

# City Council Meeting

## Agenda Item

### Data Sheet

Meeting Date: August 21, 2023

#### Topic:

Approve Resolution No. 2023-29, a Resolution of the City of Tomball, Texas, amending sections of the Master Fee Schedule for Fiscal Year 2022-2023.

#### Background:

Resolution No. 2023-29 amends the FY 2022-2033 Master Fee Schedule as follows:

#### Development Permits, Inspections & Fees

This section of the FY 2022-2023 Master Fee Schedule in accordance with the requirements of HB 3492. HB 3492, passed during the 88<sup>th</sup> Legislative Session and made effective September 1, 2023, disallows the use of value-based fees for any application, review, engineering, inspection, acceptance, administrative or other fee imposed by a municipality related to the acceptance, review, or processing of engineering or construction plans or for the inspection of improvements for construction of a subdivision or lot or a related improvement associated with the or required in conjunction with the that construction.

In its Master Fee Schedule, the City has adopted a civil plan review fee and construction permit application fee which is charged at the rate of 2% of the cost of construction of infrastructure (e.g. drainage, streets, sidewalks, utilities, etc.), and as such, must amend its Master Fee Schedule to be in compliance with HB 3492 prior to September 1, 2023.

HB 3492 provides for allowable methods of determining such fees. HB 3492 states that cities “shall determine the fee by considering the municipality’s actual cost to, as applicable, review and process the engineering or construction plan or to inspect the public infrastructure improvement.” Staff have reviewed the prescribed methodology for establishing such fee in accordance with the law and are proposing changes to bring the City of Tomball’s fee into compliance.

The proposed amendments include:

- Separation of the civil plan review fee and the development construction inspection fee
- Establishment of the hourly rate for plan review and inspection services pursuant to HB 3492
- Civil plan review fee
  - Charged at \$101 per acre of development (minimum of \$101), with an additional fee of \$86 per hour for any review after the third review
- Development construction inspection fee
  - 0 to 0.5 acres, \$800
  - 0.501 acres to 4.99 acres, \$1,200
  - 4.991 acres and up, \$2,500 plus \$1,133 per additional acre above 4.991 acres

Engineering and Community Development staff have conducted an analysis of the proposed fees and believe they comply with HB 3492 and allow the City to appropriately cover the cost of services. Staff will collect data over the next six months to determine if any amendments or changes will be needed.

**Fire Department Permits & Inspections**

A Boarding Home Permit and Inspection fee were added in accordance with Ordinance 2023-25, which adopts Boarding Home regulations for the City of Tomball.

Upon approval of the fees presented, a revised copy of the Master Fee Schedule will be posted on the City’s website.

**Origination:** Community Development

**Recommendation:**

Staff recommends approval of Resolution No. 2023-XX

**Party(ies) responsible for placing this item on agenda:** \_\_\_\_\_

**FUNDING (IF APPLICABLE)**

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: \_\_\_\_\_ No: \_\_\_\_\_ If yes, specify Account Number: # \_\_\_\_\_

If no, funds will be transferred from account # \_\_\_\_\_ To account # \_\_\_\_\_

Signed Jessica Rogers 8/16/2023 Approved by \_\_\_\_\_  
Staff Member Date City Manager Date