preparing the growth and land use assumptions for the City of Azle. These land use assumptions, which include population projections, will become the basis for the preparation of impact fees for the roadway system capital improvement plans for the City of Azle.

2.2 ELEMENTS OF THE LAND USE ASSUMPTIONS

This section contains:

- A. Explanation of the general methodology used to prepare the land use assumptions.
- B. Historical data analysis.
- C. Base year data – Information on population and land use for the City of Azle, December 2022.
- D. Future 10-Year data - Information on population and land use for the City of Azle in the year 2032.
- E. Land use maps – Maps of land use from 2022-2032 of the City of Azle.

2.3 METHODOLOGY

The Land use assumptions and future growth projections consider several factors influencing development patterns, including:

- Type, density and quantity of existing development
- Existing zoning patterns
- Current growth trends
- Location and configuration of vacant land
- Availability of land for residential growth
- Inability to expand ETJ

The data to compile the land use assumptions was obtained from the City of Azle. The 10-year growth projections were calculated based upon reasonable growth rates and development trends over the past 5 years. Capital improvements needed to support growth were identified by the City and used

to develop an impact fee structure that fairly allocates improvement costs to growth areas in relationship to their impact on the entire infrastructure system.

2.4 BASE DATA (YEAR 2022)

In any evaluation and projection of future land use patterns, documentation of existing conditions is essential. Existing land use patterns and population for the City of Azle were provided by the City staff. This information will serve as a basis for future growth.

Appendix B and Appendix C contain the existing, approved land use plan and the proposed land use plan for the City of Azle, respectively.

Vehicle-miles are tabulated in Table 2.1 – 2022 development vehicle-mile service. Residential vehicle-miles are generated by multiplying the dwelling units by its associated TDF. Industrial, office, and retail vehicle-miles are generated by dividing the GFA by 1000 square feet and multiplying the result by each TDF, respectively.



Table 2.1 – 2022 Development Vehicle-Mile Service

2022 Vehicle Miles	Residential			Industrial			Office			Retail			Total
Street Name	Dwelling Units	TDF	Vehicle Miles	GFA (SF)	TDF	Vehicle Miles	GFA (SF)	TDF	Vehicle Miles	GFA (SF)	TDF	Vehicle Miles	Vehicle Miles
Kerry Ln	109		253	0		0	54,450		248	0		0	501
Red Bud Dr	104		241	0		0	9,583		44	0		0	285
Walnut Creek Dr	67		155	7,841		9	0		0	0		0	164
Commerce St	0		0	51,836		59	0		0	0		0	59
Stribling Dr	236		548	0		0	0		0	0		0	548
Boyd Ct	31		72	0		0	204,732		932	0		0	1004
Kimbrough Rd	197		457	0		0	0		0	0		0	457
Harbor Dr	66		153	0		0	0		0	0		0	153
Dunaway Ln	276	2.32	640	0	1.14	0	74,052	4.55	337	0	5.79	0	977
N Stewart St	180		418	0		0	433,422		1,972	108,900		631	3021
N Ash Ave	450		1,044	0		0	0		0	0		0	1044
S Ash Ave	10		23	0		0	0		0	0		0	23
Lakeview Dr	115		267	72,310		83	0		0	0		0	350
S Stewart St	370		858	0		0	24,829		113	83,635		484	1455
Silver Creek Rd	32		74	0		0	0		0	0		0	74
Park St	11		26	0		0	0		0	0		0	26
Wells-Burnett Rd	246		571	0		0	26,572		121	0		0	692
Scotland Ave	15		35	0		0	65,776		299	0		0	334
Totals			5,835			151			4,066			1,115	11167

NOTES:

TDF is generated in Table 1.1 for each general land use.

Residential vehicle-miles are calculated by multiplying TDF by the number of dwelling units.

Industrial, Office, and Retail vehicle-miles are calculated by dividing the GFA by 1,000 SF and multiplying the result by the TDF.

Dwelling units and GFA were estimated from land use assumptions.



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2.5 GROWTH ASSUMPTIONS

Growth was based on population and vacant, developable parcels within the city limits. A series of assumptions were made to arrive at a reasonable growth rate. The following assumptions have been made as a basis from which a 10-year projection can be made.

Future land uses were developed by reviewing historical and current development patterns and input from the City of Azle staff on new and proposed developments.

Land use assumptions are based on the adopted zoning regulations and current market trends. The land use assumptions were reviewed by Jacob and Martin and the City.

2.6 10-YEAR PROJECTIONS (YEAR 2032)

The projected 10-year population was developed using data from the North Central Texas Council of Governments and the U.S. Census Bureau and using the land use assumptions provided by the City.

The City of Azle's ETJ boundary is fixed, limited by surrounding city limits and associated ETJs. Therefore, any future growth is geographically bound within the current ETJ boundary. Appendix C shows the proposed use plan for the next 10 years and highlights possible areas of annexation into the city limits. Therefore, the current land use trend and any future city limit growth through annexation assumes the following:

ETJ boundaries remain constant, but future annexation of developments from the ETJ into the city limits is allowed and will be driven by developer desire.

Changes occur to the population density within both the city limits and the ETJ.

The City will be able to finance the necessary improvements to accommodate growth.

The projection is shown in Table 2.2 – 2032 development vehicle-mile service.

Table 2.2 – 2032 Development Vehicle-Mile Service

2032 Vehicle Miles	Residential			Industrial			Office			Retail			Total Vehicle Miles
Street Name	Dwelling Units	TDF	Vehicle Miles	GFA (SF)	TDF	Vehicle Miles	GFA (SF)	TDF	Vehicle Miles	GFA (SF)	TDF	Vehicle Miles	Total Vehicle Miles
Kerry Ln	123		285	0		0	1.8		357	0		0	642
Red Bud Dr	104		241	0		0	0.22		44	0		0	285
Walnut Creek Dr	67		155	0.18		9	0		0	0		0	164
Commerce St	0		0	1.77		88	0		0	0		0	88
Stribling Dr	274		636	0		0	0		0	0		0	636
Boyd Ct	39		90	0		0	4.7		932	0		0	1022
Kimbrough Rd	259		601	0		0	0		0	0		0	601
Harbor Dr	66		153	0		0	0		0	0		0	153
Dunaway Ln	341	2.32	791	0	1.14	0	1.7	4.55	337	0	5.79	0	1128
N Stewart St	193		448	0		0	9.95		1972	2.5		631	3051
N Ash Ave	450		1044	0		0	0		0	0		0	1044
S Ash Ave	16		37	0		0	0		0	0		0	37
Lakeview Dr	344		798	1.66		83	0		0	0		0	881
S Stewart St	429		995	0		0	0.57		113	4.74		1196	2304
Silver Creek Rd	81		188	0		0	0		0	0		0	188
Park St	84		195	0		0	0		0	0		0	195
Wells-Burnett Rd	262		608	0		0	0.61		121	0		0	729
Scotland Ave	25		58	0		0	2.86		567	0		0	625
			7323			180			4443			1827	13773

NOTES:

TDF is generated in Table 1.1 for each general land use.

Residential vehicle-miles are calculated by multiplying TDF by the number of dwelling units.

Industrial, Office, and Retail vehicle-miles are calculated by dividing the GFA by 1,000 SF and multiplying the result by the TDF.

Dwelling units and GFA were estimated from land use assumptions.



2.7 SUMMARY

The following is a bulleted summary of the land use assumptions for this study:

- The 2022 vehicle-miles of service in the study limits is:----- 11,167.
- The 2032 vehicle-miles of service in the study limits is proposed as:----- 13,773.
- The 10 year growth of service in vehicle-miles is: -----2,606.
- Full buildout will occur beyond the year 2032.



Section 3 – Roadway System Impact Fee Analysis

3.0 ROADWAY SYSTEM IMPACT FEE ANALYSIS

Roadway system impact fees are based on the capital costs a city incurs to provide the roadway system to serve development in the next 10 years and the service added during that same time period. The impact fee analysis for the roadway systems is based on existing and future capital improvement plans already budgeted for, as well as proposed capital improvement plans developed in this report.

