

**City Council
Staff Agenda Report**

Agenda Item: 9c.

Agenda Subject: Discussion and possible action regarding the calculation and billing method of water and sewer utilities.

<p>Meeting Date: July 20, 2023</p>	<p>Financial Considerations: Depends on rate selection</p> <p>Budgeted: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A</p>	<p>Strategic Vision Pillar:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Financial Stability <input type="checkbox"/> Appearance of City <input checked="" type="checkbox"/> Operations Excellence <input type="checkbox"/> Infrastructure Improvements/Upgrade <input checked="" type="checkbox"/> Building Positive Image <input type="checkbox"/> Economic Development <input type="checkbox"/> Educational Excellence
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Background Information: This item continues the discussion council started at the June 22, 2023 work session. That discussion was about how the city calculates customer water and sewer rates with the first 2,000 gallons being included in the minimum charge and the city’s volume rate calculation beginning at 2,001 gallons. Because the city purchases water from Fort Worth and Arlington, this method results in days’ worth of reconciliations for staff to ensure DWG is billed accurately for services, but more importantly, with the current rate calculation, the city cannot ensure billed volume to customers is paying for treated volume from Arlington and Fort Worth. As calculated now, the minimum charge ends up paying for some of the treated volume. The minimum charge should fund operating costs for the city and staff cannot ensure it does with this current calculation. The Finance Director has prepared calculations for summaries for each utility along with proposed rate changes. The proposed rate reduces the minimum charge which was calculated based on investigating the monthly affect to all customers and coming up with a suitable minimum.

Recommended Action/Motion: Provide direction to staff on any changes to the calculation for water and sewer utilities.

Attachments: Residential Water and Sewer Summary Analysis
Commercial Water and Sewer Summary Analysis

RESIDENTIAL WATER ANALYSIS

Consumption Month	DWG BILLED VOLUME GALLONS EXCLUDES 0-2000 GALS	DWG VOLUME ALL GALLONS	DWG Revenue with 0-2000 N/C Gallons \$30 Min, \$4.46/1K	PROPOSED DWG Revenue ALL Gallons \$30 Min, \$4.46/1K	PROPOSED DWG Revenue with reduced minimum rate to account for billing on 0-2000 gallons	PROPOSED Minimum charge rate used to breakeven	Difference Current billing method vs new method with proposed rates	# of accts with Increase	# of accts with decrease	Avg Gallons Used
Jan-23	5,031,977	6,694,081	\$ 50,012.62	\$ 57,425.60	\$ 50,027.65	\$ 21.95	\$ 15.03	766	153	7,284
Feb-23	5,228,957	6,870,450	\$ 50,891.15	\$ 58,212.21	\$ 50,906.16	\$ 22.05	\$ 15.01	757	162	7,476
Mar-23	10,675,841	12,394,203	\$ 75,214.25	\$ 82,878.15	\$ 75,196.15	\$ 21.70	\$ 27.89	818	102	13,472
Apr-23	10,247,669	11,941,922	\$ 73,334.60	\$ 80,890.97	\$ 73,338.77	\$ 21.80	\$ 4.17	797	124	12,966
May-23	12,991,981	14,697,594	\$ 85,514.24	\$ 93,121.27	\$ 85,539.52	\$ 21.75	\$ 25.28	806	113	15,993
Jun-22	30,127,390	31,872,923	\$ 162,118.16	\$ 169,903.24	\$ 162,133.24	\$ 21.60	\$ 15.08	842	83	34,457
Jul-22	40,918,339	42,693,909	\$ 210,245.79	\$ 218,164.83	\$ 210,256.08	\$ 21.45	\$ 10.29	866	59	46,156
Aug-22	15,718,943	17,456,411	\$ 97,796.49	\$ 105,545.59	\$ 97,838.54	\$ 21.65	\$ 42.06	827	96	18,913
Sep-22	21,519,814	23,259,067	\$ 123,698.37	\$ 131,455.44	\$ 123,740.04	\$ 21.65	\$ 41.67	826	98	25,172
Oct-22	14,729,212	16,475,787	\$ 93,232.29	\$ 101,022.01	\$ 93,264.91	\$ 21.55	\$ 32.62	836	82	17,947
Nov-22	5,217,833	6,868,964	\$ 50,961.54	\$ 58,325.58	\$ 50,987.73	\$ 22.05	\$ 26.19	766	157	7,442
Dec-22	8,784,598	10,502,751	\$ 66,899.31	\$ 74,562.27	\$ 66,939.27	\$ 21.75	\$ 39.96	828	96	22,709
TOTALS	181,192,554	201,728,062	\$ 1,139,918.81	\$ 1,231,507.16	\$ 1,140,168.06	\$ 21.70	\$ 295.25	9,735	1,325	19,166

PROPOSED RATES	
# OF ACCTS	11,060
Minimum Charge	\$ 21.70
Min Chrg Rev	\$ 240,002.00
Volume ALL	201,728,062
Vol Rate / 1K	\$ 4.46
Volume Rev	\$ 899,707.16
Total Revenue	\$ 1,139,709.16

CURRENT RATES	
# OF ACCTS	11,060
Minimum Charge	\$ 30.00
Min Chrg Rev	\$ 331,800.00
Vol 2001-9999999	181,192,554
Vol Rate / 1K	\$ 4.46
Volume Rev	\$ 808,118.79
Total Revenue	\$ 1,139,918.79

\$(209.63)

SAMPLE WATER BILL-CURRENT RATES	
Volume Gallons	19,000
Billed Volume	17,000
Vol Rate \$4.46/1K	\$ 75.82
Minimum Charge	\$ 30.00
Total Charge	\$ 105.82

SAMPLE WATER BILL-CURRENT RATES	
Volume Gallons	2,000
Billed Volume	-
Vol Rate \$4.46/1K	\$ -
Minimum Charge	\$ 30.00
Total Charge	\$ 30.00

SAMPLE WATER BILL-PROPOSED RATES		Proposed vs Current	
Volume Gallons	19,000		
Billed Volume	19,000		
Vol Rate \$4.46/1K	\$ 84.74		
Minimum Charge	\$ 21.70		
Total Charge	\$ 106.44	\$ 0.62	1%

SAMPLE WATER BILL-CURRENT RATES		Proposed vs Current	
Volume Gallons	2,000		
Billed Volume	2,000		
Vol Rate \$4.46/1K	\$ 8.92		
Minimum Charge	\$ 21.70		
Total Charge	\$ 30.62	\$ 0.62	2%

RESIDENTIAL SEWER ANALYSIS

Consumption Month	DWG BILLED VOLUME GALLONS EXCLUDES 0-2000 GALS AND INCLUDES 15,000 CAP	CITY OF ARLINGTON BILLS FOR 0-13,000 GALLONS	DWG Revenue with 0-2000 N/C Gallons up to a 15,000 Gallon Cap \$25 Min, \$4.20/1K	PROPOSED DWG Revenue for 0-13,000 Gallons with a 13,000 cap \$25 Min, \$4.20/1K	PROPOSED DWG Revenue with reduced minimum rate to account for billing on 0-2000 gallons	PROPOSED Minimum charge rate used to breakeven	Difference Current billing method vs new method with proposed rates	# of accts with Increase	# of accts with decrease	Avg Gallons Used 0-13,000	City of Arlington Sewer Costs (3.143 + .547) \$3.69/1k for 0-13,000 gals
Jan-23	3,742,037	5,120,912	\$ 37,091.56	\$ 42,882.83	\$ 37,111.58	\$ 18.25	\$ 20.03	642	213	5,989	\$ 18,896.17
Feb-23	3,552,333	4,891,257	\$ 36,269.80	\$ 41,893.28	\$ 36,299.58	\$ 18.45	\$ 29.78	624	230	5,727	\$ 18,048.74
Mar-23	5,728,234	6,820,352	\$ 45,433.58	\$ 50,020.48	\$ 45,446.23	\$ 19.65	\$ 12.65	532	323	7,977	\$ 25,167.10
Apr-23	5,316,514	6,419,586	\$ 43,729.36	\$ 48,362.26	\$ 43,739.86	\$ 19.60	\$ 10.50	532	324	7,500	\$ 23,688.27
May-23	5,939,342	6,914,801	\$ 46,345.24	\$ 50,442.16	\$ 46,376.16	\$ 20.25	\$ 30.93	488	368	8,078	\$ 25,515.62
Jun-22	7,802,659	8,400,834	\$ 54,271.17	\$ 56,783.50	\$ 54,289.50	\$ 22.10	\$ 18.34	312	548	9,768	\$ 30,999.08
Jul-22	8,333,598	8,877,393	\$ 56,526.11	\$ 58,810.05	\$ 56,528.40	\$ 22.35	\$ 2.29	282	579	10,311	\$ 32,757.58
Aug-22	6,541,778	7,402,721	\$ 48,950.47	\$ 52,566.43	\$ 48,958.63	\$ 20.80	\$ 8.16	433	426	8,618	\$ 27,316.04
Sep-22	7,169,647	7,889,899	\$ 51,612.52	\$ 54,637.58	\$ 51,627.58	\$ 21.50	\$ 15.06	369	491	9,174	\$ 29,113.73
Oct-22	6,678,464	7,573,938	\$ 49,374.55	\$ 53,135.54	\$ 49,382.34	\$ 20.60	\$ 7.79	452	401	8,879	\$ 27,947.83
Nov-22	3,501,475	4,861,580	\$ 36,181.19	\$ 41,893.64	\$ 36,181.29	\$ 18.35	\$ 0.09	637	222	5,660	\$ 24,455.01
Dec-22	5,404,968	6,627,374	\$ 44,200.87	\$ 49,334.97	\$ 44,217.97	\$ 19.05	\$ 17.11	594	266	7,706	\$ 24,455.01
TOTALS	69,711,049	81,800,647	\$ 549,986.41	\$ 600,762.72	\$ 550,159.12	\$ 20.10	\$ 172.73	5,897	4,391	7,949	\$ 308,360.17

