



Budget Workshop & Special Council Meeting Agenda

Tuesday, August 08, 2023 at 6:00 PM
8301 Westview Drive, Houston, Texas 77055

The City Council of Hilshire Village, Texas will meet on Tuesday, August 8, 2023, at 6:00 PM in the City Hall Council Chambers at 8301 Westview, Houston, Texas 77055.

Any person may participate and address the City Council at the meeting by Zoom, telephone, personal appearance at City Hall, or by writing. Please send your presentation or comments prior to the meeting to Cassie.Stephens@HilshireVillageTexas.com for distribution to the Council.

Join Zoom Meeting

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Meeting ID: 816 7243 6079

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This meeting agenda is posted online at <http://www.hilshirevillagetexas.com>.

1. **CALL TO ORDER**

1.1 Roll Call

2. **CITIZENS COMMENTS**

3. **DISCUSSION AND POSSIBLE ACTION**

3.1 Discuss and Possibly Approve a special exception for minimum tree requirement at 12 Pine Creek Lane

3.2 Discussion on FYE 2024 Budget and Tax Year 2023

3.3 Discussion and Possible Approval of TexPool Resolution naming Cassie Stephens as the administrator and Andy Carey as a signatory, thereby removing Susan Blevins and Paul Maddock.

4. **ADDITIONAL COUNCIL COMMENTS**

5. ADJOURNMENT

NOTE: Agenda items may not necessarily be considered in the order that they appear. With regard to any item, Council may take various actions, including but not limited to rescheduling an item in its entirety or for particular action at a future date or time.

NOTE: IN THE EVENT A QUORUM OF THE CITY COUNCIL IS NOT PRESENT, THE REPORTING MEMBERS WHO ARE PRESENT WILL MEET AS A SUB-COMMITTEE, FOR DISCUSSION PURPOSE ONLY, REGARDING THE ABOVE AGENDA ITEM(S).

City Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above as authorized by Texas Government Code, Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), 551.087 (Economic Development), and 551.086 (Certain Public Power Utilities: Competitive Matters). Following the executive session, if any, City Council may act in open session on any item discussed in the executive session.

I, Cassie Stephens, do hereby certify that the above Notice of Meeting and Agenda for the City Council of the City of Hilshire Village was posted in a place convenient and readily accessible August 4, 2023 at 3:00 P.M.

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretative service must be made 48 hours prior to this meeting. Please contact the City Hall at 713-973-1779 or FAX -713-973-7793 for further information.

Footnotes:

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Editor's note— Ord. No. 745, § 1, adopted Dec. 19, 2017, repealed former Art. 7.700, §§ 7.701—7.708, and enacted a new Art. 7.700 as set out herein. Former Art. 7.700 pertained to similar subject matter and derived from Ord. No. 672, § 1, 8-19-2014; Ord. No. 710, § 1, 9-22-2014.

Sec. 7.701. - Purpose and Definitions.

1. The purpose of this article is to preserve the tree canopy and continue the wooded character that has been the hallmark of the city since its founding while protecting owners' rights to utilize and enjoy their property by:
 - a. Establishing minimum tree requirements;
 - b. Requiring careful site planning and the protection of trees;
 - c. Controlling unnecessary tree removal;
 - d. Requiring tree replacement; and
 - e. Prohibiting indiscriminate cutting or clearing of trees.
2. Properties used for commercial purposes are exempt from section 7.701 1(1a) and 1(1b) of this article.

(Ordinance 745, adopted 12/19/17, Section 1)

Sec. 7.702. - Definitions.

As used in this article, the following words, terms, and phrases shall have the meanings ascribed to them in this section:

Approved tree list shall mean a list approved and maintained by the city that lists species of trees that are approved for meeting the minimum tree requirement described in this article.

Building shall mean any structure with a roof and enclosing walls that is used or intended for supporting or sheltering any use or occupancy.

Circumference or *diameter* shall mean circumference or diameter measured at a point on a tree four and one-half feet (4½') above the surrounding ground level. The equivalent circumference or diameter may be used for measurement purposes. Tree diameter in inches x 3.14 = tree circumference in inches. (For example, 6" diameter X 3.14 = 18.84" circumference). To measure a tree that forks or has two (2) boles or stems at or below four and one-half feet (4½'), only the circumference or diameter of the larger bole or stem shall be measured.

