



**MEETING DATE:** August 20, 2025

**PRESENTED BY:** Xavier Cervantes, AICP, CPM, Director of Planning

**AGENDA ITEM:** Consideration of the adoption of an ordinance amending the code of ordinances Chapter 98 - Subdivisions, Article VI – Fees and Charges, Section 98-272- Inspection fees by Establishing a Process and Per Hour Fee for Subdivision Infrastructure Inspections and for Geotechnical Lab Testing. Applicant: City of Mission - Cervantes

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**NATURE OF REQUEST:**

Project Timeline:

- August 8, 2025 – Ordinance reviewed and approved by the Ordinance Review Committee.
- August 20, 2025 – Ordinance reviewed and approved by the Planning and Zoning Commission
- August 25, 2025 – Consideration of the adoption of the ordinance by the City Council.

Summary:

- House Bill 3492 became state law and became effective on September 1, 2023. Under HB 3492, cities are prohibited from basing fees for applications, reviews, inspections, or related activities for constructing or improving public infrastructure on the cost or value of the project.
- Instead, fees should be based on the city's actual review, processing, and inspection costs.
- Currently, the City of Mission subdivision ordinance requires a 2% of the infrastructure value inspection fee to cover the cost of City employees doing field inspections throughout the construction of the subdivision. In addition, the city charges 5% of the infrastructure value fees for geotechnical testing.
- Instead of the 2% fee covering the cost of city staff conducting field inspections, staff propose charging \$85.00 per hour, per person. A monthly invoice will be sent to the developer during the construction of the subdivision.
- Instead of the 5% fee for geotechnical testing, staff propose obtaining a cost estimate from the geotechnical firm the city has under contract to cover their fees. The developer will be required to pay the estimate during the preconstruction meeting.
- The ordinance review committee met on August 8, 2025. They approved the ordinance with the understanding that the \$85.00 per person per hour fee will be re-evaluated every six months as subdivisions get recorded under the new system.

**STAFF RECOMMENDATION:**

Staff recommends the adoption of the ordinance.

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**RECORD OF VOTE:**

**APPROVED:** \_\_\_\_\_

**DISAPPROVED:** \_\_\_\_\_

**TABLED:** \_\_\_\_\_

\_\_\_\_\_ AYES

\_\_\_\_\_ NAYS

\_\_\_\_\_ DISSENTING \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE CITY OF MISSION CODE OF ORDINANCES CHAPTER 98-SUBDIVISIONS, ARTICLE VI -FEES AND CHARGES, SECTION 98-272 – INSPECTION FEES BY ESTABLISHING A PROCESS AND PER HOUR FEE FOR SUBDIVISION INFRASTRUCTURE INSPECTIONS AND FOR GEOTECHNICAL LAB TESTING; PROVIDING REPEALER CLAUSE; PROVIDING SEVERABILITY CLAUSE; PROVIDING EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION.

WHEREAS, The City of Mission is a home-rule municipality possessing the full power of local self-governance pursuant to Article XI, Section 5 of the Texas Constitution; and

WHEREAS, Pursuant to the laws of the State of Texas, including Section 51.001 of the Texas Local Government Code, the City Council has the authority to adopt an ordinance that, among other things, is good government peace or order of Mission; and

WHEREAS, the required fee for subdivision inspections needs to be reconsidered in order to be in compliance with House Bill 3492; and

WHEREAS, this ordinance amendment was reviewed and recommended by the Ordinance Review Committee; and

WHEREAS, The Planning and Zoning Commission has reviewed the proposed amendment and has recommended approval; and

WHEREAS, The City Council of the City of Mission finds that it is in the best interest of the citizens of Mission to amend the Code of Ordinances as set forth below:

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

SECTION 1: That the City of Mission Code of Ordinances, Chapter 98-Subdivisions, Article VI -Fees and Charges, Section 98-272 – Inspection Fees is hereby amended by adding the language underlined (added) and deleting the language that is stricken to read in full as follows:

- (a) A fee for the inspection of the subdivision improvements shall be paid ~~to the city prior to commencement of the construction of the subdivision improvements so that the city gets a full reimbursement for the expenses associated with conducting such inspections.~~ The fee shall be equal to two percent of the cost of constructing the subdivision improvements. The inspection fee shall be \$85.00 per hour per inspection. If multiple city employees attend an inspection at the same time the fee shall be \$85.00 per hour for each person present during the inspection. Inspections will be invoiced at the minimum 1-hour call and rounded up to the nearest hour. The fees shall be invoiced by Planning Department staff on a monthly basis to the developer or the engineering firm of record.