PROPOSED RATES	
# OF ACCTS	10,288
Minimum Charge	\$ 20.10
Min Chrg Rev	\$ 206,788.80
Vol 0-13,000	81,800,647
Vol Rate / 1K	\$ 4.20
Volume Rev	\$ 343,562.72
Total Revenue	\$ 550,351.52
Arl Swr Cost	\$ 308,360.17
Net Revenue	\$ 241,991.35
Volume Rev	\$ 343,562.72
Arl Swr Cost	\$ (308,360.17)
Net Volume Rev	\$ 35,202.55
Min Chrg Rev	\$ 206,788.80
Revenue available for operating expenses	\$ 241,991.35

CURRENT RATES	
# OF ACCTS	10,288
Minimum Charge	\$ 25.00
Min Chrg Rev	\$ 257,200.00
Vol 2001-15,000	69,711,049
Vol Rate / 1K	\$ 4.20
Volume Rev	\$ 292,786.41
Total Revenue	\$ 549,986.41
Arl Swr Cost	\$ 308,360.17
Net Revenue	\$ 241,626.24
Volume Rev	\$ 292,786.41
Arl Swr Cost	\$ (308,360.17)
Net Volume Rev	\$ (15,573.76)
Min Chrg Rev	\$ 257,200.00
Revenue available for operating expenses	\$ 241,626.24

\$ 365.11

\$ 365.11

SAMPLE SEWER BILL-CURRENT RATES	
Volume Gallons	8,000
Billed Volume	6,000
Vol Rate \$4.20/1K	\$ 25.20
Minimum Charge	\$ 25.00
Total Charge	\$ 50.20

SAMPLE SEWER BILL-CURRENT RATES	
Volume Gallons	2,000
Billed Volume	-
Vol Rate \$4.20/1K	\$ -
Minimum Charge	\$ 25.00
Total Charge	\$ 25.00

SAMPLE SEWER BILL-PROPOSED RATES		Proposed vs Current	
Volume Gallons	8,000		
Billed Volume	8,000		
Vol Rate \$4.20/1K	\$ 33.60		
Minimum Charge	\$ 20.10		
Total Charge	\$ 53.70	\$ 3.50	7%

SAMPLE SEWER BILL-CURRENT RATES		Proposed vs Current	
Volume Gallons	2,000		
Billed Volume	2,000		
Vol Rate \$4.20/1K	\$ 8.40		
Minimum Charge	\$ 20.10		
Total Charge	\$ 28.50	\$ 3.50	14%

COMMERCIAL WATER ANALYSIS

Consumption Month	DWG BILLED VOLUME GALLONS EXCLUDES 0-2000 GALS	DWG VOLUME ALL GALLONS	DWG Revenue with 0-2000 N/C Gallons \$55 Min, \$4.46/1K	PROPOSED DWG Revenue ALL Gallons \$55 Min, \$4.46/1K	PROPOSED DWG Revenue with reduced minimum rate to account for billing on 0-2000 gallons	PROPOSED Minimum charge rate used to breakeven	Difference Current billing method vs new method with proposed rates	# of accts with Increase	# of accts with decrease	Avg Gallons Used
Jan-23	863,410	1,048,433	\$ 12,045.81	\$ 12,871.01	\$ 12,051.51	\$ 49.50	\$ 5.70	83	66	7,036
Feb-23	1,005,328	1,192,812	\$ 12,513.76	\$ 13,349.94	\$ 12,513.76	\$ 49.30	\$ 3.98	86	60	8,170
Mar-23	1,396,735	1,597,585	\$ 14,204.44	\$ 15,100.23	\$ 14,208.48	\$ 48.85	\$ 4.04	91	54	11,018
Apr-23	1,619,024	1,805,656	\$ 15,195.85	\$ 16,028.23	\$ 15,201.73	\$ 49.30	\$ 5.88	82	63	12,453
May-23	1,452,404	1,645,475	\$ 14,947.72	\$ 15,808.82	\$ 14,954.12	\$ 49.45	\$ 6.40	86	68	10,685
Jun-22	2,330,750	2,535,575	\$ 18,480.15	\$ 19,393.66	\$ 18,482.26	\$ 48.80	\$ 2.12	95	52	17,249
Jul-22	3,678,437	3,897,414	\$ 25,545.83	\$ 25,522.47	\$ 24,553.07	\$ 48.45	\$ 7.24	102	46	26,334
Aug-22	2,138,351	2,341,621	\$ 17,677.05	\$ 18,853.63	\$ 17,680.83	\$ 48.90	\$ 3.78	91	57	15,822
Sep-22	2,051,774	2,249,122	\$ 17,235.91	\$ 18,116.08	\$ 17,241.43	\$ 49.05	\$ 5.52	89	58	15,300
Oct-22	2,741,165	2,948,089	\$ 20,365.60	\$ 21,288.48	\$ 20,370.88	\$ 48.80	\$ 5.28	96	52	19,920
Nov-22	1,089,733	1,274,793	\$ 12,890.21	\$ 13,715.58	\$ 12,890.68	\$ 49.35	\$ 0.47	81	65	8,731
Dec-22	1,117,689	1,314,877	\$ 13,014.89	\$ 13,894.35	\$ 13,018.35	\$ 49.00	\$ 3.46	90	56	9,006
TOTALS	21,484,800	23,851,452	\$ 194,117.22	\$ 203,942.48	\$ 193,167.10	\$ 49.10	\$ 53.87	1,072	697	13,477

PROPOSED RATES	
# OF ACCTS	1,769
Minimum Charge	\$ 49.10
Min Chrg Rev	\$ 86,857.90
Volume ALL	23,851,452
Vol Rate / 1K	\$ 4.46
Volume Rev	\$ 106,377.48
Total Revenue	\$ 193,235.38

CURRENT RATES	
# OF ACCTS	1,769
Minimum Charge	\$ 55.00
Min Chrg Rev	\$ 97,295.00
Vol 2001-9999999	21,484,800
Vol Rate / 1K	\$ 4.46
Volume Rev	\$ 95,822.21
Total Revenue	\$ 193,117.21

\$ 118.17

SAMPLE WATER BILL-CURRENT RATES	
Volume Gallons	13,000
Billed Volume	11,000
Vol Rate \$4.46/1K	\$ 49.06
Minimum Charge	\$ 55.00
Total Charge	\$ 104.06

SAMPLE WATER BILL-CURRENT RATES	
Volume Gallons	2,000
Billed Volume	-
Vol Rate \$4.46/1K	\$ -
Minimum Charge	\$ 55.00
Total Charge	\$ 55.00

SAMPLE WATER BILL-PROPOSED RATES		Proposed vs Current	
Volume Gallons	13,000		
Billed Volume	13,000		
Vol Rate \$4.46/1K	\$ 57.98		
Minimum Charge	\$ 49.10		
Total Charge	\$ 107.08	\$ 3.02	3%

SAMPLE WATER BILL-CURRENT RATES		Proposed vs Current	
Volume Gallons	2,000		
Billed Volume	2,000		
Vol Rate \$4.46/1K	\$ 8.92		
Minimum Charge	\$ 49.10		
Total Charge	\$ 58.02	\$ 3.02	5%

COMMERCIAL SEWER ANALYSIS

Consumption Month	DWG BILLED VOLUME GALLONS EXCLUDES 0-2000 GALS	CITY OF ARLINGTON BILLS FOR ALL GALLONS	DWG Revenue with 0-2000 N/C Gallons \$55 Min, \$4.20/1K	PROPOSED DWG Revenue for ALL gallons \$55 Min, \$4.20/1K	PROPOSED DWG Revenue with reduced minimum rate to account for billing on 0-2000 gallons	Proposed Minimum charge rate used to breakeven	Difference Current billing method vs new method with proposed rates	# of accts with Increase	# of accts with decrease	Avg Gallons Used ALL	City of Arlington Sewer Costs (3.143 + .547) \$3.69/1k
Jan-23	736,014	906,607	\$ 10,186.26	\$ 10,902.75	\$ 10,193.25	\$ 49.50	\$ 6.99	72	57	7,028	\$ 3,345.38
Feb-23	886,078	1,054,776	\$ 10,706.53	\$ 11,415.06	\$ 10,710.21	\$ 49.45	\$ 3.68	76	51	8,305	\$ 3,892.12
Mar-23	1,187,137	1,365,406	\$ 11,915.98	\$ 12,664.71	\$ 11,921.31	\$ 49.10	\$ 5.33	80	46	10,836	\$ 5,038.35
Apr-23	1,195,431	1,362,626	\$ 11,950.81	\$ 12,653.03	\$ 11,953.73	\$ 49.45	\$ 2.92	72	54	10,814	\$ 5,028.09
May-23	1,079,547	1,254,041	\$ 11,904.10	\$ 12,636.97	\$ 11,906.67	\$ 49.55	\$ 2.57	77	57	9,359	\$ 4,627.41
Jun-22	1,798,273	1,979,683	\$ 14,592.75	\$ 15,354.67	\$ 14,593.07	\$ 49.05	\$ 0.32	82	46	15,466	\$ 7,305.03
Jul-22	2,678,253	2,869,219	\$ 18,343.66	\$ 19,145.72	\$ 18,345.92	\$ 48.80	\$ 2.26	88	41	22,242	\$ 10,587.42
Aug-22	1,581,341	1,760,431	\$ 13,736.63	\$ 14,488.81	\$ 13,740.61	\$ 49.20	\$ 3.98	79	50	13,647	\$ 6,495.99
Sep-22	1,554,069	1,731,348	\$ 13,567.09	\$ 14,311.66	\$ 13,569.26	\$ 49.20	\$ 2.17	79	49	13,526	\$ 6,388.67
Oct-22	2,322,647	2,511,272	\$ 16,850.12	\$ 17,642.34	\$ 16,855.44	\$ 48.90	\$ 5.33	86	43	19,467	\$ 9,266.59
Nov-22	939,277	1,110,624	\$ 10,929.96	\$ 11,649.62	\$ 10,932.07	\$ 49.35	\$ 2.11	72	55	8,745	\$ 4,098.20
Dec-22	979,839	1,160,437	\$ 11,100.32	\$ 11,858.84	\$ 4,115.32	\$ 49.05	\$ 2.86	82	45	9,137	\$ 4,282.01
TOTALS	16,937,906	19,066,470	\$ 155,784.21	\$ 164,724.18	\$ 148,836.86	\$ 49.20	\$ 40.52	945	594	12,381	\$ 70,355.26