Critical root zone shall mean the area of a tree that is within a circle centered on the trunk location the circle's diameter being one-half of the sum of the longest and shortest drip line diameters.

Subject site shall mean any particular lot, tract, or parcel of land that is subject to the building permit process or otherwise invokes the regulations established in this article.

Tree shall mean a woody, perennial plant typically having a single stem or trunk, growing to a considerable height and bearing lateral branches at some distance from the ground.

Tree removal permit shall mean a permit issued by the city for the removal of a tree.

(Ordinance 745, adopted 12/19/17, Section 1)

Sec. 7.703. - Minimum Tree Requirement.

- (1) Each lot shall have one (1) tree that is eight (8) inches or greater in diameter for every two thousand (2,000) square feet of lot area (excluding any land in the Harris County Flood Control District or utility easement), rounded to the nearest whole number (see Table 1). Trees in the Harris County Flood Control District or in a utility easement will not be counted.
- (2) If a lot has less than the number of trees described in the preceding subsection, the owner shall keep the number of trees larger than three (3) inches in diameter, counting from the largest diameter to the smallest diameter, that are on the lot (excluding any land in the Harris County Flood Control District or a utility easement) at the time a tree removal permit is sought or the provisions of this article are otherwise invoked.
- (3) A lot owner who is applying for a permit issued under the building permit process of the city's Code of Ordinances for the demolition of, construction of, or addition to any building, or installation of a swimming pool shall, regardless of the number or size of the trees existing on a lot prior to issuance of a permit, plant such additional trees as may be necessary to meet the minimum tree requirement described in subsection (1) above if the owner is:
 - (a) Constructing a new or replacement building;
 - (b) Constructing an addition[s] or extension[s] to an existing building that increases the square footage of the building by forty (40) percent or more; or
 - (c) Installing a swimming pool.

Table 1—Number of Trees for Representative Lot Sizes

Lot Size (sq ft)	# of Trees
24,000	12
22,000	11

20,000	10
18,000	9
16,000	<u>8</u>
14,000	7
12,000	6
10,000	5
8,000	4

(Ordinance 745, adopted 12/19/17, Section 1)

Sec. 7.704. - Preservation and Protection of Trees.

- (1) It is unlawful to remove any tree that is eight (8) inches in diameter or greater without first obtaining a tree removal permit from the city for each tree to be removed.
- (2) It is unlawful to remove a tree that is less than eight (8) inches in diameter without first obtaining a tree removal permit from the city if:
 - (a) Such tree is required to meet the minimum tree requirement for the lot as described in section 7.703(2); or
 - (b) Such tree was planted as a replacement for a previously removed tree.
- (3) It is unlawful to intentionally cause serious damage or death to any tree that is eight (8) inches in diameter or greater. Intentionally severing the main trunk or large branches or large roots, girdling, poisoning, carving, mutilating, touching with live wires, piercing with nails or spikes, crushing or exposing the roots, or digging or drilling any hole or trench larger than three (3) cubic feet within the critical root zone, unless no other suitable location is possible, may be considered acts intended to cause serious damage or death to the tree.
- (4) Before beginning demolition or construction, appropriate protection for all trees shall be in place. Appropriate protection shall mean, at a minimum, a fence four (4) feet in height and composed of a material which is strong enough to prevent vehicles, materials, debris, dirt and other demolition or construction refuse from piling up within the critical root zone. Where possible, the fence shall

be a minimum of six (6) feet away from the base of the tree at all points to prevent damage to the tree. If the location of a tree is less than six (6) feet from the foundation of the building or the property line, the protective fencing shall be located as far as possible from the base of the tree.

(Ordinance 745, adopted 12/19/17, Section 1)

Sec. 7.705. - Removal of Trees.

(1) The city will permit the removal of a tree only if an owner demonstrates to the city that at least one (1) of the following criteria exists:

- (a) The applicant's lot will, after removal of the tree, satisfy the minimum tree requirement as described in section 7.703(1);
- (b) The tree is diseased, dying or dead;
- (c) Construction is planned in the area where the tree stands;
- (d) The tree creates a hazard that is or is likely to cause damage to property or danger to the public health, safety, or welfare; or
- (e) Good arbor management practices indicate removal will be beneficial to surrounding trees.