3.1 POPULATIONS

The City of Azle's total population in 2022 is estimated to be 13,610 within the city limits. The estimated population for the roadway system population area is the total within the city limits of Azle. The city population in 2032 is projected as 16,847 roadway system service area population. This roadway system population and county parcel data was used to establish roadway system demands, which are used to determine proposed roadway system improvements.

3.2 ROADWAY SYSTEM CAPITAL IMPROVEMENTS

Proposed roadway system projects were developed as part of the capital improvements plan. These projects, less the ones that have been completed, along with new, future projects have been tabulated.

A summary of the costs for each of the projects, required for the 10-year growth period used in the impact fee analysis for the roadway system, are shown Table 3.4 – Cost Allocation for Roadway System Impact Fee Calculations.

The 2022 percent utilization, used in Table 3.1, is relative to the existing developed acreage within the city limits of Azle, Texas. The 2032 percent utilization, used in Table 3.4, is relative to the 10-year population and future developed acreage within the city limits of Azle, Texas. The growth rate, for the 2022-2032 time period, is impact eligible through growth for new roadway system.

The cost per linear foot information provided in the cost allocation tables was developed using current project pricing, for the North Central Texas area. In addition to the base cost information, 20% was added for contingencies, and 20% was added for engineering, surveying, and construction inspection fees.

The 2022 percent utilization is the portion of a project's capacity required to serve existing development. It is not included in the impact fee analysis. The 2032 percent utilization is the portion of the project's capacity that will be required to serve the City of Azle in 2032. The 2022-2032 percent utilization is the portion of the project's capacity required to serve development from 2022 to 2032. The portion of a project's total cost that is used to serve development projected to occur from 2022 through 2032 is calculated as the total actual cost multiplied by the 2022 to 2032 percent utilization. Only this portion of the cost is used in the impact fee analysis. A map of the proposed 10-year roadway system projects is located Appendix D.

Table 3.1 – Eligible Impact Fee Development

ROAD INDEX	Project Location/Area	Type	From - To	Length (ft)	CIP (Cost/ft)	Total CI Cost (\$)	Percent Utilization			Impact Fee Eligible
							2022	2032	'32-'22	
1	Kerry Ln	Collector	Hwy 199 - Red Bud Dr	5,347.63	\$483.73	\$2,586,810	61%	92%	31%	\$807,085
2	Red Bud Dr	Collector	N Melanie Dr - Commerce St	4,794.19	\$483.73	\$2,319,091	100%	100%	0%	\$0
3	Walnut Creek Dr	Collector	Red Bud Dr - Boyd Rd	1,253.02	\$483.73	\$606,123	100%	100%	0%	\$0
4	Commerce St	Collector	Hwy 199 - Boyd Rd	3,617.85	\$483.73	\$1,750,064	67%	93%	26%	\$462,017
5	Stribling Dr	Collector	Boyd Rd - Kimbrough Rd	6,070.26	\$483.73	\$2,936,369	94%	99%	5%	\$140,946
6	Boyd Ct	Collector	Boyd Rd - Hwy 199	1,138.91	\$483.73	\$550,923	63%	93%	30%	\$163,073
7	Kimbrough Rd	Collector	Dunaway Ln - Sportsman Park Rd	5,120.52	\$483.73	\$2,476,951	87%	97%	10%	\$257,603
8	Harbor Dr	Collector	Kimbrough Rd - Dunaway Ln	2,358.36	\$483.73	\$1,140,809	100%	100%	0%	\$0
9	Dunaway Ln	Collector	Hwy 199 - N Ash Ave	5,803.01	\$483.73	\$2,807,091	91%	98%	7%	\$202,111
10	N Stewart St	Collector	E Main St - N Ash Ave	6,179.05	\$483.73	\$2,988,992	92%	98%	6%	\$191,295
11	N Ash Ave	Collector	Dunaway Ln - Lakeview Dr	3,021.64	\$483.73	\$1,461,658	100%	100%	0%	\$0
12	S Ash Ave	Collector	Lakeview Dr - Wellington Ln	684.66	\$483.73	\$331,191	95%	99%	4%	\$13,248
13	Lakeview Dr	Collector	Denver Tr - Broadway St	5,157.61	\$483.73	\$2,494,891	42%	88%	46%	\$1,157,629
14	S Stewart St	Arterial	FM 730 S - Main St	11,771.55	\$483.73	\$5,694,253	76%	95%	19%	\$1,093,297
15	Silver Creek Rd	Collector	S Stewart St - Silver Creek Dr	3,644.36	\$483.73	\$1,762,888	57%	91%	34%	\$606,433
16	Park St	Collector	Denver Tr - S Ash Ave	2,784.04	\$483.73	\$1,346,724	29%	86%	57%	\$764,939
17	Wells Burnett Rd	Collector	Hwy 199 - Wallace Rd	3,306.60	\$483.73	\$1,599,500	94%	99%	5%	\$76,776
18	Scotland Ave	Collector	Avondale Ave - Florence Dr	3,439.74	\$483.73	\$1,663,905	72%	94%	22%	\$372,715
	Total					\$36,518,233				\$6,309,167

3.3 SERVICE ACCOUNTS

The maximum impact fee may not exceed the amount determined by dividing the cost of capital improvements required by the total number of vehicle-mile service units attributed to new development during the impact fee eligibility period.

The service associated with retail, office, and industrial area is converted into vehicle-miles, using the (GFA) of the respective land use's structure, based on current usage and estimated population growth. The service associated with residential area is converted into vehicle-miles based on dwelling units and ability to develop existing parcels. Analysis of the existing roadway system, current county parcel data, current construction, and estimated development to occur in the future are used to inform vehicle-mile data.

3.4 MAXIMUM IMPACT FEE CALCULATIONS

The maximum impact fee that can be levied is equal to the projected capital cost required to serve 10-year development divided by the projected 10-year growth in vehicle-miles within the city limits.

The total projected costs include the projected capital improvement costs to serve the 10-year development, the projected finance cost for the capital improvements, and the consultant cost for preparing and updating the capital improvements plan.

The costs for roadway systems include the following:

- Total Roadway System Capital Improvement Costs (all costs):----- \$36,518,233
- Total Eligible Roadway System Costs (new development eligible):----- \$6,309,167

The total eligible cost associated with the existing and proposed roadway system improvements to meet projected growth over the next ten years is \$6,309,167. The increase in the number of service units due to growth over the next ten years is projected as 2,606 vehicle-miles within the city limits.

$$\begin{aligned}
 \text{Maximum Impact Fee} &= (\text{Total Eligible Costs}) / (\text{10-Year Growth}) \\
 &= (\$6,309,167) / (2,606 \text{ Vehicle-miles}) \\
 &= \$2,421 \text{ per Vehicle-Mile}
 \end{aligned}$$

\$2,421 is the recommended Roadway System Impact Fee per vehicle-mile for the City of Azle.

3.5 EXAMPLE FEE DEVELOPMENT

Example 1) Develop 20 acres into 50 single-family houses:

$$\begin{aligned}
 (\text{Dwelling Units}) \times (\text{TDF} [\text{Vehicle-Miles} / \text{Dwelling Unit}]) &= \text{Vehicle-Mile Demand Increase} \\
 (50 \text{ dwelling units}) \times (2.32 \text{ Vehicle-Miles} / \text{Dwelling Unit}) &= 116 \text{ Vehicle-Miles} \\
 (\text{Vehicle-Mile Service Increase}) \times (\text{Impact Fee} / \text{Vehicle-Mile}) &= \text{Impact Fee} \\
 (116 \text{ Vehicle-Miles}) \times (\$2,421 / \text{Vehicle-Mile}) &= \$280,836 \text{ of Impact Fees}
 \end{aligned}$$

Example 2) Develop a 5,000 square feet industrial building:

$$\begin{aligned}
 (\text{GFA} / 1,000) \times (\text{TDF} [\text{Vehicle-Miles} / 1,000 \text{ SF GFA}]) &= \text{Vehicle-Mile Demand Increase} \\
 (5,000 \text{ SF} / 1,000) \times (1.14 \text{ Vehicle-Miles} / 1,000 \text{ SF GFA}) &= 5.7 \text{ Vehicle-Miles} \\
 (\text{Vehicle-Mile Service Increase}) \times (\text{Impact Fee} / \text{Vehicle-Mile}) &= \text{Impact Fee} \\
 (5.7 \text{ Vehicle-Miles}) \times (\$2,421 / \text{Vehicle-Mile}) &= \$13,800 \text{ of Impact Fees}
 \end{aligned}$$

Appendix A – Texas Municipal Code Governing Impact Fees (2021)



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State of Texas - Local Government Code (2021)

TITLE 12: Planning and Development

SUBTITLE C: Planning and Development Provisions

CHAPTER 395: Financing Capital Improvements

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.