PROPOSED RATES	
# OF ACCTS	1,539
Minimum Charge	\$ 49.20
Min Chrg Rev	\$ 75,718.80
Vol 0-13,000	19,066,470
Vol Rate / 1K	\$ 4.20
Volume Rev	\$ 80,079.17
Total Revenue	\$ 155,797.97
Arl Swr Cost	\$ 70,355.26
Net Revenue	\$ 85,442.71
Volume Rev	\$ 80,079.17
Arl Swr Cost	\$ (70,355.26)
Net Volume Rev	\$ 9,723.91
Min Chrg Rev	\$ 75,718.80
Revenue available for operating expenses	\$ 85,442.71

CURRENT RATES	
# OF ACCTS	1,539
Minimum Charge	\$ 55.00
Min Chrg Rev	\$ 84,645.00
Vol 2001-15,000	16,937,906
Vol Rate / 1K	\$ 4.20
Volume Rev	\$ 71,139.21
Total Revenue	\$ 155,784.21
Arl Swr Cost	\$ 70,355.26
Net Revenue	\$ 85,428.95
Volume Rev	\$ 71,139.21
Arl Swr Cost	\$ (70,355.26)
Net Volume Rev	\$ 783.95
Min Chrg Rev	\$ 84,645.00
Revenue available for operating expenses	\$ 85,428.95

\$ 13.77
\$ 13.77

SAMPLE SEWER BILL-CURRENT RATES	
Volume Gallons	12,000
Billed Volume	10,000
Vol Rate \$4.20/1K	\$ 42.00
Minimum Charge	\$ 55.00
Total Charge	\$ 97.00

SAMPLE SEWER BILL-CURRENT RATES	
Volume Gallons	2,000
Billed Volume	-
Vol Rate \$4.20/1K	\$ -
Minimum Charge	\$ 55.00
Total Charge	\$ 55.00

SAMPLE SEWER BILL-PROPOSED RATES		Proposed vs Current	
Volume Gallons	12,000		
Billed Volume	12,000		
Vol Rate \$4.20/1K	\$ 50.40		
Minimum Charge	\$ 49.20		
Total Charge	\$ 99.60	\$ 2.60	3%

SAMPLE SEWER BILL-CURRENT RATES		Proposed vs Current	
Volume Gallons	2,000		
Billed Volume	2,000		
Vol Rate \$4.20/1K	\$ 8.40		
Minimum Charge	\$ 49.20		
Total Charge	\$ 57.60	\$ 2.60	5%

**City Council
Staff Agenda Report**

Agenda Item: 9d.

Agenda Subject: Discussion and possible action on City platting processes and requirements.		
Meeting Date: July 20, 2023	Financial Considerations: Budgeted: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Strategic Vision Pillar: <input type="checkbox"/> Financial Stability <input checked="" type="checkbox"/> Appearance of City <input checked="" type="checkbox"/> Operations Excellence <input type="checkbox"/> Infrastructure Improvements/Upgrade <input checked="" type="checkbox"/> Building Positive Image <input type="checkbox"/> Economic Development <input type="checkbox"/> Educational Excellence

Background Information: Staff was asked to add an item to this agenda to discuss when each type of plat would be used for each land division circumstance. Because of the existing plat process and also because of new legislation, staff has broadened the agenda item to allow discussion and action for the platting process and requirements as a whole. The city attorney will be providing more information at the meeting about new legislation and how it will require the city to potentially be even more lenient with land division and make changes to city ordinances.

Because of the recent “shot clock” rules for platting, plats are on a more stringent timeline to be approved within a specific time frame. If it is determined a plat meets state law and city ordinance, the plat shall be approved by law. When plat applications are received by staff, staff then works with the city engineer to determine what type of plat should be submitted. Staff has even puts preliminary and final plats concurrently on one agenda with engineering consultation as it’s considered applicant-friendly. What is important is that all ordinance and state law requirements are reflected on the proposed plat, regardless of the type of plat submitted.

Because state law requires the city to process plats as quickly as possible, staff works with council members outside of the council meeting to get questions answered before council votes. In this, staff is trying to accommodate council’s concerns but also abide by legal mandates. Some of the items questioned on previous plats, although they correct grammatical errors or inconsistencies, they do not affect the division of land per state law and city guidelines. Staff is providing a marked plat from a previously conditionally approved plat. Staff has highlighted certain comments from the city engineer showing why they made the determinations they did, and also including council’s motion from the June 15, 2023 meeting. From what the city engineer states, some of what is questioned is outside of what state board rules require him to question.

Staff is looking for feedback from council as a whole on how to process plats in the future with the end goal being to reduce time and resources on plats and meet approval guidelines set by law.

Recommended Action/Motion: Provide direction by way of motion on the platting process and any necessary ordinance changes, per city attorney guidance.

- Attachments:** State Law
 HB 3699
 Engineering Comments
 Marked Plat

STATE LAW ON PLATTING

LOCAL GOVERNMENT CODE

TITLE 7. REGULATION OF LAND USE, STRUCTURES, BUSINESSES, AND RELATED ACTIVITIES

SUBTITLE A. MUNICIPAL REGULATORY AUTHORITY

CHAPTER 212. MUNICIPAL REGULATION OF SUBDIVISIONS AND PROPERTY DEVELOPMENT

SUBCHAPTER A. REGULATION OF SUBDIVISIONS

The following section was amended by the 88th Legislature. Pending publication of the current statutes, see H.B. [3699](#), 88th Legislature, Regular Session, for amendments affecting the following section.

Sec. 212.001. DEFINITIONS. In this subchapter:

(1) "Extraterritorial jurisdiction" means a municipality's extraterritorial jurisdiction as determined under Chapter [42](#), except that for a municipality that has a population of 5,000 or more and is located in a county bordering the Rio Grande River, "extraterritorial jurisdiction" means the area outside the municipal limits but within five miles of those limits.

(2) "Plan" means a subdivision development plan, including a subdivision plan, subdivision construction plan, site plan, land development application, and site development plan.

(3) "Plat" includes a preliminary plat, general plan, final plat, and replat.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 1, Sec. 46(b), eff. Aug. 28, 1989.

Amended by: Acts 2019, 86th Leg., R.S., Ch. 951 (H.B. [3167](#)), Sec. 1, eff. September 1, 2019.

Sec. 212.002. RULES. After a public hearing on the matter, the governing body of a municipality may adopt rules governing plats and subdivisions of land within the municipality's jurisdiction to promote the health, safety, morals, or general welfare of the municipality and the safe, orderly, and healthful development of the municipality.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Sec. 212.004. PLAT REQUIRED. (a) The owner of a tract of land located within the limits or in the extraterritorial jurisdiction of a municipality who divides the tract in two or more parts to lay out a subdivision of the tract, including an addition to a municipality, to lay out suburban, building, or other lots, or to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts must have a plat of the subdivision prepared. A division of a tract under this subsection includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method. A division of land under this subsection does not include a division of land into parts greater than five acres, where each part has access and no public improvement is being dedicated.

(b) To be recorded, the plat must:

(1) describe the subdivision by metes and bounds;

(2) locate the subdivision with respect to a corner of the survey or tract or an original corner of the original survey of which it is a part; and

(3) state the dimensions of the subdivision and of each street, alley, square, park, or other part of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, alley, square, park, or other part.

(c) The owner or proprietor of the tract or the owner's or proprietor's agent must acknowledge the plat in the manner required for the acknowledgment of deeds.

(d) The plat must be filed and recorded with the county clerk of the county in which the tract is located.

(e) The plat is subject to the filing and recording provisions of Section [12.002](#), Property Code.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 1, Sec. 46(b), eff. Aug. 28, 1989; Acts 1989, 71st Leg., ch. 624, Sec. 3.02, eff. Sept. 1, 1989; Acts 1993, 73rd Leg., ch. 1046, Sec. 1, eff. Aug. 30, 1993.

Sec. 212.0045. EXCEPTION TO PLAT REQUIREMENT: MUNICIPAL DETERMINATION. (a) To determine whether specific divisions of land are required to be platted, a municipality may define and classify the divisions. A municipality need not require platting for every division of land otherwise within the scope of this subchapter.

(b) In lieu of a plat contemplated by this subchapter, a municipality may require the filing of a development plat under Subchapter B if that subchapter applies to the municipality.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 46(b), eff. Aug. 28, 1989.

The following section was amended by the 88th Legislature. Pending publication of the current statutes, see H.B. [3699](#), 88th Legislature, Regular Session, for amendments affecting the following section.

Sec. 212.005. APPROVAL BY MUNICIPALITY REQUIRED. The municipal authority responsible for approving plats must approve a plat or replat that is required to be prepared under this subchapter and that satisfies all applicable regulations.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 1, Sec. 46(b), eff. Aug. 28, 1989; Acts 1993, 73rd Leg., ch. 1046, Sec. 2, eff. Aug. 30, 1993.

Sec. 212.006. AUTHORITY RESPONSIBLE FOR APPROVAL GENERALLY. (a) The municipal authority responsible for approving plats under this subchapter is the municipal planning commission or, if the municipality has no planning commission, the governing body of the municipality. The governing body by ordinance may require the approval of the governing body in addition to that of the municipal planning commission.