(2) If the previous subsection is satisfied, the city will issue a tree removal permit if a lot owner completes the following steps:

- (a) Executes the city's tree removal permit application, which includes a certification that, upon removal of such tree, either the lot will continue to satisfy the minimum tree requirement as described in section 7.703(1) or the lot owner will comply with section 7.706 below regarding tree replacement. If concurrent tree removal permits are sought, the minimum tree requirement must be satisfied after all trees are removed.
- (b) Pays the application fee as adopted by city council. The application fee shall be waived by the city if the applicant shows that the tree to be removed is diseased, dying or dead or if, after removal of a tree, the lot has more than the minimum tree requirement in section 7.703(1).

(3) The city shall have a reasonable amount of time, but not less than three (3) business days, to review the application. The city may require an owner to provide certification by an arborist that the criteria in subsection (1)(b), (d) or (e) exist.

(4) Removal of a tree without a tree removal permit shall not constitute a violation of this article if immediate removal is necessary to protect against a serious and imminent risk to health, safety, or property as a result of an emergency and, because of such emergency, the lot owner could not obtain the tree removal permit, provided that, as soon as reasonably possible after such tree removal, the lot owner submits a tree removal permit application without the fee and demonstrates that such emergency existed.

(5)

The city may require a lot owner to remove any tree that is damaged, dead or dying, and that the city deems a danger to person or property. The owner shall have fourteen (14) days after receipt of the notice to remove the tree.

- (6) Removal of a tree shall be performed by the lot owner or by a reputable tree removal company, and the owner shall ensure that the tree removal work is adequately covered by bond or insurance.

(Ordinance 745, adopted 12/19/17, Section 1)

Sec. 7.706. - Replacement of Trees.

- (1) If, after loss of or removal of a tree, a lot does not or will not satisfy the minimum tree requirement as described in section 7.703(1) or (2), as applicable, then the lot owner shall, within one hundred twenty (120) days after loss of or removal of such tree, properly plant a replacement tree from the approved tree list. The replacement tree shall be at least three (3) inches in diameter measured at six (6) inches above the grade for each lost or removed tree. A tree intended as a replacement tree shall not be planted in the Harris County Flood Control District or in a utility easement, but nothing in this article is otherwise intended to prohibit the planting of trees in the Harris County Flood Control District or a utility easement.
- (2) **With the approval of the city's arborist, a lot owner may plant additional species that are not on, but are similar in size to those that are on, the approved tree list. If the city's arborist does not approve, the owner may appeal by submitting a written request to city council. Property owners are encouraged (but not required) to plant trees native to the Texas Gulf Coast.**
- (3) In situations of financial hardship, the city will have flexibility in obtaining outside help with re-forestation.

(Ordinance 745, adopted 12/19/17, Section 1)

Sec. 7.707. - Tree Survey.

- (1) Every permit issued under the building permit process of the city's Code of Ordinances for the demolition of, construction of, or addition to any building, or the installation of a swimming pool shall include a tree survey. Permit applicants must obtain and complete the proper forms, available in the city office, to show compliance with this article.
- (2) The permit holder will make every effort to maintain the distribution of existing trees. However, if the design, layout, plans, or construction of the proposed building cannot avoid the removal of any tree that is eight (8) inches in diameter (25.12 inches in circumference) or larger, then the permit holder shall be required to replace each removed tree with a tree from the approved tree list. Each replacement tree shall have a minimum caliper of three (3) inches in diameter (9.42 inches in circumference).

- (3) The tree survey shall be prepared by a person with expertise to prepare such a document, as an architect, engineer, arborist, or surveyor.
- (4) The tree survey shall accurately reflect, at a minimum, the following information:
- (a) The actual location (i.e., trunk location), diameter, and type of each tree on the subject site which is eight (8) inches in diameter (25.12 inches in circumference) or larger;
 - (b) Building or structure outlines, parking areas and other paved surfaces, fences, utilities, and other improvements existing or to be constructed;
 - (c) The location of tree protection fences;
 - (d) A scale, north arrow, name, address, phone number and profession or occupation of the person who prepared it, and the name of the permit applicant; and
 - (e) Identification of the real estate development and a description of the subject site and its location.
 - (f) The location and square footage of utility and flood control easements, and the square footage of the lot excluding utility and flood control easement square footage.