(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.

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.



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:

- (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.

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.

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.

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).

(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.

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 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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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 system wide 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 system wide land use assumptions, a political subdivision shall follow the public notice, hearing, and other requirements for adopting land use assumptions.

(c) After adoption of system wide 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.

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.

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;

(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.

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.

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.

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.

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.

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.

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.

(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.

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.

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.

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:

(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 plan, 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.

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;
- (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.

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.

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.

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.



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.

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.

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.

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.

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.

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.

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
- (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.

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.



Appendix B - 2022 Existing Land Use Plan



1508 Santa Fe, Suite 203 • Weatherford, Texas 76086
www.jacobmartin.com • (817) 594-9880



505 W. Main Street • Azle, Texas 76020
www.cityofazle.org • (817) 444-2541

CITY OF AZLE

2022 EXISTING LAND USE MAP

JANUARY 2023

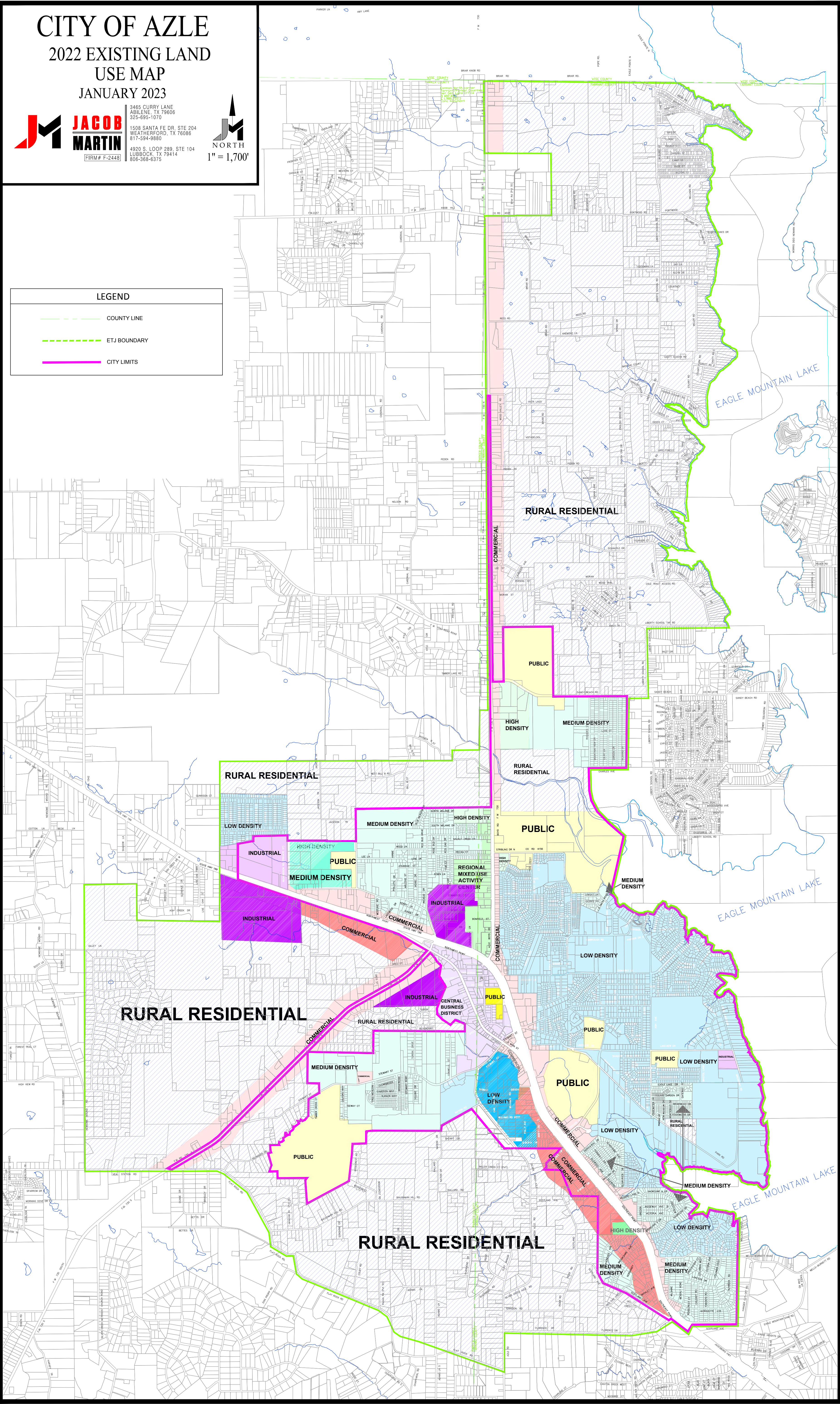


3465 CURRY LANE
ABILENE, TX 79606
325-695-1070
1508 SANTA FE DR, STE 204
WEATHERFORD, TX 76086
817-394-9680
4920 S. LOOP 289, STE 104
LUBBOCK, TX 79414
806-368-6375



LEGEND

- COUNTY LINE
- ETJ BOUNDARY
- CITY LIMITS



Appendix C - 2022 Proposed Land Use Plan



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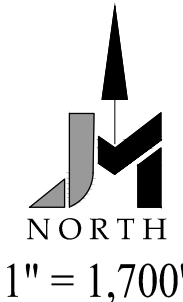
CITY OF AZLE