(b) In a municipality with a population of more than 1.5 million, at least two members of the municipal planning commission, but not more than 25 percent of the membership of the commission, must be residents of the area outside the limits of the municipality and in which the municipality exercises its authority to approve subdivision plats.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 1, Sec. 46(b), eff. Aug. 28, 1989.

The following section was amended by the 88th Legislature. Pending publication of the current statutes, see H.B. [3699](#), 88th Legislature, Regular Session, for amendments affecting the following section.

Sec. 212.0065. DELEGATION OF APPROVAL RESPONSIBILITY. (a) The governing body of a municipality may delegate to one or more officers or employees of the municipality or of a utility owned or operated by the municipality the ability to approve:

- (1) amending plats described by Section [212.016](#);
- (2) minor plats or replats involving four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities; or
- (3) a replat under Section [212.0145](#) that does not require the creation of any new street or the extension of municipal facilities.

(b) The designated person or persons may, for any reason, elect to present the plat for approval to the municipal authority responsible for approving plats.

(c) The person or persons shall not disapprove the plat and shall be required to refer any plat which the person or persons refuse to approve to the municipal authority responsible for approving plats within the time period specified in Section [212.009](#).

Added by Acts 1989, 71st Leg., ch. 345, Sec. 1, eff. Aug. 28, 1989. Amended by Acts 1995, 74th Leg., ch. 92, Sec. 1, eff. Aug. 28, 1995; Acts 1997, 75th Leg., ch. 566, Sec. 1, eff. June 2, 1997; Acts 1999, 76th Leg., ch. 1130, Sec. 2, eff. June 18, 1999; Acts 2001, 77th Leg., ch. 402, Sec. 13, eff. Sept. 1, 2001.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 316 (H.B. [2281](#)), Sec. 1, eff. June 15, 2007.

Sec. 212.008. APPLICATION FOR APPROVAL. A person desiring approval of a plat must apply to and file a copy of the plat with the municipal planning commission or, if the municipality has no planning commission, the governing body of the municipality.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Sec. 212.0085. APPROVAL PROCEDURE: APPLICABILITY. The approval procedures under this subchapter apply to a municipality regardless of whether the municipality has entered into an interlocal agreement, including an interlocal agreement between a municipality and county under Section [242.001](#)(d).

Added by Acts 2019, 86th Leg., R.S., Ch. 951 (H.B. [3167](#)), Sec. 2, eff. September 1, 2019.

Sec. 212.009. APPROVAL PROCEDURE: INITIAL APPROVAL. (a) The municipal authority responsible for approving plats shall approve, approve with conditions, or disapprove a plan or plat within 30 days after the date the plan or plat is filed. A plan or plat is approved by the municipal authority unless it is disapproved within that period and in accordance with Section [212.0091](#).

(b) If an ordinance requires that a plan or plat be approved by the governing body of the municipality in addition to the planning commission, the governing body shall approve, approve with conditions, or disapprove the plan or plat within 30 days after the date the plan or plat is approved by the planning commission or is approved by the inaction of the commission. A plan or plat is approved by the governing body unless it is disapproved within that period and in accordance with Section [212.0091](#).

(b-1) Notwithstanding Subsection (a) or (b), if a groundwater availability certification is required under Section [212.0101](#), the 30-day period described by those subsections begins on the date the applicant submits the groundwater availability certification to the municipal authority responsible for approving plats or the governing body of the municipality, as applicable.

(b-2) Notwithstanding Subsection (a) or (b), the parties may extend the 30-day period described by those subsections for a period not to exceed 30 days if:

(1) the applicant requests the extension in writing to the municipal authority responsible for approving plats or the governing body of the municipality, as applicable; and

(2) the municipal authority or governing body, as applicable, approves the extension request.

(c) If a plan or plat is approved, the municipal authority giving the approval shall endorse the plan or plat with a certificate indicating the approval. The certificate must be signed by:

- (1) the authority's presiding officer and attested by the authority's secretary; or
- (2) a majority of the members of the authority.

(d) If the municipal authority responsible for approving plats fails to approve, approve with conditions, or disapprove a plan or plat within the prescribed period, the authority on the applicant's request shall issue a certificate stating the date the plan or plat was filed and that the authority failed to act on the plan or plat within the period. The certificate is effective in place of the endorsement required by Subsection (c).

(e) The municipal authority responsible for approving plats shall maintain a record of each application made to the authority and the authority's action taken on it. On request of an owner of an affected tract, the authority shall certify the reasons for the action taken on an application.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 951 (H.B. [3167](#)), Sec. 3, eff. September 1, 2019.

Acts 2019, 86th Leg., R.S., Ch. 951 (H.B. [3167](#)), Sec. 4, eff. September 1, 2019.

The following section was amended by the 88th Legislature. Pending publication of the current statutes, see H.B. [3699](#), 88th Legislature, Regular Session, for amendments affecting the following section.

Sec. 212.0091. APPROVAL PROCEDURE: CONDITIONAL APPROVAL OR DISAPPROVAL REQUIREMENTS. (a) A municipal authority or governing body that conditionally approves or disapproves a plan or plat under this subchapter shall provide the applicant a written statement of the conditions for the conditional approval or reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval.

(b) Each condition or reason specified in the written statement:

(1) must:

(A) be directly related to the requirements under this subchapter; and

(B) include a citation to the law, including a statute or municipal ordinance, that is the basis for the conditional approval or disapproval, if applicable; and

(2) may not be arbitrary.

Added by Acts 2019, 86th Leg., R.S., Ch. 951 (H.B. [3167](#)), Sec. 5, eff. September 1, 2019.

Sec. 212.0093. APPROVAL PROCEDURE: APPLICANT RESPONSE TO CONDITIONAL APPROVAL OR DISAPPROVAL. After the conditional approval or disapproval of a plan or plat under Section [212.0091](#), the applicant may submit to the municipal authority or governing body that conditionally approved or disapproved the plan or plat a written response that satisfies each condition for the conditional approval or remedies each reason for disapproval provided. The municipal authority or governing body may not establish a deadline for an applicant to submit the response.

Added by Acts 2019, 86th Leg., R.S., Ch. 951 (H.B. [3167](#)), Sec. 5, eff. September 1, 2019.

The following section was amended by the 88th Legislature. Pending publication of the current statutes, see H.B. [3699](#), 88th Legislature, Regular Session, for amendments affecting the following section.

Sec. 212.0095. APPROVAL PROCEDURE: APPROVAL OR DISAPPROVAL OF RESPONSE.

(a) A municipal authority or governing body that receives a response under Section [212.0093](#) shall determine whether to approve or disapprove the applicant's previously conditionally approved or disapproved plan or plat not later than the 15th day after the date the response was submitted.

(b) A municipal authority or governing body that conditionally approves or disapproves a plan or plat following the submission of a response under Section [212.0093](#):

(1) must comply with Section [212.0091](#); and

(2) may disapprove the plan or plat only for a specific condition or reason provided to the applicant under Section [212.0091](#).

(c) A municipal authority or governing body that receives a response under Section [212.0093](#) shall approve a previously conditionally approved or disapproved plan or plat if the response adequately addresses each condition of the conditional approval or each reason for the disapproval.

(d) A previously conditionally approved or disapproved plan or plat is approved if:

(1) the applicant filed a response that meets the requirements of Subsection (c); and

(2) the municipal authority or governing body that received the response does not disapprove the plan or plat on or before the date required by Subsection (a) and in accordance with Section [212.0091](#).

Added by Acts 2019, 86th Leg., R.S., Ch. 951 (H.B. [3167](#)), Sec. 5, eff. September 1, 2019.

The following section was amended by the 88th Legislature. Pending publication of the current statutes, see H.B. [3699](#), 88th Legislature, Regular Session, for amendments affecting the following section.

Sec. 212.0096. APPROVAL PROCEDURE: ALTERNATIVE APPROVAL PROCESS. (a) Notwithstanding Sections [212.009](#), [212.0091](#), [212.0093](#), and [212.0095](#), an applicant may elect at any time to seek approval for a plan or plat under an alternative approval process adopted by a municipality if the process allows for a shorter approval period than the approval process described by Sections [212.009](#), [212.0091](#), [212.0093](#), and [212.0095](#).

(b) An applicant that elects to seek approval under the alternative approval process described by Subsection (a) is not:

- (1) required to satisfy the requirements of Sections [212.009](#), [212.0091](#), [212.0093](#), and [212.0095](#) before bringing an action challenging a disapproval of a plan or plat under this subchapter; and
- (2) prejudiced in any manner in bringing the action described by Subdivision (1), including satisfying a requirement to exhaust any and all remedies.

Added by Acts 2019, 86th Leg., R.S., Ch. 951 (H.B. [3167](#)), Sec. 5, eff. September 1, 2019.

Sec. 212.0097. APPROVAL PROCEDURE: WAIVER PROHIBITED. A municipal authority responsible for approving plats or the governing body of a municipality may not request or require an applicant to waive a deadline or other approval procedure under this subchapter.

Added by Acts 2019, 86th Leg., R.S., Ch. 951 (H.B. [3167](#)), Sec. 5, eff. September 1, 2019.

The following section was amended by the 88th Legislature. Pending publication of the current statutes, see H.B. [3699](#), 88th Legislature, Regular Session, for amendments affecting the following section.

Sec. 212.0099. JUDICIAL REVIEW OF DISAPPROVAL. In a legal action challenging a disapproval of a plan or plat under this subchapter, the municipality has the burden of proving by clear and convincing evidence that the disapproval meets the requirements of this subchapter or any applicable case law. The court may not use a deferential standard.

Added by Acts 2019, 86th Leg., R.S., Ch. 951 (H.B. [3167](#)), Sec. 5, eff. September 1, 2019.