(Ordinance 745, adopted 12/19/17, Section 1)

Sec. 7.708. - Final Inspection and Issuance of Certificate of Occupancy.

At final inspection under every building permit that includes a tree survey, the city's inspector shall inspect and confirm compliance with the tree survey and planting of required trees, if any. No certificate of occupancy shall be issued until the minimum tree requirement has been met but, if the certificate of occupancy is to be issued between May and September and the owner has agreed to meet the minimum tree requirement, a provisional certificate of occupancy may be issued until such time as the owner has complied.

(Ordinance 745, adopted 12/19/17, Section 1)

Sec. 7.709. - Destruction of or Damage to Trees on Public Property.

In addition to the violation of any criminal law dealing with destruction of public property, it shall be unlawful to remove, destroy, kill, or damage any tree located on any public property in the city except when necessary in furtherance of the public health, safety or welfare. This section shall not prevent the city or any public utility from performing necessary maintenance or repair activities that may affect trees located within easements or on public property.

(Ordinance 745, adopted 12/19/17, Section 1)

Sec. 7.710. - Exemptions from Requirements of this Article.

- (1) The provisions of this article shall not apply to trees removed or trimmed within an easement for public or private utilities by the easement's owner, or the owner's employee or authorized contractor, or by the utility provider or its authorized contractor, if the trimming or removal of such trees is required to properly use or maintain the easement. This article shall also not apply to trees removed or trimmed by the city or its authorized representative or by the utility provider or its authorized contractor on any public property or within any public right-of-way, including, but not limited to, drainage easements and roadway easements.
- (2) If this article would require a tree to be planted from May through September in any year, the planting may be delayed until October of that same year.

(Ordinance 745, adopted 12/19/17, Section 1)

Sec. 7.711. - Enforcement.

- (1) The city has the authority and right to inspect any property to ensure compliance with this article.
- (2) The city may require any lot owner to prove that the owner is in compliance with this article.
- (3) The city may withhold, revoke, or suspend any tree removal permit or building permit if any condition or requirement of this article or such permit is not fulfilled.
- (4) The city may order an immediate stop to the removal of any tree, any activity that is likely to cause serious damage or death to any tree, or any demolition or construction of a building, if such activity is being done in violation of this article.
- (5) The city has the authority to hire a tree inspector for advice in conjunction with enforcing this article.
- (6) Anyone that intentionally, knowingly, recklessly, or with criminal negligence violates any of the provisions of this article shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount as provided for in the general penalty provision in Chapter 1, Section 1.106, of the city's Code of Ordinances. Each day during which such violation shall exist or occur shall constitute a separate offense. The owner of any property where any violation of this article occurs and any agent, contractor, builder, architect, individual or entity that assists in the commission of such offense shall be guilty of a separate offense and, upon conviction thereof, shall be punished as above provided.

(Ordinance 745, adopted 12/19/17, Section 1)

Sec. 7.712. - Appeal.

Anyone whose request for a building permit, tree removal permit, or certificate of occupancy has been denied due to the interpretation or application of this article may appeal that decision to the city council by filing a written notice of appeal with the city. The city council shall provide the applicant an opportunity to

present evidence and arguments demonstrating that the applicant has complied with this article and is entitled to a permit or certificate of occupancy, and that the city erred in refusing to issue the requested permit or certificate of occupancy. If, at the conclusion of the hearing, a majority of the city council determines that the applicant is entitled to a permit or certificate of occupancy, the city shall issue one. Otherwise, the city's denial shall be affirmed.

(Ordinance 745, adopted 12/19/17, Section 1)

Sec. 7.713. - Approved Tree List.