**(b) For the geotechnical lab testing fees associated with the proper acceptance of public infrastructure the geotechnical firm, under contract with the city, shall provide a cost estimate for their total fees after review of the approved construction plans. The cost estimate provided by the firm shall be paid by the developer in order to obtain a notice to proceed with the infrastructure construction. Any additional testing fees, due to initial failed tests, shall be paid to the firm separately by the developer.**

SECTION 2. REPEALER All ordinances or parts of ordinances in conflict ~~herewithin~~ are hereby repealed.

SECTION 3. SEVERABILITY If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and any remaining provision shall continue in effect notwithstanding the invalidity of such section, subsection, clause, phrase or portion.

SECTION 4. EFFECTIVE DATE This ordinance shall take effect immediate upon its passage and publication as required by law.

PASSED, APPROVED, AND ADOPTED THIS \_\_\_\_ day of \_\_\_\_\_, 2025, at a regular meeting of the City Council Elective Commission of the City of Mission, Texas at which a quorum was present and which was held in accordance with the TEXAS GOVERNMENT CODE, CHAPTER 551.

CITY OF MISSION

\_\_\_\_\_  
Norie Gonzalez Garza, Mayor

ATTEST:

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Anna Carrillo, City Secretary

APPROVED AS TO FORM:

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Patricia A. Rigney, City Attorney



## SUBDIVISION INSPECTIONS FEES SURVEY

### SUBDIVISION INSPECTIONS FEES SURVEY\* MAY 2025

\*The survey does not include fees for lab testing

| CITY                   | FEE   |
|------------------------|---|
| <b>Alamo</b>           | 2 percent of the infrastructure value.  |
| <b>Alton</b>           | No fees.  |
| <b>Brownsville</b>     | No fees for streets and drainage. For water and sewer they have different utility providers and their fees vary.  |
| <b>Donna</b>           |   |
| <b>Edinburg</b>        | 2 percent of the infrastructure value.  |
| <b>Harlingen</b>       | No fees for street and drainage inspections. For water and sewer Harlingen Waterworks System charges a fee based on a line-item basis per linear foot of water/sewer line, per each fitting, per each hydrant, etc. They calculate the average hourly compensation for each of the inspectors and multiply it by the best assumed amount of time it would take to complete the inspection. They include the FEMA hourly rate for the use of fleet vehicles. They also charge an administrative fee. |
| <b>La Feria</b>        | They have a consulting firm (Singer, Winston & Greenwood) as city engineer. The firm's personnel conduct the inspections. The firm comes up with a cost estimate that is paid during the preconstruction meeting.   |
| <b>McAllen</b>         | 2 percent of the infrastructure value.  |
| <b>Mercedes</b>        | 3 percent of the infrastructure value.  |
| <b>Mission</b>         | 2 percent of the infrastructure value.  |
| <b>Pharr</b>           | 3 percent of the infrastructure value.  |
| <b>Rio Grande City</b> | 3 percent of the infrastructure value.  |
| <b>San Benito</b>      | Main line inspection fee: \$1.00/foot.<br>Service lateral inspection fee: \$10.00/service lateral.<br>Lift station inspection fee: \$750.00.<br>Grinder lift station (2 HP) inspection fee: \$500.00.   |

## SUBDIVISION INSPECTIONS FEES SURVEY

|                 |   |
|-----------------|---|
|                 |   |
| <b>San Juan</b> | 2 percent of the infrastructure value.  |
| <b>Weslaco</b>  | The city charges \$85.00 per inspector per hour (rounded up the nearest hour) for each time an inspector(s) visits the subdivision. The developer gets an invoice from the city each month for the previous month's inspections. The city employees that visit a subdivision for inspections must keep a log and submit it to the Engineering Department for invoicing. |