Sec. 212.010. STANDARDS FOR APPROVAL. (a) The municipal authority responsible for approving plats shall approve a plat if:

- (1) it conforms to the general plan of the municipality and its current and future streets, alleys, parks, playgrounds, and public utility facilities;
- (2) it conforms to the general plan for the extension of the municipality and its roads, streets, and public highways within the municipality and in its extraterritorial jurisdiction, taking into account access to and extension of sewer and water mains and the instrumentalities of public utilities;
- (3) a bond required under Section [212.0106](#), if applicable, is filed with the municipality; and
- (4) it conforms to any rules adopted under Section [212.002](#).

(b) However, the municipal authority responsible for approving plats may not approve a plat unless the plat and other documents have been prepared as required by Section [212.0105](#), if applicable.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 624, Sec. 3.01, eff. Sept. 1, 1989.

H.B. No. 3699

AN ACT

relating to municipal regulation of subdivisions and approval of subdivision plans or plats.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 212.001(2) and (3), Local Government Code, are amended to read as follows:

(2) [~~"Plan" means a subdivision development plan, including a subdivision plan, subdivision construction plan, site plan, land development application, and site development plan.~~

~~[(3)]~~ "Plat" includes a preliminary plat, ~~[general plan,]~~ final plat, and replat.

SECTION 2. Subchapter A, Chapter 212, Local Government Code, is amended by adding Section 212.0015 to read as follows:

Sec. 212.0015. CONSTRUCTION OF SUBCHAPTER. This subchapter may not be construed to restrict a municipality from establishing a submittal calendar to be used by an applicant to facilitate compliance with the approval process described by Sections 212.009, 212.0091, 212.0093, and 212.0095.

SECTION 3. Subchapter A, Chapter 212, Local Government Code, is amended by adding Section 212.0021 to read as follows:

Sec. 212.0021. SUBDIVISION REQUIREMENTS. The governing body of a

municipality, by ordinance and after notice is published in a newspaper of general circulation in the municipality, may:

(1) adopt, based on the amount and kind of travel over each street or road in a subdivision, reasonable specifications relating to the construction of each street or road; and

(2) adopt reasonable specifications to provide adequate drainage for each street or road in a subdivision in accordance with standard engineering practices.

SECTION 4. Section 212.004, Local Government Code, is amended by amending Subsections (a) and (b) and adding Subsections (f) and (g) to read as follows:

(a) The owner of a tract of land located within the limits or in the extraterritorial jurisdiction of a municipality who divides the tract in two or more parts to lay out a subdivision of the tract, including an addition to a municipality, to lay out suburban, building, or other lots, or to lay out streets, alleys, squares, parks, or other parts of the tract intended by the owner of the tract to be dedicated to public use [~~or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts~~] must have a plat of the subdivision prepared. A division of a tract under this subsection includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method. A division of land under this subsection does not include a division of land into parts greater than five acres, where each part has access and no public improvement is being dedicated.

(b) To be recorded, the plat must:

(1) describe the subdivision by metes and bounds;

(2) locate the subdivision with respect to a corner of the survey or tract or an original corner of the original survey of which it is a part;

and

(3) state the dimensions of the subdivision and of each street, alley, square, park, or other part of the tract intended by the owner of the tract to be dedicated to public use [~~or for the use of purchasers or owners of lots fronting on or adjacent to the street, alley, square, park, or other part~~].

(f) A plat is considered filed on the date the applicant submits the plat, along with a completed plat application and the application fees and other requirements prescribed by or under this subchapter, to:

(1) the governing body of the municipality; or

(2) the municipal authority responsible for approving plats.

(g) The governing body of a municipality or the municipal authority responsible for approving plats may not require an analysis, study, document, agreement, or similar requirement to be included in or as part of an application for a plat, development permit, or subdivision of land that is not explicitly allowed by state law.

SECTION 5. Section 212.005, Local Government Code, is amended to read as follows:

Sec. 212.005. APPROVAL BY MUNICIPALITY REQUIRED. (a) The municipal authority responsible for approving plats must approve a plat or replat that is required to be prepared under this subchapter and that satisfies the requirements of this subchapter [~~all applicable regulations~~].

(b) This subchapter may not be construed to convey any authority to a municipality regarding the completeness of an application or the approval of a plat or replat that is not explicitly granted by this subchapter.

SECTION 6. Sections 212.0065(a) and (c), Local Government Code, are amended to read as follows:

(a) The governing body of a municipality or the municipal planning commission may delegate to one or more officers or employees of the municipality or of a utility owned or operated by the municipality the

ability to approve, approve with conditions, or disapprove a plat [~~+~~

~~[(1) amending plats described by Section 212.016;~~

~~[(2) minor plats or replats involving four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities; or~~

~~[(3) a replat under Section 212.0145 that does not require the creation of any new street or the extension of municipal facilities].~~

(c) An applicant has the right to appeal to the governing body of the municipality or the municipal planning commission if the designated [~~The~~] person disapproves a [~~or persons shall not disapprove the~~] plat [~~and shall be required to refer any plat which the person or persons refuse to approve to the municipal authority responsible for approving plats within the time period specified in Section 212.009~~].

SECTION 7. Subchapter A, Chapter 212, Local Government Code, is amended by adding Section 212.0081 to read as follows:

Sec. 212.0081. REQUIRED APPLICATION MATERIALS. (a) Each municipality to which this subchapter applies shall adopt and make available to the public a complete, written list of all documentation and other information that the municipality requires to be submitted with a plat application. The required documentation and other information must be related to a requirement authorized under this subchapter.

(b) An application submitted to the municipal authority responsible for approving plats that contains all documents and other information on the list provided under Subsection (a) is considered complete.

(c) A municipality that operates an Internet website shall publish and continuously maintain the list described by Subsection (a) on the Internet website not later than the 30th day after the date the municipality adopts or amends the list.

(d) A municipality that does not operate an Internet website shall publish the list described by Subsection (a) on adoption of the list or an

amendment to the list in:

- (1) a newspaper of general circulation in the municipality; and
- (2) a public place in the location in which the governing body of

the municipality meets.

SECTION 8. Sections 212.009(a), (b), (b-2), (c), and (d), Local Government Code, are amended to read as follows:

(a) The municipal authority responsible for approving plats shall approve, approve with conditions, or disapprove a ~~[plan or]~~ plat within 30 days after the date the ~~[plan or]~~ plat is filed. A ~~[plan or]~~ plat is approved by the municipal authority unless it is disapproved within that period and in accordance with Section 212.0091.

(b) If an ordinance requires that a ~~[plan or]~~ plat be approved by the governing body of the municipality in addition to the planning commission, the governing body shall approve, approve with conditions, or disapprove the ~~[plan or]~~ plat within 30 days after the date the ~~[plan or]~~ plat is approved by the planning commission or is approved by the inaction of the commission. A ~~[plan or]~~ plat is approved by the governing body unless it is disapproved within that period and in accordance with Section 212.0091.

(b-2) Notwithstanding Subsection (a) or (b), the parties shall ~~[may]~~ extend the 30-day period described by those subsections for one or more periods, each ~~[a period]~~ not to exceed 30 days if:

- (1) both:

(A) the applicant requests the extension in writing to the municipal authority responsible for approving plats or the governing body of the municipality, as applicable; and

(B) ~~[(2)]~~ the municipal authority or governing body, as applicable, approves the extension request; or

(2) Chapter 2007, Government Code, requires the municipality to perform a takings impact assessment in connection with the plan or plat.

(c) If a ~~[plan or]~~ plat is approved, the municipal authority giving

the approval shall endorse the [~~plan-or~~] plat with a certificate indicating the approval. The certificate must be signed by:

(1) the authority's presiding officer and attested by the authority's secretary; or

(2) a majority of the members of the authority.

(d) If the municipal authority responsible for approving plats fails to approve, approve with conditions, or disapprove a [~~plan-or~~] plat within the prescribed period, the authority on the applicant's request shall issue a certificate stating the date the [~~plan-or~~] plat was filed and that the authority failed to act on the [~~plan-or~~] plat within the period. The certificate is effective in place of the endorsement required by Subsection (c).

SECTION 9. Section 212.0091(a), Local Government Code, is amended to read as follows:

(a) A municipal authority or governing body that conditionally approves or disapproves a [~~plan-or~~] plat under this subchapter shall provide the applicant a written statement of the conditions for the conditional approval or reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval.

SECTION 10. Sections 212.0093, 212.0095, and 212.0096, Local Government Code, are amended to read as follows:

Sec. 212.0093. APPROVAL PROCEDURE: APPLICANT RESPONSE TO CONDITIONAL APPROVAL OR DISAPPROVAL. After the conditional approval or disapproval of a [~~plan-or~~] plat under Section 212.0091, the applicant may submit to the municipal authority or governing body that conditionally approved or disapproved the [~~plan-or~~] plat a written response that satisfies each condition for the conditional approval or remedies each reason for disapproval provided. The municipal authority or governing body may not establish a deadline for an applicant to submit the response.

Sec. 212.0095. APPROVAL PROCEDURE: APPROVAL OR DISAPPROVAL OF

RESPONSE. (a) A municipal authority or governing body that receives a response under Section 212.0093 shall determine whether to approve or disapprove the applicant's previously conditionally approved or disapproved [~~plan or~~] plat not later than the 15th day after the date the response was submitted.

(b) A municipal authority or governing body that conditionally approves or disapproves a [~~plan or~~] plat following the submission of a response under Section 212.0093:

(1) must comply with Section 212.0091; and

(2) may disapprove the [~~plan or~~] plat only for a specific condition or reason provided to the applicant under Section 212.0091.

(c) A municipal authority or governing body that receives a response under Section 212.0093 shall approve a previously conditionally approved or disapproved [~~plan or~~] plat if the response adequately addresses each condition of the conditional approval or each reason for the disapproval.

(d) A previously conditionally approved or disapproved [~~plan or~~] plat is approved if:

(1) the applicant filed a response that meets the requirements of Subsection (c); and

(2) the municipal authority or governing body that received the response does not disapprove the [~~plan or~~] plat on or before the date required by Subsection (a) and in accordance with Section 212.0091.

