



Item Brief

Meeting Date

January 14, 2025

Agenda Item

Discuss and consider action: Ordinance 2025-03: E. Belaj

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING THE CITY CODE OF ORDINANCES DIVISION 2. ENTITLED "COMMUNITY IMPACT FEE ESTABLISHED" AND SECTION 2-292 ENTITLED "AMOUNT" AND DIVISION 3. ENTITLED "APPLICABILITY OF COMMUNITY IMPACT FEES" AND SECTION 3-372 ENTITLED "IMPACT FEE CALCULATIONS"; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

Information

The impact fee is a cost recovery tool that the State of Texas allows cities to use to recover some of the water and wastewater costs for upsizing. The process typically entails hiring a consultant to calculate the impact of project upsizing on the system and deriving the appropriate maximum cost that a city can legally collect from future construction.

The City's impact fee needs to be reviewed every five years, as required by Texas Local Government Code Chapter 395. The last update was completed in 2019. Additionally, the City has projects that need to be included in the impact fee. The impact fee can only be used for projects specifically listed in the impact fee calculation process.

The City's Consultant, NewGen Strategies, has presented the City the calculation methodology and findings in an Impact Fee Memorandum attached hereto (See Exhibit A).

The current impact fee charged by the City was initially implemented in 2004, and it has been readopted without significant changes since. This ordinance readopts the existing impact fees under SECTION 2-292 where the impact fee will be \$1,084.50 for water service and \$1,173.00 for wastewater service. The ordinance also removes an old methodology established in 2004 under SECTION 3-372. It is uncommon to have calculations of theoretical maximum fees could be in a code of ordinances.

Fiscal Impact

None

Recommendation

Staff recommends specific language approval of Ordinance No. 2025-03 as written below:

In accordance with the requirements of Local Government Code Chapter 395.052 and 395.057, I move that we approve Ordinance No. 2025-03 with the presented code amendments and the proposed amendments to the Water Impact Fee Capital Improvement Plan as outlined in the report and presentation received from NewGen Strategies and Solutions and maintain the existing Water Impact Fee of \$1,084.50 and the existing Wastewater Impact Fee of \$1,173.00 per living unit equivalent as originally approved in City Ordinance No. 2004-22.

ORDINANCE NO. 2025-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING THE CITY CODE OF ORDINANCES DIVISION 2. ENTITLED “COMMUNITY IMPACT FEE ESTABLISHED” AND SECTION 2-292 ENTITLED “AMOUNT” AND DIVISION 3. ENTITLED “APPLICABILITY OF COMMUNITY IMPACT FEES” AND SECTION 3-372 ENTITLED “IMPACT FEE CALCULATIONS”; PROVIDING CUMULATIVE, REPEALER, AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Chapter 395 of the Texas Local Government Code requires impact fees to be reviewed every five years; and

WHEREAS, the last amendment to the impact fees was made in 2019, five years ago; and

WHEREAS, the City Council, with the assistance of the consultant NewGen Strategies, has performed the required calculations for the development and/or establishment of the impact fees; and

WHEREAS, the City Council finds, determines, and declares that the re-adoption of the Community Impact Fee will be \$1,084.50 for water service and \$1,173.00 for wastewater service, as indicated in Division 2, entitled “Community Impact Fee Established,” and Section 2-292, entitled “Amount,” as originally approved in City Ordinance No. 2004-22; and

WHEREAS, the City Council finds, determines, and declares that the meeting at which this Ordinance is adopted was open to the public, and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given as required by Chapter 551 of the Texas Government Code; and

WHEREAS, City Council, finds, determines, and declares that publication of notice of this Ordinance, as required by Section 3.14 of the City Charter and the laws of the State of Texas, was made by the City Secretary within the period prescribed by Section 3.14; and

WHEREAS, City Council, finds, determines, and declares that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given as required by Chapter 551 of the Texas Government Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, THAT:

Section One. Code Amendment. The Code of Ordinances Division 3. Entitled “Applicability of Community Impact Fees” and Section 2-292 Entitled “Amount” and Section 3-372 Entitled “Impact Fee Calculations” is hereby amended by adding language that is underlined (underlined) and deleting the language that is stricken (~~stricken~~) as follows:

Sec. 2-372. - Impact fee calculations.

Reference Impact Fee Memorandum associated with the Impact Fee Ordinance Approval and/or amendment as updated from time to time.

~~Impact fee calculations using J. Limon projections~~

~~2004 Population:6,140~~

~~2014 Population:12,603~~

~~10-Year Population Growth:6,463~~

~~Projected Factor: 3.1 Persons Per Connection~~

~~10 Year Total Standard Development Units (SDU): 6463/3.1 = 2,085~~

~~CIP Water Projects over next 10 Years:Cost~~

~~12" Line on 281 S\$420,000~~

~~16" NW Transmission Line714,301~~

~~Water Treatment Facility1,500,000~~

~~Elevated Storage Tank300,000~~

~~12" Line on Hwy 29 W60,000~~

~~12" Line of Hwy 29 E1,530,000~~

~~4,524,301~~

~~Water Impact Fee:~~

~~4,524,301/2085 = 2,169~~

~~CIP Wastewater Projects over next 10 years:~~

~~8" effluent irrigation603,461~~

~~15" relief interceptor528,329~~

~~Lift Station/ 8" line190,000~~

~~Wastewater Treatment Plant3,500,000~~

~~12" interceptor69,701~~

~~4,891,461~~

~~Wastewater Impact Fee:~~

~~\$4,891,461/2085 = \$2,346~~

~~\$2,169 + \$2,346 = \$4,515~~

~~*A municipality may either calculate the revenue and grant stream and subtract those totals from the fee or simply remove 50 percent from the cost of the projects to compensate.~~

~~\$4,515 × 50% = \$2,257.50 Formal Recommendation~~

Section Two. Findings. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section Three. Cumulative. This ordinance shall be cumulative of all provisions of all ordinances and codes, or parts thereof, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event Section 5, (entitled “Repealer”) shall be controlling.

Section Four. Repealer. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section Five. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

Section Six. Publication. The publishers of the City Code are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to format and number paragraphs to conform to the existing Code.

Section Seven. Effective Date. This Ordinance shall be effective upon the date of final adoption hereof.

PASSED, APPROVED, AND ADOPTED on this 14th day of January 2025.

CITY OF BURNET, TEXAS

Gary Wideman, Mayor

ATTEST:

Maria Gonzales, City Secretary