2032 PROPOSED LAND
USE MAP

JANUARY 2023

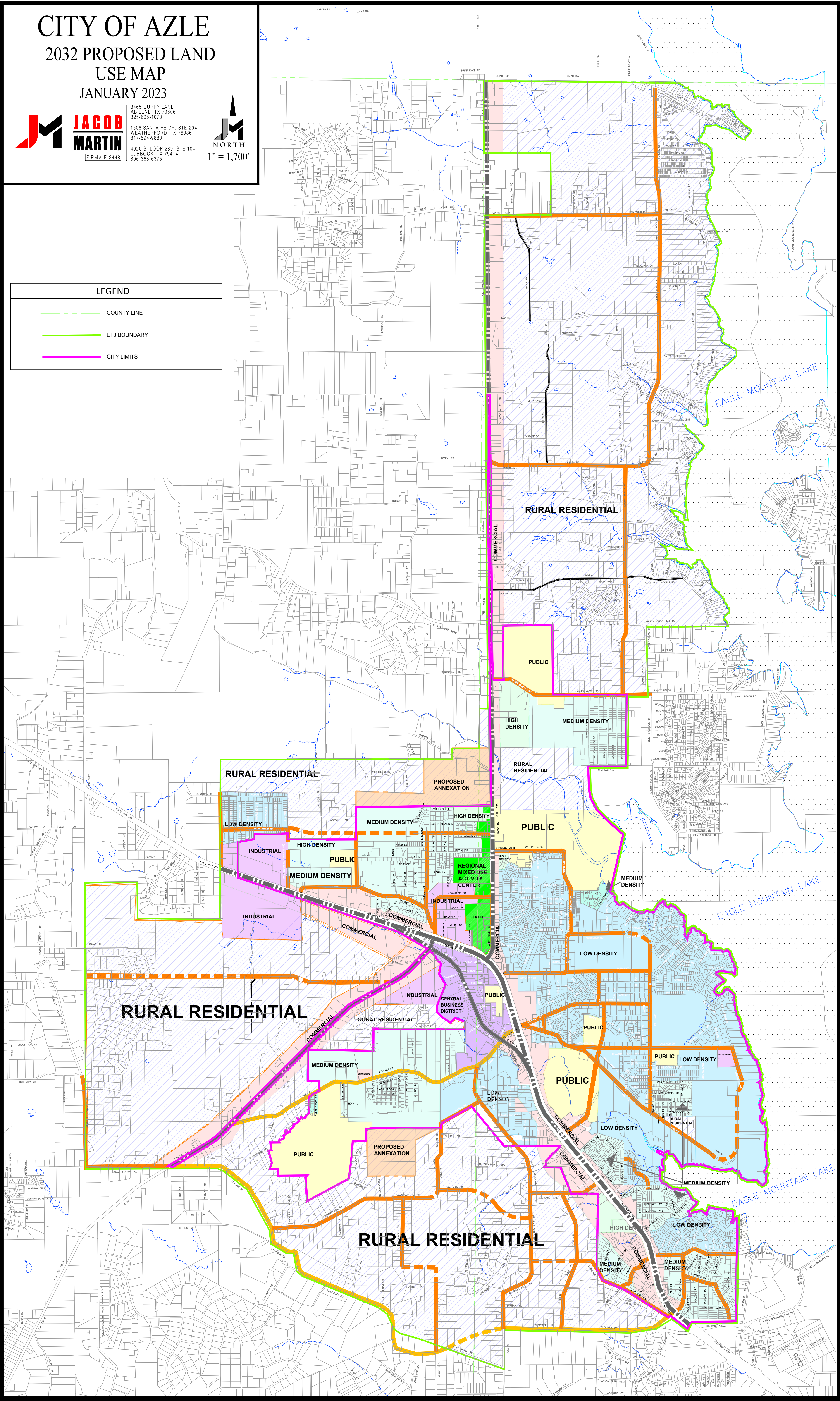


3465 CURRY LANE
ABILENE, TX 79606
325-695-1070
1508 SANTA FE DR, STE 204
WEATHERFORD, TX 76086
817-394-9680
4920 S. LOOP 289, STE 104
LUBBOCK, TX 79414
806-368-6375



LEGEND

- COUNTY LINE
- ETJ BOUNDARY
- CITY LIMITS



Appendix D - Roadway System Impact Fee Capital Improvements Plan

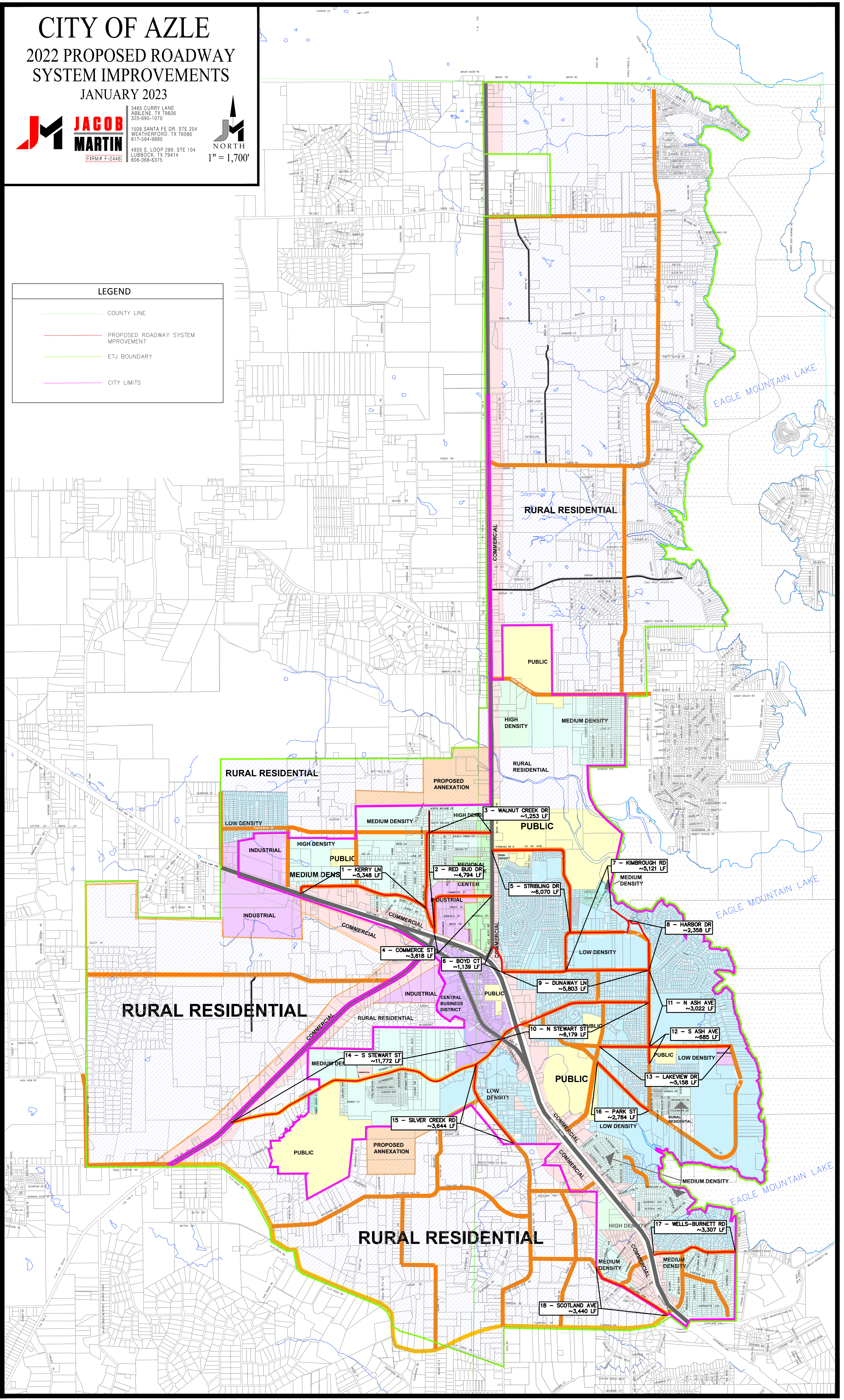


1508 Santa Fe, Suite 203 • Weatherford, Texas 76086
www.jacobmartin.com • (817) 594-9880



505 W. Main Street • Azle, Texas 76020
www.cityofazle.org • (817) 444-2541

NORTH
1" = 1,700'





Presenter: Brad Geary, Water Plant Superintendent

Agenda Item: Conduct a public hearing to allow questions and comments regarding the City of Azle's 2022 Annual Drinking Water Quality Report (CCR)

Background and Explanation:

Under Title 30, Texas Administrative Code, Chapter 290, Section 290.274(a), every community water system is required to deliver a 2022 CCR to their customers and the TCEQ by July 1, 2023. This report contains drinking water data from the most recent calendar year and informs customers about the quality of their drinking water.

Board/Commission/Committee Recommendation:

N/A

Staff Recommendation:

N/A

Attachments:

1. CCR 2022

City of Azle Consumer Confidence Report 2022

This is the Annual Drinking Water Report for the period of January 1 to December 31, 2022.

This report is intended to provide you with important information about your drinking water and the efforts made by the City of Azle to provide safe drinking water. To request a paper copy of this report at no cost, please call 817-752-2686.

Public Participation Opportunity
Date: 06/20/2023 at 6:00 PM
Azle City Hall, 505 West Main Street
817-444-2541

Este informe contiene información muy importante sobre el agua que usted bebe. Tradúzcalo ó hable con alguien que lo entienda bien. 817-444-2541 para hablar con una persona bilingue en español.



Eagle Mountain Lake is our raw water source. It is owned and operated by the Tarrant County Water Control and Improvement District No. 1. Construction of the dam began on January 23, 1930, and was completed October 24, 1932. Impoundment of water began on February 28, 1934. The reservoir has a normal capacity of 190,460 acre-feet* and a maximum capacity of 680,335 acre-feet; its surface area at normal capacity is 9,200 acres and at maximum capacity, 19,050 acres.

* 1 acre/ft = 325,851 gallons.



Sections & Topics

- The Water Treatment Process
- Special Notice / Information on Source Water
- Source Water Assessment & Terminology
- Regulated Contaminants Results
- Unregulated Contaminants Results
- LT2 Enhanced Surface Water Treatment Rule
- Bacteriological Testing
- Lead & Copper Information
- Water Aesthetics—Taste, Odor, and Color
- The Distribution System
- Water Hardness Facts
- Water Conservation & Water Audit Information



On average, the City of Azle consumed 1.97 million gallons per day—this equates to 719 million gallons drawn from Eagle Mountain Lake this year.