Sec. 212.0096. APPROVAL PROCEDURE: ALTERNATIVE APPROVAL PROCESS. (a) Notwithstanding Sections 212.009, 212.0091, 212.0093, and 212.0095, an applicant may elect at any time to seek approval for a [~~plan or~~] plat under an alternative approval process adopted by a municipality if the process allows for a shorter approval period than the approval process described by Sections 212.009, 212.0091, 212.0093, and 212.0095.

(b) An applicant that elects to seek approval under the alternative approval process described by Subsection (a) is not:

(1) required to satisfy the requirements of Sections 212.009, 212.0091, 212.0093, and 212.0095 before bringing an action challenging a disapproval of a [~~plan or~~] plat under this subchapter; and

(2) prejudiced in any manner in bringing the action described by Subdivision (1), including satisfying a requirement to exhaust any and all remedies.

SECTION 11. Section 212.0099, Local Government Code, is amended to read as follows:

Sec. 212.0099. JUDICIAL REVIEW OF DISAPPROVAL. In a legal action challenging a disapproval of a [~~plan or~~] plat under this subchapter, the municipality has the burden of proving by clear and convincing evidence that the disapproval meets the requirements of this subchapter or any applicable case law. The court may not use a deferential standard.

SECTION 12. Section 212.010, Local Government Code, is amended by adding Subsections (c), (d), and (e) to read as follows:

(c) The municipal authority responsible for approving plats may not require the dedication of land within a subdivision for a future street or alley that is:

(1) not intended by the owner of the tract; and

(2) not included, funded, and approved in:

(A) a capital improvement plan adopted by the municipality;

or

(B) a similar plan adopted by a county in which the

municipality is located or the state.

(d) A municipal authority responsible for approving plats may not refuse to review a plat or to approve a plat for recordation for failure to identify a corridor, as defined by Section 201.619, Transportation Code, unless the corridor is part of an agreement between the Texas Department of Transportation and a county in which the municipality is located under that section.

(e) If a municipal authority responsible for approving plats fails or refuses to approve a plat that meets the requirements of this subchapter, the owner of the tract that is the subject of the plat may bring an action in a district court in a county in which the tract is located for a writ of mandamus to compel the municipal authority to approve the plat by issuing to the owner applicable approval documentation. The applicant shall recover reasonable attorney's fees and court costs in the action if the applicant prevails. The municipality may recover reasonable attorney's fees and court costs in the action if the municipality prevails and the court finds the action is frivolous.

SECTION 13. As soon as practicable after the effective date of this Act but not later than January 1, 2024, each municipality shall adopt and publish the list described by Section 212.0081, Local Government Code, as added by this Act.

SECTION 14. The changes in law made by this Act apply only to an application submitted on or after the effective date of this Act. An application submitted before the effective date of this Act is governed by the law applicable to the application immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 15. This Act takes effect September 1, 2023.

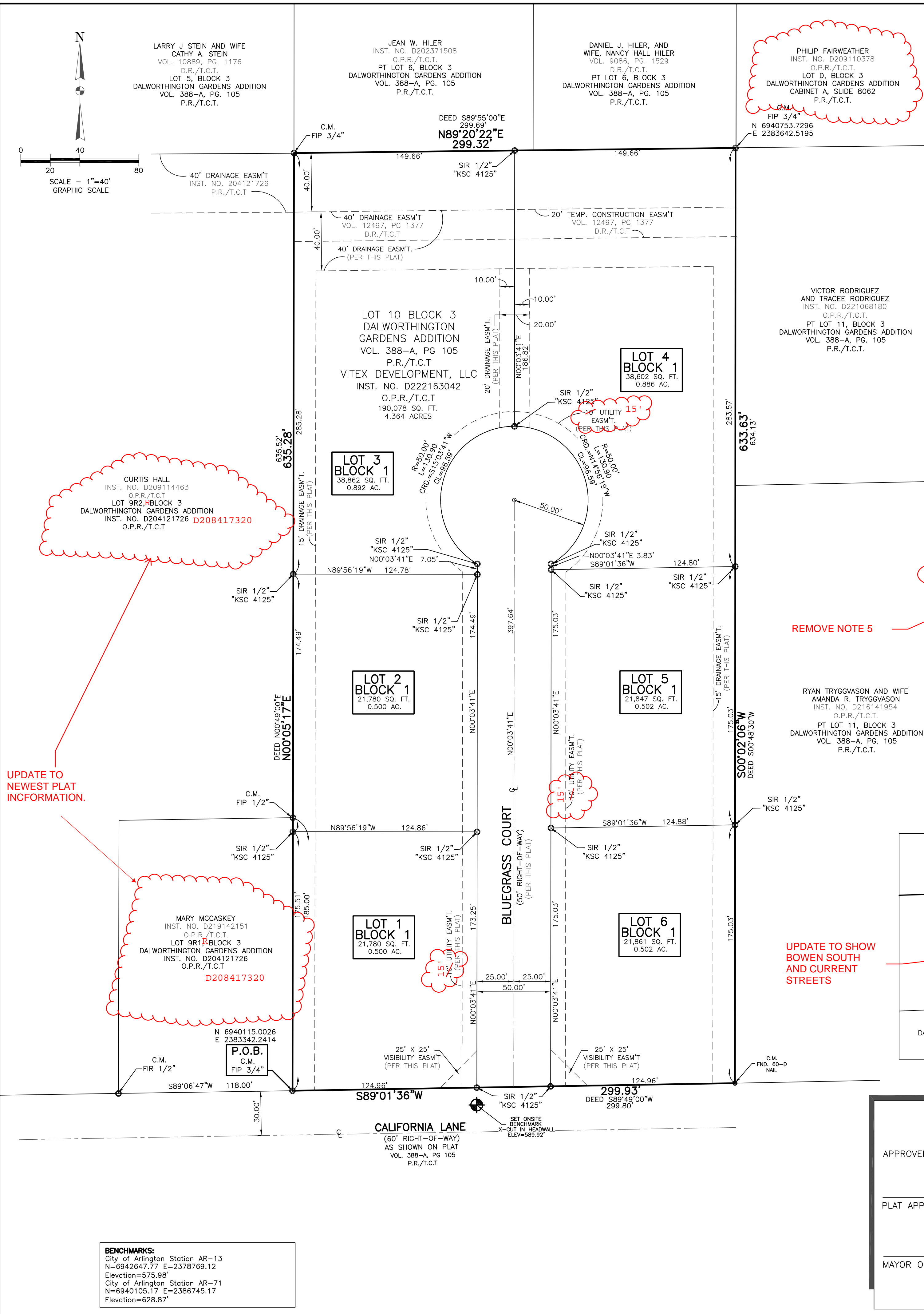
Answers to questions from council:

1. With regards to the west adjoiner being labeled in a manner that reflected the prior replat, I will say that I did look up the information that was provided to make sure that the plat referenced was the proper plat. That information did agree with the plat reference that was given. In addition, the surveyor found a lot corner that appears to agree with the dimensions in that plat that he referenced. Looking at TAD, the lot delineations looked the same as the plat referenced, and I missed the additional “R” that is shown in the lot numbers for Lots 9R1R and Lot 9R2R. I haven’t spoken with the surveyor about this, so I’m not entirely sure if the plat he referenced was due to the corners he was able to recover in the field, or if he had another reason for referencing that plat instead of the newer one. **Our state board rules for surveying state that we are to cite the reference of the document that defines the location of the adjoining boundaries. In other words, what they used to define that boundary that is common with the subject property. I honestly feel that it is not my place to question the surveyor on his boundary decisions, and that the review should end at making sure the technical requirements of the subdivision rules for DWG are being met.**
2. The owner information for Lot D, Block 3 as Philip Fairweather appears to be correct according to TAD. I have performed a search of the deed records and cannot find a deed of conveyance from Fairweather to anyone else for Lot D. The reference to Lot D, Block 3 also appears to be correct, I have attached a copy of the plat that depicts that lot. **I understand you have personal knowledge of a transaction that occurred, however I can’t find anything inconsistent with what the surveyor has labeled on his plat.**
3. I understand that TAD uses labels for tracts that are inconsistent with deed and plat references. This is usually the case when a platted lot has been subdivided by metes and bounds. As an example, the label for the Ryan Tryggvason property is correct in that it references the deed (Inst No D216141954 attached) that describes the property and it is in fact a part of Lot 11, and not Lot 11C as TAD has it labeled. TAD shows the original Lot 11 divided up into five tracts, which they label 11, 11A1, 11B, 11C AND 11D. The TAD labels are a propriety label for taxing identification purposes only, which they use internally. **Please keep in mind that the surveyor is to label deed or plat information reflecting the documents containing descriptions that they relied on when analyzing the boundaries.**
4. As for the process of platting, I determined that the proper process would be a replat since this subdivision is a replat of the original Lot 10 of Dalworthington Gardens (an existing platted lot). In addition, the construction plans that were supplied **showed all of the information that would have been required for a Site Plan/Preliminary Plat**, and so much more.

Council’s motion at the June 15, 2023 meeting:

A motion was made by Mayor Pro Tem Ed Motley and seconded by Council Member Cathy Stein to conditionally approve a replat application from Vitex Developments, LLC for existing Block 3, Lot 10, changing to Eleanor Estates, Block 1, Lots 1-6, with approximate current addresses being 2601 California Lane and 2615 California Lane, Dalworthington Gardens, with the conditions to include

1. changing a 10’ utility easement to 15’,
2. a note of reference to 5 lots be corrected to reflect 6 lots,
3. remove note 5 and the building lines on the final plat,
4. make a suggestion on the extension of the line depicting Bowen on the key map, and
5. to require the engineer ensure historical data and TAD data is correct.