	Common Name	Scientific Name	Growth	Characteristics
1	American Elm (White Elm)	<i>Ulmus americana</i>	Rapid	Texas native, reliable fall color, seeds or fruit eaten by wildlife. Deep green leaves turn bright yellow in fall. Fast-growing, vase-shaped shade tree that tolerates a wide range of conditions. Dutch elm disease not too bad in Texas; extensive, shallow root system.
2	Bald Cypress	<i>Taxodium distichum</i>	Moderate	Deciduous conifer with feather-like leaves, round seed balls, and fibrous bark. Adapted to many soil and moisture conditions. Grows well in wet areas. Woody 'knees' develop on wet sites. (Has very aggressive roots—do not plant near house or sewer lines).

3	Black Walnut	<i>Juglans nigra</i>	Moderate	Texas native, seeds or fruit eaten by wildlife. Distinctive shade tree for open spaces. Fruits can be extremely messy. Webworm can be a problem. Leaves drop early in the fall.
4	Blackgum (Black Tupelo)	<i>Nyssa sylvatica</i>	Moderate	Texas native, reliable fall color, attractive seeds or fruit, seeds or fruit eaten by wildlife. Prefers acid soils. Bright, shiny foliage turns red and purple early in the fall. Shallow- rooted.
5	Bur Oak (Mossycup Oak)	<i>Quercus macrocarpa</i>	Slow	Texas native, reliable fall color, attractive seeds or fruit, seeds or fruit eaten by wildlife. Unique leaf shape; large acorn is enclosed in a fuzzy cap. Excellent, drought-tolerant native tree, with rough texture and large acorn.
6	Bitternut hickory (swamp hickory)	<i>Carya cordiformis</i>	Moderate	Large pecan hickory with commercial stands located mostly north of the other pecan hickories.

7	Carolina Basswood (Linden)	<i>Tilia caroliniana</i>	Rapid	Texas native, showy or fragrant flower, attractive seeds or fruit. Large, oval shade tree with interesting winged fruits. Flowers are a favorite of honeybees. Needs plenty of room.
8	Cedar Elm	<i>Ulmus crassifolia</i>	Moderate	Texas native, reliable fall color. Fine textured leaves turn yellow in fall. Tough, drought-tolerant shade tree, well-adapted to a variety of conditions.
9	Cherrybark Oak	<i>Quercus falcata var. pagodifolia</i>	Moderate	Texas native, reliable fall color, seeds or fruit eaten by wildlife. Excellent native shade tree for a variety of planting situations.
10	Chinkapin Oak	<i>Quercus muehlenbergii</i>	Moderate	It is also planted widely as a shade tree suitable for limestone soils. Occurs from northeast Texas to Central Texas and south to the Guadalupe River, and also in the mountains of West Texas, growing on mostly limestone soils, especially at the base of bluffs and along stream courses.

11	Green Ash	<i>Fraxinus pennsylvanica</i>	Rapid	Texas native, reliable fall color. Tolerates a wide range of soil conditions. Needs pruning to develop strong branch structure.
12	Laurel Oak (swamp laurel oak, diamond-leaf oak, water oak, obtusa oak)	<i>Quercus laurifolia</i>	Moderate	Native to the southeastern and south-central the United States, from coastal Virginia to central Florida and west to southeast Texas.
13	Live Oak (Encino)	<i>Quercus virginiana</i>	Rapid	Texas native, seeds or fruit eaten by wildlife. Glossy, deep green leaves remain all winter; long-lived shade tree. Allow plenty of room; can develop surface roots.
14	Loblolly Pine	<i>Pinus taeda</i>	Rapid	Texas native. Medium-length green needles and large, brown cones in the fall. Tolerates a wide range of site conditions, but prefers good drainage.
15	Montezuma Cypress (Bald Cypress)	<i>Taxodium mucronatum</i>	Rapid	Texas native, attractive seeds or fruit. Delicate, feathery foliage casts a light shade. Bark is reddish and shredding.