The Water Treatment Process

The Azle Water Treatment Plant produces high quality water that exceeds state drinking water standards for removal of bacteriological and chemical contaminants. Our staff is certified by the Texas Commission on Environmental Quality (TCEQ) and is dedicated to serving the needs of residential and commercial customers.

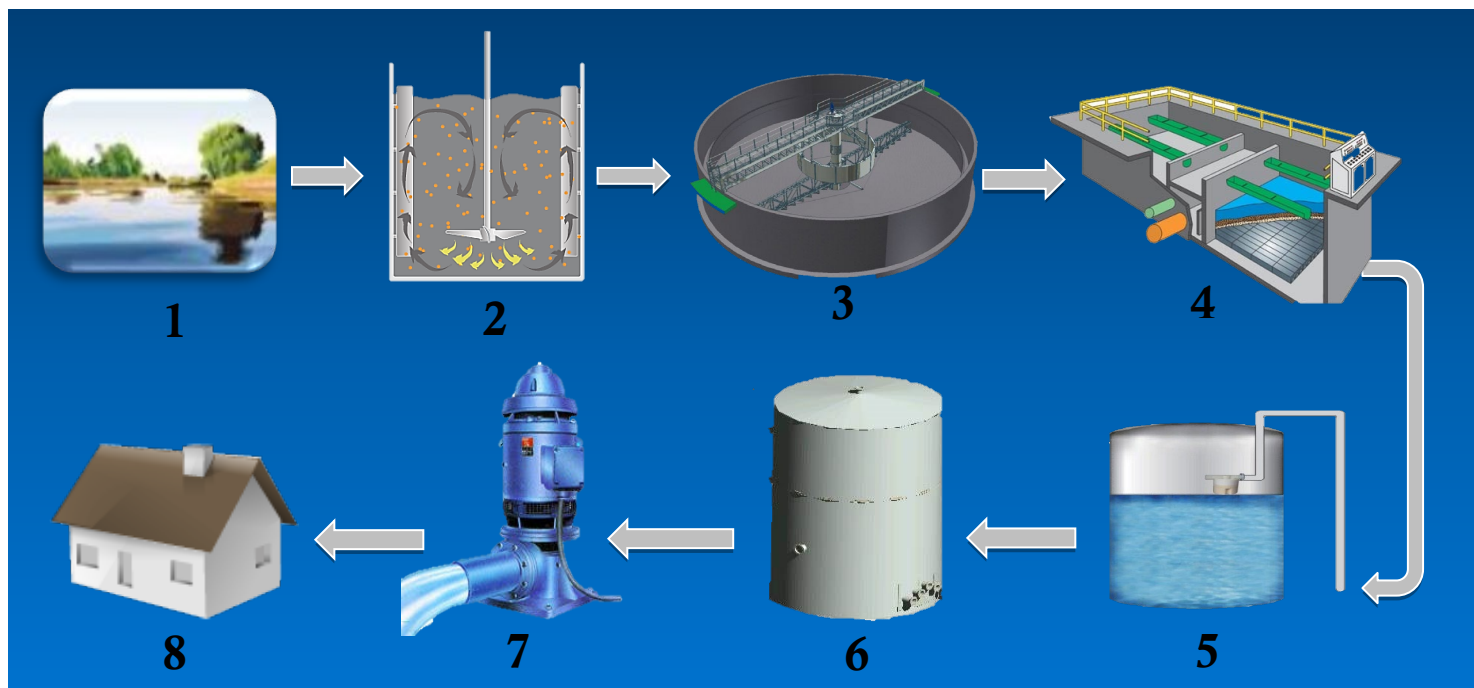
The diagram below illustrates the various stages by which lake water is treated to produce potable water.

1. Our raw water pump station is capable of supplying 6 million gallons of raw water per day.
2. Compounds are added to the raw water in a mixing chamber to disinfect and remove particles.
3. In this stage, particles such as silt settle to the bottom and are removed—further clarifying the water.
4. Water is then filtered through anthracite and sand, removing additional particles from Stage 3.
5. Additional disinfectant is added at this stage and pH adjustment helps produce water that is non-corrosive to pipes in the distribution system.
6. 2.5 million gallons are stored on site to assure adequate supply. An additional 1.5 million is available in the two elevated storage tanks located within the city.
7. Five High Service pumps supply water and keep the distribution system pressurized.
8. Safe potable water arrives to your home.



Water quality tests are performed regularly throughout the day to assure that we are producing safe and superior water. Bacteriological samples are obtained from the distribution system and TCEQ monitors drinking water parameters throughout the year to assure quality and safety of the water we produce.

Tours of the plant are available by appointment only. For information, please call 817-752-2686



Special Notice

Required Language for ALL Community Public Water Systems

In order to ensure that tap water is safe to drink, EPA prescribes regulations which limit the amount of certain contaminants in water provided by public water systems. FDA regulations establish limits for contaminants in bottled water which must provide the same protection for public health.

Contaminants may be found in drinking water that may cause taste, color or odor problems. These types of problems are not necessarily causes for health concerns. For more information on taste, odor, or color of drinking water, please contact the systems business office.

You may be more vulnerable than the general population to certain microbial contaminants, such as *Cryptosporidium*, in drinking water. Infants, some elderly or immunocompromised persons such as those undergoing chemotherapy for cancer; persons who have undergone organ transplants; those who are undergoing treatment with steroids; and people with HIV/AIDS or other immune system disorders, can be particularly at risk from infections. You should seek advice about drinking water from your physician or health care providers. Additional guidelines on appropriate means to lessen the risk of infection by *Cryptosporidium* are available from the **Safe Drinking Water Hotline at (800) 426-4791**.

If present, elevated levels of lead can cause serious health problems, especially for pregnant women and young children. Lead in drinking water is primarily from materials and components associated with service lines and home plumbing. We are responsible for providing high quality drinking water, but we cannot control the variety of materials used in plumbing components. When your water has been sitting for several hours, you can minimize the potential for lead exposure by flushing your tap for 30 seconds to 2 minutes before using water for drinking or cooking. If you are concerned about lead in your water, you may wish to have your water tested. Information on lead in drinking water, testing methods, and steps you can take to minimize exposure is available from the Safe Drinking Water Hotline or at <https://www.epa.gov/safewater/lead>.

Information on Sources of Water

The sources of drinking water (both tap water and bottled water) include rivers, lakes, streams, ponds, reservoirs, springs, and wells. As water travels over the surface of the land or through the ground, it dissolves naturally occurring minerals and, in some cases, radioactive material, and can pick up substances resulting from the presence of animals or from human activity. Our source of surface water is Eagle Mountain Lake.

Drinking water, including bottled water, may reasonably be expected to contain at least small amounts of contaminants. The presence of contaminants does not necessarily indicate that water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the EPA's **Safe Drinking Water Hotline at (800) 426-4791**

Contaminants monitored by the City of Azle that may be present in source water include:

- ✓ **Microbial contaminants**, such as viruses and bacteria, which may come from sewage treatment plant, septic systems, agriculture livestock operations and wildlife.
- ✓ **Inorganic contaminants**, such as salts and metals, which can be naturally occurring or result from urban storm water runoff, industrial or domestic wastewater discharges, oil and gas production, mining or farming.
- ✓ **Pesticides and herbicides**, which may come from a variety of sources such as agriculture and urban storm water runoff and residential uses.
- ✓ **Organic chemical contaminants**, including synthetic and volatile organic chemicals, which are by-products of industrial processes and petroleum production, and can also come from gas stations, urban storm water runoff and septic systems.
- ✓ **Radioactive contaminants**, which can be naturally-occurring or be the result of oil and gas production and mining activities.

Information About Source Water Assessments

The TCEQ completed an assessment of your source water and results indicated that some of our sources are susceptible to certain contaminants. The sampling requirements for your water system is based on this susceptibility and previous sample data. Any detections of these contaminants will be found in this Consumer Confidence Report. For more information on source water assessments and protection efforts at our system, please contact Brad Geary, Water Plant Superintendent at (817) 752-2686.