VERIFY CURRENT OWNER

- NOTES:**
- The basis of bearing, coordinates, and elevations for this survey is the Texas State Plane Coordinate System, NAD83, Texas North Central Zone, 4202, based upon GPS measurements, according to the Leica GPS Reference Network. All bearings, distances, and coordinates shown are Geodetic Grid. Vertical Datum (NAVD 88-GEOID 2018)
 - C.M. ~ Denotes Controlling Monuments
 - I have examined the Flood Insurance Rate Map for the City of Dalworthington Gardens, Tarrant County, Texas, Community Panel No. 48439C0335, Suffix K, Map Effective Date: 9-25-2009, Zone "X", and it appears that no part of the subject property lies in any special flood hazard area.
 - The purpose of this plat is to create **six** lots out of one Lot as shown.
 - ~~Existing or future minimum set-backs established by the city ordinance shall take precedence over building lines indicated on this plat.~~
 - Adjoining information shown for informational purposes only and obtained from the Tarrant Central Appraisal District, on-line Information.
 - Gas well was shown on Texas Railroad commission web site. No on the ground evidence observed.
 - The homeowner is responsible for maintaining the drainage easement, and detention pond and its outfall structures that are in his/her portion of the lot. No fences, structures, and any other items obstructing drainage are allowed in the easement.

REMOVE NOTE 5

UPDATE TO SHOW BOWEN SOUTH AND CURRENT STREETS

UPDATE TO NEWEST PLAT INFORMATION.

DEDICATION:

STATE OF TEXAS }
 COUNTY OF TARRANT }

THAT VITEX DEVELOPMENT, LLC, by and through the undersigned, its duly authorized officer or agent, does hereby adopt this plat designating the hereinabove described property as **LOTS 1, 2, 3, 4, 5, AND 6, BLOCK 1, ELEANOR ESTATES**, an Addition to the City of Dalworthington Gardens, Texas and it DOES HEREBY CERTIFY THAT IT IS THE CURRENT OWNER OF Lot 10, Block 3, Dalworthington Gardens Addition AND HAS NO OBJECTION TO THIS REPLAT.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this _____ day of _____, 20____.

VITEX DEVELOPMENT, LLC
 XUAN VU

STATE OF TEXAS

COUNTY OF TARRANT

This instrument was acknowledged before me on the _____ day of _____, 2023, by (XUAN VU), (OWNER) of (VITEX DEVELOPMENT, LLC), a (LIMITED LIABILITY COMPANY), on behalf of said Company.

Notary Public, State of Texas

Notary name (printed)

My commission expires: _____

I hereby certify that the area of this plat does not include any lots of a prior subdivision limited by deed restriction to residential use for not more than two residential units per lot.

XUAN VU

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 20____.

Notary Public, State of Texas

Notary name (printed)

My commission expires: _____

PLAT NOTES:

- Selling a portion of any lot in this addition by metes and bounds is a violation of state law and city ordinance and is subject to penalties by law.
- This plat does not alter or remove existing deed restrictions or covenants, if any, on this property.
- There shall be provided at the intersection of all public streets, visibility triangles as required by section 10.02.227 of the Subdivision Ordinance of the City.

LEGEND

- FIR ~ FOUND IRON ROD
- SIR ~ SET IRON ROD
- FIP ~ FOUND IRON PIPE
- CL ~ CENTER LINE
- P.O.B. ~ POINT OF BEGINNING
- C.M. ~ CONTROLLING MONUMENT
- D.R./T.C.T. ~ DEED RECORDS TARRANT COUNTY, TEXAS
- P.R./T.C.T. ~ PLAT RECORDS TARRANT COUNTY, TEXAS
- O.P.R./T.C.T. ~ OFFICIAL PUBLIC RECORDS, TARRANT COUNTY, TEXAS

THIS PLAT RECORDED IN DOCUMENT NO. _____ DATE _____

OWNER/DEVELOPER:
 VITEX DEVELOPMENT, LLC
 PO Box 150884
 ARLINGTON, TEXAS 76015
 PHONE: 817-980-4909
 EMAIL: vitexdevelopment@gmail.com

PREPARED BY:
 KEETON SURVEYING COMPANY
 H.B. KEETON
 2037 DALWORTH, GRAND PRAIRIE, TEXAS 75050
 REGISTERED PROFESSIONAL LAND SURVEYORS
 PHONE: (972) 641-0843 TPELS FIRM NO. 10090500
 E-MAIL: ksc4019@ebcglobal.net

OWNERS CERTIFICATE:

State of Texas:
 County of Tarrant:

WHEREAS, Vitex Development, LLC, acting by and through the undersigned, its duly authorized officer, is the sole owner of a tract of land situated in the Leonard Randal Survey, Abstract No. 1311, County of Tarrant, according to the deed recorded in Inst. No. D222163042, Deed Records of Tarrant County, Texas, said tract being Lot 10, Block 3, of Dalworthington Gardens, according to the plat thereof recorded in Volume 388-A, Page 105, of the Map or Plat Records of Tarrant County, Texas, and being more particularly described as follows;

BEGINNING at a 3/4 inch iron pipe found for the common corner of said Lot 10 and Lot 9R1, Block 3, of Dalworthington Gardens Addition, an addition to the City of Dalworthington Gardens, according to the plat thereof recorded in Instrument No. D204121726, of the Official Public Records of Tarrant County, Texas, said point also being in the north line of California Lane (60' Right-of-Way);

THENCE N. 00°05'17" E, with the common line of said Lot 10 and Lot 9R1, for a passing distance of 185.00 feet to a found 1/2 inch iron pipe being the northeast corner of said Lot 9R1, continuing with the west line of said Lot 10 and the east line of Lot 9R2, Block 3, said aforementioned Instrument No. D204121726, a total distance of 635.28 feet to a 3/4 inch iron pipe found for the northwest corner of said Lot 10 and the common south corner of Lot 6 and Lot 5, Block 3, of aforementioned Vol. 388-A, Page 105;

THENCE N. 89°20'22" E, with the common line of said Lot 10 and said Lot 6, a distance of 299.32 feet to a 3/4 inch iron pipe found for the northeast corner of said Lot 10, the southeast corner of said Lot 6, and the southwest corner of Lot D, Block 3, of Dalworthington Gardens Addition, an addition to the City of Dalworthington Gardens, according to the plat thereof recorded in Cabinet A, Slide 8062, of the Plat Records of Tarrant County, Texas;

THENCE S. 00°02'06" W, with the east line of said Lot 10 and the west line of Lot 11, Block 3, said Vol. 388-A, Page 105, a distance of 633.63 feet to a 60-D nail found for the common corner of said Lots 10 and 11, said point also being in the north line of said California Lane;

THENCE S. 89°01'36" W, with the common line of said Lot 10 and said California Lane, a distance of 299.93 feet to the **POINT OF BEGINNING** and **CONTAINING** 190,078 square feet or 4.364 acres of land, more or less.

SURVEYORS CERTIFICATE:

THIS is to certify that I, **Kurtis R. Webb**, a Registered Public Surveyor of the State of Texas, have plotted the above subdivision from an actual survey on the ground; and that all lot corners, angle points, and points of curve shall be properly marked on the ground, and that this plat correctly represents that survey made by me or under my direction and supervision.

PRELIMINARY FOR REVIEW ONLY, NOT TO BE RECORDED FOR ANY PURPOSES

KURTIS R. WEBB
 REGISTERED PROFESSIONAL LAND SURVEYOR
 TEXAS REGISTRATION NO. 4125

CITY APPROVAL STATEMENT
CITY OF DALWORTHINGTON GARDENS

APPROVED: CITY COUNCIL, CITY OF DALWORTHINGTON GARDENS

PLAT APPROVAL DATE: _____

MAYOR OF DALWORTHINGTON GARDENS

REPLAT SHOWING
LOTS 1, 2, 3, 4, 5, AND 6, BLOCK 1
ELEANOR ESTATES

CONTAINING 190,078 SQ. FT. OR 4.364 ACRES
 AN ADDITION TO THE CITY OF DALWORTHINGTON GARDENS,
 TARRANT COUNTY, TEXAS
 BEING A REPLAT OF LOT 10, BLOCK 3
 DALWORTHINGTON GARDENS ADDITION
 AN ADDITION TO THE CITY OF DALWORTHINGTON GARDENS TARRANT COUNTY, TEXAS

DATE: NOVEMBER 14, 2022
 REVISED: FEBRUARY 21, 2023
 REVISED: APRIL 06, 2023
 REVISED: APRIL 17, 2023
 REVISED: MAY 16, 2023

**City Council
Staff Agenda Report**

Agenda Item: 9e.

Agenda Subject: Discussion and possible action regarding HB 1750 and its effects on City ordinances relating to agricultural operations.

<p>Meeting Date:</p> <p>July 20, 2023</p>	<p>Financial Considerations:</p> <p>Budgeted:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p>	<p>Strategic Vision Pillar:</p> <p><input type="checkbox"/> Financial Stability</p> <p><input type="checkbox"/> Appearance of City</p> <p><input type="checkbox"/> Operations Excellence</p> <p><input type="checkbox"/> Infrastructure Improvements/Upgrade</p> <p><input type="checkbox"/> Building Positive Image</p> <p><input type="checkbox"/> Economic Development</p> <p><input type="checkbox"/> Educational Excellence</p>
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Background Information: Council Member Stein requested review of HB 1750 and its effects on City ordinances relating to agricultural operations.

Recommended Action/Motion: Provide direction by way of motion on HB 1750 and its effect on city ordinances.

Attachments: HB 1750

If your city is interested in submitting a resolution, details can be found [here](#). Resolutions can be emailed to JJ Rocha, TML Grassroots and Legislative Services Manager at jj@tml.org.

Interested city officials can learn how the resolutions process fits within the League's Legislative Policy Process [here](#).

Post-Session Update: City Regulation of Agricultural Operations

H.B. 1750

[H.B. 1750](#) makes potentially significant changes to cities' ability to regulate agricultural operations within the city limits. In essence, H.B. 1750 does four main things. First, it expands the definition of an agricultural operation for purposes of the imposition of any governmental requirement by a city. Second, it requires a city to comply with heightened standards when imposing any governmental requirement on an agricultural operation located within city limits. Third, it prohibits a city from imposing a governmental requirement that directly or indirectly prohibits certain specific agricultural practices. And fourth, it tasks the Texas A&M AgriLife Extension Service with developing a manual of generally accepted agricultural practices and identifying which do not threaten public health.