16	Nutall Oak	<i>Quercus nuttallii</i>	Moderate	Grows well on heavy, poorly drained, clay soils deposited by rivers.
17	Overcup Oak	<i>Quercus lyrata</i>	Moderate	Texas native, seeds or fruit eaten by wildlife. Small acorns are an important wildlife food source. Tolerates poor drainage and heavy clay soils. (slow to leaf out in the spring).
18	Pecan	<i>Carya illinoensis</i>	Moderate	Texas native, seeds or fruit eaten by wildlife. Nuts are an important wildlife food. Mature crown is open and airy. State tree of Texas. Plant with plenty of room. (slow to leaf out in the spring. Fruit will stain sidewalk).
19	Red Maple	<i>Acer rubrum</i>	Rapid	Texas native, reliable fall color, attractive seeds or fruit. Flowers and winged fruits in spring are red. Brilliant fall color, yellow to red. (Bark is easily injured by weed eater).
20	River Birch	<i>Betula nigra</i>	Rapid	Texas native. Attractive pinkish peeling bark. Works well as multiple trunk specimen. Prefers moist sites like stream banks. Susceptible to ice damage. (Needs high nitrogen to stay healthy).

21	Shumard Oak	<i>Quercus shumardii</i>	Rapid	Texas native, reliable fall color, seeds or fruit eaten by wildlife. Young trees have "candelabra" shape; fall color is orange to deep red. Widely available; prefers well-drained soils. Seed source of trees may determine success.
22	Hybrid Magnolia	<i>Little Gem or D.D. Blanchard</i>	Moderate	Grows better than the Southern Magnolia.
23	Southern Magnolia	<i>Magnolia grandiflora</i>	Moderate	Texas native, showy or fragrant flower, attractive seeds or fruit, seeds or fruit eaten by wildlife. Large, white flowers and glossy, deep green leaves. Plant in well-drained soil and let limbs grow to the ground. Some cultivars tolerate alkalinity.
24	Swamp Chestnut Oak (Cow Oak)	<i>Quercus michauxii</i>	Moderate	Texas native, reliable fall color, seeds or fruit eaten by wildlife. Large leaves turn deep red in fall; large acorns are popular with wildlife. Tolerates seasonal poor drainage, but prefers loamy soils.

25	Sweetgum	<i>Liquidambar styraciflua</i>	Rapid	Texas native, reliable fall color, attractive seeds or fruit. Distinctive star-shaped leaves and round, spiky seed balls. Rapid, upright growth. Fall color ranges from yellow to purple.
26	Sycamore (American Planetree)	<i>Platanus occidentalis</i>	Rapid	Texas native, attractive seeds or fruit. Old bark flakes off to reveal pale new bark. Round fruit is a mass of small seeds. Provide plenty of room and a moist site. (Mexican Sycamore better leaves)
27	Thornless Honeylocust	<i>Gleditsia triacanthos var. inermis</i>	Rapid	Texas native, reliable fall color, attractive seeds or fruit, seeds or fruit eaten by wildlife. Wildlife eat seed pods.
28	Water Oak (Pin Oak)	<i>Quercus nigra</i>	Rapid	Texas native, seeds or fruit eaten by wildlife. Dark green bell-shaped leaves form a dense canopy. This common native does best on well drained, moist sites. (after 60 years prone to insects and disease).

29	White Ash	<i>Fraxinus americana</i>	Rapid	Texas native, reliable fall color. Fall color is yellow, orange, and purple. Male trees are seedless. A relatively clean shade tree. Prefers loamy, well-drained soils.
30	White Oak	<i>Quercus alba</i>	Slow	Texas native, reliable fall color, seeds or fruit eaten by wildlife. Excellent long-lived shade tree. Wildlife eat acorns. Fall color is red. Works best on well-drained, loamy soils.
31	Willow Oak	<i>Quercus phellos</i>	Rapid	Texas native, reliable fall color, seeds or fruit eaten by wildlife. Narrow, light green leaves turn yellow-brown in the fall. Fine twigs and strong branch structure. Prefers moist conditions.

(Ordinance 745, adopted 12/19/17, Section 1)

**FIRST AMENDMENT TO
AMENDED AND RESTATED PROFESSIONAL SERVICES AGREEMENT**

THIS FIRST AMENDMENT TO AMENDED AND RESTATED PROFESSIONAL SERVICES AGREEMENT (the “Amendment”) is entered this _____ day of _____, 2022 by and between **CITY OF HILSHIRE VILLAGE** (the “City”), organized under the laws of the State of Texas and located in Harris County, Texas, and **INFRAMARK, LLC** (“Inframark”), a Texas limited liability company with offices located in Katy, Harris County, Texas.