For more information, please refer to the **Source Water Assessment Viewer** at <https://www.tceq.texas.gov/gis/swaview>

Further details about Source Water Assessments are available at Drinking Water Watch
<https://dww2.tceq.texas.gov/DWW/>

Information About Secondary Contaminants

Many elements (such as calcium, sodium, or iron) that are often found in drinking water can cause taste, color, and odor problems. The taste and odor elements are called secondary contaminants and are regulated by the State of Texas, not the EPA. These contaminants are not cause for health concerns. Therefore, secondary contaminants are not required to be reported in this document, but they may greatly affect the appearance and taste of your water. Refer to the section following the analyses for more information.

Analytical Terminology

Definition and Abbreviations for the following tables contain scientific terms and measures, some of which may require explanation.

Action Level: The concentration of a contaminant which, if exceeded, triggers treatment or other requirements which a water system must follow.

Action Level Goal (ALG): The level of a contaminant in drinking water below which there is no known or expected risk to health. ALGs allow for a margin of safety.

Average (Avg): Regulatory compliance with some MCLs are based on running annual average of monthly samples.

Level 1 Assessment: A level 1 assessment is a study of the water system to identify potential problems and determine (if possible) why total coliform bacteria have been found in our water system.

Level 2 Assessment: A level 2 assessment is a very detailed study of the water system to identify potential problems and determine (if possible) why an E. coli MCL violation has occurred and/or why total coliform bacteria have been found in our water system on multiple occasions.

Maximum Contaminant Level (MCL): The highest level of a contaminant that is allowed in drinking water. MCLs are set as close to the MCLGs as feasible using the best available treatment technology.

Maximum Contaminant Level Goal (MCLG): The level of a contaminant in drinking water below which there is no known or expected risk to health. MCLGs allow for a margin of safety.

Maximum Residual Disinfectant Level (MRDL): The highest level of disinfectant level of a disinfectant allowed in drinking water. There is convincing evidence that addition of a disinfectant is necessary for control of microbial contaminants.

Maximum Residual Disinfectant Level Goal (MRDLG): The level of a drinking water disinfectant below which there is no known or expected risk to health. MRDLGs do not reflect the benefits of the use of disinfectants to control microbial contaminants.

MFL: million fibers per liter (a measure of asbestos)

mrem: millirems per year (a measure of radiation absorbed by the body)

na: not applicable

NTU: Nephelometric Turbidity Units (a measure of turbidity)

pCi/L: picocuries per liter (a measure of radioactivity)

ppb: micrograms per liter or parts per billion – or one ounce in 7,350,000 gallons of water.

ppm: milligrams per liter or parts per million – or one ounce in 7,350 gallons of water.

ppq: parts per quadrillion, or picograms per liter (pg/L)

ppt: parts per trillion, or nanograms per liter (ng/L)

Treatment Technique or TT: A required process intended to reduce the level of a contaminant in drinking water.



2022 Regulated Contaminants

Regulated contaminants are those that have an established MCL. The EPA has determined that these contaminants may have potential adverse effects on health when exceeding the MCL. Regulated contaminants found in Azle are all well below maximum contaminant levels.

Coliform Bacteria (collected monthly) *See page 8 for more details.*

MCLG	MCL TTL Coliform	Reported TTL Coliform	Fecal Coliform MCL	Reported Fecal Coliforms	Violation	Definition
0	1 per month	0	0	0	No	Naturally present in the environment

Lead and Copper (found in plumbing fixtures)

Action Level Goal (ALG) is the level of a contaminant in drinking water below which there is no known or expected risk to health. ALGs allow for a margin of safety. Action Level (AL) is the concentration of a contaminant, which, if exceeded, triggers treatment of other requirements that a water system must follow. Testing of the distribution system is performed every three years; the next round of testing is scheduled for 2025. *See page 9 for more details.*

Contaminant	Date Sampled	MCLG	AL	90 TH PERCENTILE	# Sites over AL	Unit	Violation	Definition
Copper	2022	<1.3	1.3	0.4700	0	ppm	NONE	Erosion of natural deposits; Corrosion of household plumbing system
Lead	2022	0	15	3.400	0	ppb	NONE	

Disinfectants and Disinfection By-Products

Not all sample results may have been used for calculating the Highest Level Detected (HLD) because some results may be part of an evaluation to determine where compliance sampling should occur in the future.

Disinfectant and Disinfection By-Product	Collection Date	Highest Level Detected	Range of Levels Detected	MCLG	MCL	Unit	Violation	Definition
Chloramines	2022	4.0	0.5 – 4.0	< 4.0	4.0	ppm	NONE	Disinfectant used to control microbes
(HAA5) Haloacetic Acids	2022	23	7.6 – 22.2	No goal	60	ppb	NONE	By-product of drinking water disinfection
(TTHM) Total Trihalomethanes	2022	28	18.8 – 30.4	No goal	80	ppb	NONE	By-product of drinking water disinfection

Inorganic Contaminants Collected 07/25/2022

Contaminant	Highest Level Detected	Detection Limit	Range of Individual Samples	MCLG	MCL	Unit	Violation	Definition
Arsenic	1.00	0.4000	1.20-1.20	0	10	ppb	NONE	Erosion of natural deposits; Runoff from orchards; Runoff from glass and electronics production wastes.
Asbestos (04-29-2021)	0.197	0.0004	0.197-0.197	7	7	MFL	NONE	Decay of asbestos cement water mains; Erosion of Natural deposit
Barium	0.039	0.0004	0.039-0.039	2.0	2.0	ppm	NONE	Discharge of drilling wastes; Discharge from metal refineries; Erosion of natural deposits.
Chromium	<0.0010	0.0010	<0.0010	0.100	0.100	ppm	NONE	Erosion from natural deposits and drilling waste.
Cyanide	<0.0200	0.005	<0.0002	0.200	0.200	ppm	NONE	Discharge from plastic/fertilizer factories; Discharge from steel/metal factories.
Fluoride	0.200	0.005	0.166 - 0.166	4.0	4.0	ppm	NONE	Erosion of natural deposits; Water additive which promotes strong teeth; Discharge from fertilizer and aluminum factories.
Mercury	<0.0002	0.0002	<0.0002	0.002	0.002	ppm	NONE	Erosion of natural deposits; discharge from factories; runoff from landfills; runoff from cropland.
Nitrate (as Nitrogen)	0.0435	0.005	0.0435 - 0.0435	10.0	10.0	ppm	NONE	Runoff from fertilizer use; Leaching from septic tanks, sewage; Erosion of natural deposits.
Nitrite (as Nitrogen)	0.037	0.005	0.037 – 0.037	1.0	1.0	ppm	NONE	Runoff from fertilizer use; Leaching from septic tanks, sewage; erosions of natural deposits.

Turbidity (NTU: Nephelometric Turbidity Units—a measure of water clarity)

Item	Limit (Treatment Technique)	Level Detected	Violation	Definition
Highest Single Measurement in 2022	1.0 NTU	0.18 NTU	NONE	Soil Runoff
Lowest Monthly % Meeting Limit	0.3 NTU	100%	NONE	Soil Runoff

Synthetic Organic Contaminants (pesticides and herbicides)

Contaminant	Highest Level Detected	Detection Limit	MCLG	MCL	Units	Violation	Definition
Alachlor Date Collected 7-25-22	<0.1	0.05	0	2.0	ppb	NONE	Soil Runoff--Herbicide
Atrazine Date Collected 7-25-22	<0.1	0.05	3.0	3.0	ppb	NONE	Soil Runoff--Herbicide
Benzene Date Collected 7-25-22	<0.5	0.250	0	5.0	ppb	NONE	Soil Runoff--Pesticide

Radioactive Contaminants (pCi / L: picocuries per liter—a measure of radioactivity. Tests are performed in 6 year cycles unless MCLs are exceeded)

Contaminant	Collection Date	Highest Level Detected	Minimum Detected Activity	MCLG	MCL	Units	Violation	Definition
Beta/photon emitters	01/23/2017	6.3	1.2	0	50	pCi / L	NONE	Decay of natural and manmade deposits
Combined Radium 226/228	01/23/2017	<1.0	0.43	0	5.0	pCi / L	NONE	Erosion from natural deposits

UNREGULATED CONTAMINANTS are those for which the EPA has not established drinking water standards. The purpose of unregulated contaminant monitoring is to assist EPA in determining the occurrence of unregulated contaminants in drinking water and whether future regulation is warranted.