Background

Since 1981, Section 251.005 of the Agriculture Code has prohibited a city from enforcing city codes and ordinances on agricultural operations in the city's extraterritorial jurisdiction. However, the city could enforce specific regulations on agricultural annexed into the city as an agricultural operation.

But before the city could enforce such codes or ordinances:

- (1) The city's code official or a consultant had to prepare a written report identifying the hazard posed by the agricultural operation and explain why the applicable city code or ordinance is necessary to protect the public; and

- (2) The city council was required to adopt a resolution finding that enforcing the specific city code or ordinance is necessary to protect public health.

Except for agricultural operations annexed into the city as agricultural operations, Section 251.005 did not apply to agricultural operations located within city limits.

H.B. 1750 now applies this heightened regulatory standard to any government requirement applied to an agricultural operation within the city limits through new Section 251.0055 of the Agriculture Code.

What is an agricultural operation?

Section 251.002 of the Agriculture Code defines what constitutes an agricultural operation. Following the passage of H.B. 1750, the following activities are considered agricultural operations:

- Cultivating the soil;
- Producing crops or growing vegetation for human food, animal feed, livestock forage, forage for wildlife management, planting seed, or fiber;
- Floriculture (flowers);
- Viticulture (grapes);
- Horticulture (plants);
- Silviculture (trees);
- Wildlife management;
- Raising or keeping livestock or poultry, including veterinary services; and
- Planting cover crops or leaving land idle for the purpose of participating in any government program or normal crop or livestock rotation procedure.

Under what circumstances may a city regulate an agricultural operation?

H.B. 1750 provides that a city may impose a “governmental requirement” on an agricultural operation located in the city limits only under certain circumstances. “Governmental requirement” is defined as a “rule, regulation, ordinance, zoning, license or permit requirement, or other requirement or restriction enacted or promulgated” by the city.

A city governmental requirement may be applied to an agricultural operation in the city limits only if there is clear and convincing evidence that: (1) the purpose of the requirement cannot be addressed through less restrictive means; and (2) the requirement is necessary to protect persons who reside in the immediate vicinity or persons on public property in the immediate vicinity of the agricultural operation from the imminent danger of specific harms. These harms include:

- Explosion;
- Flooding;
- An infestation of vermin or insects;
- Physical injury;

- The spread of an identified contagious disease that is directly attributable to the agricultural operation;
- The removal of lateral or subjacent support;
- An identified source of contamination of water supplies;
- Radiation;
- Improper storage of toxic materials;
- Crops planted or vegetation grown in a manner that will cause traffic hazards; or
- Discharge of firearms or other weapons, subject to restrictions in Local Government Code Sec. 229.002.

Further, for a city to be able to enforce a governmental requirement under H.B. 1750, it must first obtain and review a report prepared by the city health officer or a consultant that:

- Identifies evidence of the health hazards related to agricultural operations;
- Determines the necessity of regulation and the manner in which an agricultural operation should be regulated;
- States whether each necessary manner of regulation will restrict or prohibit a generally accepted agricultural practice listed in the Texas A&M AgriLife Extension Service’s manual; and
- Where applicable, it explains why the report recommends imposing a regulation restricting the use of a generally accepted agricultural practice that the manual indicates does not threaten public health.

After receiving and reviewing the city health officer’s or consultant’s report, the city council must adopt a resolution finding that the proposed regulation is necessary to protect public health and is otherwise not prohibited by the statute.

What city requirements are prohibited by H.B. 1750?

The bill specifically prohibits a city from imposing a governmental requirement that directly or indirectly:

- Prohibits the use of a generally accepted agricultural practice listed in a manual drafted by the Texas A&M AgriLife Extension Service identifying generally accepted agricultural practices, unless the city complies with the procedures mentioned above;
- Prohibits or restricts the growing or harvesting of vegetation for animal feed, livestock forage, or forage for wildlife management, except that a city is allowed to impose a maximum vegetation height of at least 12 inches for portions of an agricultural operation that are within 10 feet from a property boundary that is: (1) adjacent to a public sidewalk, street, or highway; or (2) an inhabited structure on a neighbor’s property;
- Prohibits the use of pesticides or other measures to control vermin and disease-bearing insects to the extent necessary to prevent infestation; or
- Requires an agricultural use also to be designated as an agricultural, farm, ranch, wildlife management, or timber production use under Article VIII of the Texas Constitution.

When should cities expect guidance from the Texas A&M AgriLife Extension Service?

As mentioned above, H.B. 1750 requires the Texas A&M AgriLife Extension Service to develop a manual that identifies generally accepted agricultural practices and indicates which of those practices do not pose a threat to public health. The bill requires the Texas A&M AgriLife Extension Service to develop the manual as soon as possible after the effective date of the bill.

The League will monitor the status of the manual and update our membership when the manual is published.

Guidance for cities

H.B. 1750 goes into effect on September 1, 2023. Perhaps the biggest questions about H.B. 1750 relate to the extent of its application within the city limits. For instance, an agricultural operation includes the raising or keeping of livestock or poultry. Does this mean that in order for a city to enforce any regulation relating to the keeping of livestock or chickens in residential neighborhoods it must first obtain a report from municipal health officer or consultant in support of the regulation? Further, may the city only impose a restriction on the keeping of livestock or roosters in a backyard if the city has clear and convincing evidence that the restriction is necessary due to the imminent dangers spelled out in the bill?

At this point, we don't have clear answers to these questions. But there are some avenues that may provide guidance to city officials and city attorneys. Cities may find guidance in the Texas A&M AgriLife Extension Service manual of generally accepted agricultural practices when it is released. Further, cities may find additional guidance from the courts. Past appellate court decisions have explained that the purpose behind Chapter 251 of the Agricultural Code is to protect farmers and ranchers who engage in activities that produce food. Such a reading may have the effect of limiting the scope of the bill to only applying to traditional farming and ranching operations that occur within the city limits.

Some city officials have asked about the impact of the bill on enforcement of high grass ordinances. The bill clearly places limits on a city's ability to enact or enforce vegetation height restrictions against an agricultural operation, as spelled out above. But these limitations would generally only apply to legitimate agricultural operations, not for the more common scenario where an absentee property owner fails to maintain his/her property.

City officials and employees are encouraged to consult with their city attorney to identify which city ordinances may be subject to H.B. 1750 and ensure that any enforcement actions or other city regulations comply with the bill's heightened process and burden of proof requirements, if necessary.

**City Council
Staff Agenda Report**

Agenda Item: 9f.

Agenda Subject: Consideration and approval of an over-hire full time dispatcher		
Meeting Date: July 20, 2023	Financial Considerations: Budgeted: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	Strategic Vision Pillar: <input checked="" type="checkbox"/> Financial Stability <input type="checkbox"/> Appearance of City <input checked="" type="checkbox"/> Operations Excellence <input type="checkbox"/> Infrastructure Improvements/Upgrade <input type="checkbox"/> Building Positive Image <input type="checkbox"/> Economic Development <input checked="" type="checkbox"/> Educational Excellence

Background Information: DPS is requesting the consideration and the approval of an over-hire, full-time dispatcher. We have had an open dispatch position for almost 2 years with no interest from applicants. We now have a considerable pool to hire from. This will fill the vacancy that has been pending, along with allowing us to train the secondary dispatcher to take the position opening due to an expected loss of an employee in May-Aug 2024. Training for a dispatcher with all State required off site classes, along with on the job training takes approximately 4-6 months. This will allow us to keep a work life balance for the current employees, and also keep overtime to a minimum.

Recommended Action/Motion: Motion to approve proposed over-hire

Attachments:

**City Council
Staff Agenda Report**

Agenda Item: 9g.

Agenda Subject: Discussion and possible action to approve a quote from Prime Landscape to haul off stock piles of dirt and asphalt from the Roosevelt Dr phase II project in the amount of \$10,800.00.

<p>Meeting Date: July 20, 2023</p>	<p>Financial Considerations: \$10,800</p> <p>Budgeted: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A</p>	<p>Strategic Vision Pillar:</p> <p><input type="checkbox"/> Financial Stability <input type="checkbox"/> Appearance of City <input checked="" type="checkbox"/> Operations Excellence <input checked="" type="checkbox"/> Infrastructure Improvements/Upgrade <input checked="" type="checkbox"/> Building Positive Image <input type="checkbox"/> Economic Development <input type="checkbox"/> Educational Excellence</p>
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Background Information: Now that Tarrant County has completed phase II of the Roosevelt Road construction project the stock piles of aggregate from this project were placed on the dam for temporary storage. Staff has received a quote to have removed from Prime Landscape Services to haul off in the amount of \$12,300.00. Staff can save \$1,500.00 if staff will furnish the labor and equipment to load the trucks.

Recommended Action/Motion: Direct staff on which way to move forward with the haul off of stock piles of aggregate on dam.

Attachments: Quote from Prime Landscape Services



Estimate

Date	Estimate #
6/14/2023	4133092A

Office (817) 461-4000 Fax (817) 274-5459

www.primelandscapeservices.com

City of DWG
2600 Roosevelt Dr.
DWG, TX 76016

Rep	Project
GAH	

Description	Qty	Rate	Total
haul off milings for free I will pay for trucking 10 20 yard loads		0.00	0.00
haul off trash for \$250 a 20 yard load looks like 10 loads	10	240.00	2,400.00
Haul off dirt and rock \$250 a 20 yard load looks like 35	35	240.00	8,400.00
will need a way to load the trucks or if i need to supply the labor and the machine would be		1,500.00	1,500.00

Subtotal	\$12,300.00
Sales Tax (0.0%)	\$0.00
Total	\$12,300.00