No associated adverse health effects.

Constituent	Collection Date	Level Detected	Secondary Limit	Unit	Violation	Source of Constituent
Bicarbonate	07/25/2022	105	None	ppm	NONE	Corrosion of carbonate rock such as, limestone
Chloride	07/25/2022	47.6	250	ppm	NONE	Naturally occurring element used in water purification
Hardness as CaCO ₃	07/25/2022	113	None	ppm	NONE	Naturally occurring calcium and magnesium
pH	07/25/2022	8.1	6.5-8.5	Units	NONE	Measure of corrosivity of water
Sodium	07/25/2022	33.3	None	ppm	NONE	Erosion of natural deposits; byproduct of oil field activity
Sulfate	07/25/2022	32.6	250	ppm	NONE	Naturally occurring; common industrial byproduct; byproduct of oil field activity
Total Alkalinity as CaCO ₃	07/25/2022	105	None	ppm	NONE	Naturally occurring soluble mineral salts
Total Dissolved Solids	07/25/2022	280	500	ppm	NONE	Total dissolved mineral constituents in water

Bacteriological Testing

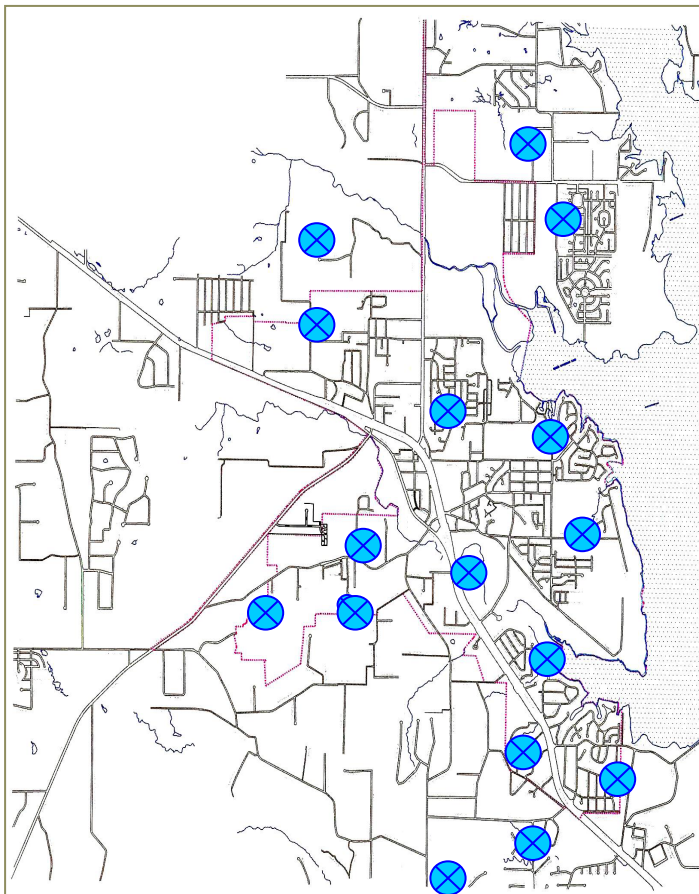
Azle's Commitment to Safe Potable Water

Testing for Coliforms

The Texas Commission on Environmental Quality (TCEQ) sets drinking water standards in Texas and has determined that the presence of total coliform is a possible health concern. Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially harmful, bacteria may be present.

Where Do We Collect Samples?

Each month, the City collects 16 samples from designated locations that are representative of the distribution system (shown in the illustration at right). New water lines are also tested before being put into service. Samples are collected by a State certified operator and delivered to the Tarrant County Health Department lab for analysis.



How are Samples Analyzed & What Happens with the Results?



Samples are analyzed using a Presence / Absence method; simply put, coliforms are either present, or not. This process involves an 18-hour incubation period once a selective media (food for bacteria) is added to each sample collected. If bacteria are present, a color change in the sample occurs; otherwise, the sample stays clear (illustration at left). The lab reports results to the City and the TCEQ to decide if any further action is necessary. If a sample is positive, the City is required to resample within 24-hours to determine if sampling error caused the positive result; sampling error is the most common reason for positive samples.

For more information on this and other water related topics, please contact the Azle Water Treatment Plant at 817-752-2686.

LEAD & COPPER

FACTs about Lead and Copper in Drinking Water



Summary of the United States Environmental Protection Agency's Lead and Copper Rule

Lead and copper enter drinking water primarily through plumbing materials. Exposure to excessive amounts of lead and copper may cause health problems ranging from stomach distress to brain damage. On June 7, 1991, EPA published a regulation to control lead and copper in drinking water. This regulation is known as the Lead and Copper Rule (also referred to as the LCR or 1991 Rule). The treatment technique for the rule requires systems to monitor drinking water at customer taps. If lead concentrations exceed an action level of 15 ppb (parts per billion), or copper concentrations exceed an action level of 1.3 ppm in more than 10% of customer taps sampled, the system must undertake a number of additional actions to control corrosion. If the action level for lead is exceeded, the system must also inform the public about steps they should take to protect their health and may have to replace lead service lines under their control. For complete information and updates to the LCR, visit the USEPA's website <https://www.epa.gov/dwreginfo/lead-and-copper-rule>.

Information on how the City of Azle tests for lead and copper can be located by following this link to the Texas Commission on Environmental Quality's website.

https://www.tceq.texas.gov/drinkingwater/chemicals/lead_copper/lead-copper.html

Azle's Commitment to Water Treatment Techniques, Testing and Results.

As required by the TCEQ, the City of Azle conducts lead and copper testing from 30 locations every three years. This sampling schedule was initiated by the TCEQ because we have never exceeded an action level for either contaminant. In fact, sample results for the past 15 years have shown that water treatment techniques used by the Azle Water Treatment Plant (AWTP), along with routine distribution system maintenance, have proven effective in suppressing contaminants.

The AWTP carefully monitors and adjusts the pH of the water entering the distribution system in order to maintain a water quality that prevents excessive levels of lead and copper from escaping plumbing fixtures in your home. However, if you are concerned about these issues, a good practice is to allow the water taps in your home to flush for a few minutes after the fixtures have been unused for eight hours. For example, if a bathroom faucet is only used in the morning, run the faucet for a few minutes before it is used the next morning. Furthermore, there are relatively inexpensive commercially available filters that remove metals and minerals from drinking water.

EAGLE MOUNTAIN LAKE

Azle's Source of Water

Aesthetic Issues In Drinking Water

How does the City respond to the issues?

The City of Azle takes pride in the quality of water we supply to our community. We take every measure to assure that raw water from the lake is purified, disinfected, and delivered to your home according to State regulations.

We understand that at times there may be taste, odor, or color issues that can be inconvenient for our residents. The most common practice for the removal of aesthetic issues is to flush water lines through the many fire hydrants within the City.

You can help minimize taste and odor issues in your home by running water in your sinks or bathtub until the issue is gone. Also, periodically flushing your hot water heater helps remove minerals deposits that contribute aesthetic issues.

Taste and Odor

Taste and odor in drinking water occurs naturally in the source, Eagle Mountain Lake. The major contributors are various **algae**, which produce a harmless by-product called **geosmin** that creates an "earthy" or "muddy" taste. Typically, geosmin levels in the lake average 20-40 ppt (part per trillion); however, during summer and winter, geosmin levels have reached as high as 400 ppt.

The second reason for unpleasant taste and odor is often referred to as "lake turn-over." Water temperatures at various depths shift, causing a poorer quality of water to rise closer to the surface—this generally occurs in Spring and Fall when ambient temperature fluctuates most.

Water with high geosmin and turn-over issues is difficult to treat; however, we are implementing various treatment techniques that have aided in the removal of taste and odor.

Color

Color is another aesthetic issue that arises from time to time in any distribution system. "Red water" is primarily due to corrosion (rust build-up in metal pipe) that occurs in parts of the 129 miles of pipe in our system.

Although there are no associated adverse health effects, we understand that high color in your water is undesirable. The only remedy to the effect is to flush water mains.

If you experience taste, odor, or color in your water, please call **817-444-2541** to report the issue. If you have further questions regarding water quality, please call the **Azle Water Treatment Plant** at **817-752-2686**.

The Distribution System

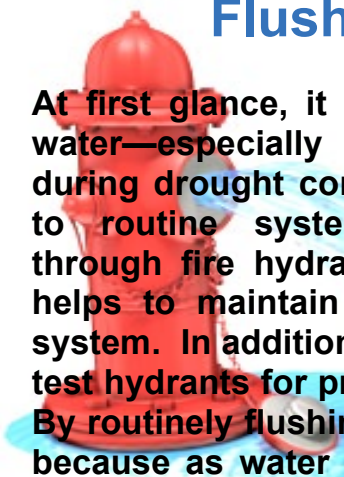
The potable water distribution system for the City of Azle consists of the Azle Water Treatment Plant; 137 miles of pipe through which potable water is transferred to businesses and residences; and, two elevated storage tanks. In all, the City maintains nearly 4 million gallons of water in storage to ensure an adequate supply.

The distribution system is very complex. For example, not only does pipe size change, a transmission line may be a 16" pipe that eventually works down to a 2" service line; but also, pipe composition can vary from iron to PVC—both size and composition can affect water quality.

Other features of the distribution system that have potential to affect water quality are: cross connection prevention devices; valve and fire hydrant maintenance (these elements can affect the direction of flow and pressure); likewise, line repair and new additions may affect water quality by creating disruptions to existing lines. Therefore, considering the complexity of the distribution system, just through these few examples, the only way to verify the quality of water that we serve to our customers is by routinely sampling a wide variety of locations throughout the system. By doing so, we monitor the "health" of our distribution system. In addition, the City will routinely flush water mains through fire hydrants to help improve water quality.

Systemwide studies show an average distribution pressure of 61 pounds per square inch (PSI).

Flushing Water Lines



At first glance, it seems like flushing is a waste of water—especially considering water restrictions during drought conditions. However, flushing is vital to routine system maintenance. Flushing lines through fire hydrants removes mineral buildup and helps to maintain chlorine residual throughout the system. In addition, it gives the City an opportunity to test hydrants for pressure and flow for fire protection. By routinely flushing, we actually minimize water loss because as water quality improves, hydrants can be flushed for shorter periods.

City employees are the only persons allowed to test hydrants. To help prevent water theft, please contact City Hall at 817-444-2541 and report running hydrants.

Water Loss Information

In the water loss audit submitted to the Texas Water Development Board for the period of Jan 1 to Dec 31, 2022, our system lost an average of 5.8 gallons of water per connection per day (GPCPD). This amount equates to 2.94% of the total volume of water produced in a year and is an exceptionally low volume. "Water loss" is water that cannot be accurately accounted for such as, water used in fighting fires, flushing water mains, testing fire hydrants, broken water mains, undetected leaking water mains, water theft, etc. If you have any questions regarding the water loss audit, please call 817-752-2686.

20

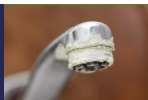
CaCalcium
40.078

Water Hardness

12

MgMagnesium
24.305*What is it and how does it affect your water?*

Dissolved Minerals



Carbonate and bicarbonate compounds formed from calcium and magnesium dissolved in water are the two minerals responsible for making water "hard" or "soft" depending on the amounts present. Hard water requires more soap and detergents for laundry and bathing, and contributes to scaling (commonly known as lime buildup); soft water has the opposite effect.

Our water is considered "moderately hard" and at times "hard" as rain dissolves the limestone present in our soil and deposits the minerals into the lake. There are no adverse health effects associated with these minerals in water.



There are several commercially available products which help remove undesirable spotting and scaling of mineral deposits—some are water softeners, others are acid-based. Consult manufacture's labels to decide what's best for you.

Hardness & Plumbing

We make every effort to produce water that is non-corrosive to plumbing fixtures and non-scale forming to avoid mineral buildup in pipes. Although the water treatment process does not directly affect water hardness, we are able to affect how hardness reacts by controlling the pH of the water being treated. If the pH is too low, water becomes corrosive to metal pipes; if too high, the hardness will form mineral deposits. Based on our hardness, which ranges between 100 to 140, we have determined an optimum pH range of 7.9 to 8.1 prevents corrosivity and scaling.

Some dishwashers have settings for water hardness expressed as grains per gallon. The following scale will help you determine what setting is right for your unit.

Water Hardness Scale		
Grains Per Gallon	mg/L or ppm	Classification
less than 1.0	less than 17.1	Soft
1.0 - 3.5	17.1 - 60	Slightly Hard
3.5 - 7.0	60 - 120	Moderately Hard
7.0 - 10.5	120 - 180	Hard
over 10.5	over 180	Very Hard

Water Conservation

Although it has been several years since drought conditions in the area required watering restrictions, it is still important to remain mindful of the critical need to protect our most precious resource. The rainfall we received throughout this year replenished our lakes and reservoirs, but we must always be aware that drought conditions will return, and we must be prepared by conserving.



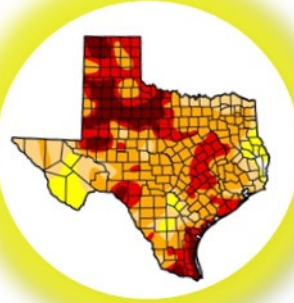
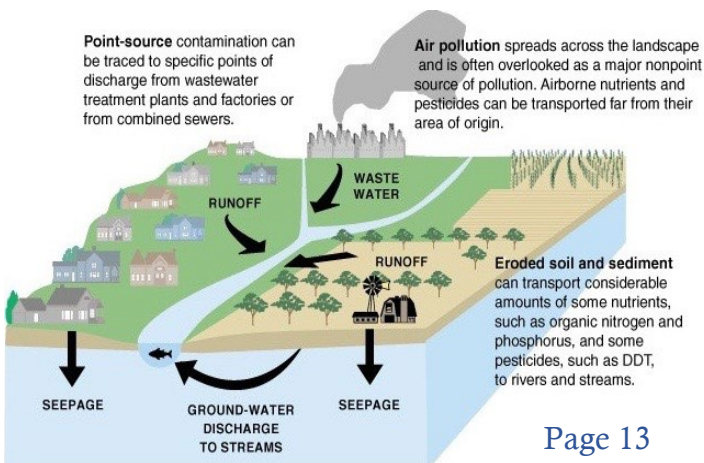
The City of Azle is dedicated to minimizing water loss through its Drought Contingency Plan, found here:

<https://www.cityofazle.org/DocumentCenter/View/2696/Water-ConservationDrought-Plan-May-2019?bidId>

The plan contains water conservation information, and watering restrictions based on data from the Tarrant Regional Water District. More information on contingency plans may be found here:

https://www.tceq.texas.gov/permitting/water_rights/wr_technical-resources/contingency.html

Water Pollution: Facts & Prevention



Current drought condition information may be found at <https://www.tceq.texas.gov/response/drought>

Water Conservation Websites for Helpful Tips and Guidance

<https://www.trwd.com>

<https://savetarrantwater.com>

<https://www.twca.org>

<https://texaslivingwaters.org>

<https://www.twca.org>

Drinking Water At the Correct Time Maximizes its Effectiveness On The Human Body



***2 Glasses Of Water After Waking Up**
- Helps Activate Internal Organs

***1 Glass of Water 30 Minutes Before a Meal**
- Helps Digestion

***1 Glass of Water Before taking a bath/shower**
- helps Lower Blood Pressure

***1 Glass of water before Going to Bed**
- Avoids Stroke or Heart Attack

Happy Drinking (H2O)!!

Water pollution can be defined in many ways. Usually, it means one or more substances have built up in water to such an extent that they cause problems for animals or people. Items such as trash, automotive fluids, and silt are deposited in Eagle Mountain Lake through storm drains and can degrade water quality. Therefore, it is up to us to help prevent these from entering our source of drinking water. Twice annually, the City sponsors a waste collection day for hazardous household items such as, chemicals and tires. For more information, please call 817-444-2541. In addition, the City provides a station where used motor oil can be dropped off for recycling. It is located at 470 Denver Trail.