WHEREAS, the City and **SEVERN TRENT ENVIRONMENTAL SERVICES, INC.** (“**Severn Trent Inc.**”) originally entered into that certain Amended and Restated Professional Services Agreement dated September 16, 2014 (collectively, the “**Original Agreement**”) by and between the City and Inframark (as successor in interest to Severn Trent Environmental Services, Inc.).

WHEREAS, Severn Trent Inc. converted into Severn Trent Environmental Services, LLC (“**Severn Trent LLC**”) and Severn Trent LLC succeeded to and assumed all of Severn Trent Inc.'s obligations, duties, rights, titles, and interests in and to the Original Agreement; and

WHEREAS, on December 1, 2017, Severn Trent LLC changed its name to Inframark, LLC (“**Inframark**”). Inframark has succeeded to and assumed all of Severn Trent LLC’s and Severn Trent Inc.’s obligations, duties, rights, titles, and interests in and to the Original Agreement and any amendments thereto; and

NOW THEREFORE, and in consideration of the mutual covenants and agreements herein contained and contained in the Original Agreement, the City and Inframark hereby:

(a) confirm and agree that the facts set forth in the recitals hereof are true and correct and made a part hereof, and

(b) ratify and affirm the Original Agreement and the assumption by Inframark of the Original Agreement and of all obligations, duties, rights, titles, and interests of Severn Trent, LLC and Severn Trent, Inc. thereunder, all in accordance with the terms, provisions, stipulations, and conditions of the Original Agreement, and

(c) the City and Inframark hereby agree to amend the Original Agreement as follows:

ARTICLE I

Section 1.1: Definitions. Unless otherwise specifically set forth in this Amendment, all capitalized terms shall have the meanings set forth in the Original Agreement.

Section 1.2: Amendment to Rates and Addition of Attachment “A”. All rates referenced within the Original Agreement shall be removed and replaced in their entirety with Attachment “A” attached hereto and incorporated herein.

ARTICLE II

Section 2.1: Term. This Amendment shall continue in force and effect for the same period as the Original Agreement.

Section 2.2: Agreement in Effect: Amendment Controls. All terms and provisions of the Original Agreement, except as amended hereby, shall remain in full force and effect. In the event that any provision of this Amendment conflicts with the Original Agreement, the provisions of this Amendment shall control.

Section 2.3: Merger. This Amendment, together with the Original Agreement, embodies the entire agreement between the Parties relative to the subject matter hereto and thereof.

IN WITNESS WHEREOF, the City and Inframark have caused this Amendment to be executed by their duly authorized officers.

CITY OF HILSHIRE VILLAGE

INFRAMARK, LLC

By: _____

By: _____

Printed Name: _____

Printed Name: Todd Burrer

Title: _____

Title: Vice President, Texas MUDs

Date: _____

Date: _____

**SCHEDULE OF STANDARD RATES
ATTACHMENT "A"**

Base Monthly Operations Fees

Lift Station	\$ 500.00 per lift station, per month
Collection and Distribution	\$ 7,200.00 per month
Residential Connection Fee	\$ 4.51 per connection or apt. unit served
Commercial Connection Fee	\$ 4.51 per 10,000 gallons of water usage

The following is a partial list of Inframark charges showing the current rates:

Water Service Taps

*Residential Meters 5/8" x 3/4"	\$ 900.00 per tap, plus \$3.00 per foot if over 40'
*Non-typical Residential Meters 1"	\$ 1,350.00 per tap, plus \$3.00 per foot if over 40'
Taps larger than 1"	Custom Quote

*There will be a separate charge for any tap installation over 5 feet deep. Any future vendor price increases related to tap materials will be presented to the City at least 30 days prior to implementation.

Sanitary Sewer Inspection

Residential	\$ 50.00 per inspection
Commercial	Custom quote per inspection

Customer Service Inspections

Residential-Pre-site	\$ 35.00 per inspection/rejection
Residential-Slab	\$ 30.00 per inspection/rejection
Residential-Wall	\$ 30.00 per inspection/rejection
Residential-Fixture	\$ 60.00 per inspection/rejection
Residential-Final Site Survey	\$ 55.00 per inspection/rejection
Non-Residential	Custom quote per inspection/rejection

Other Types of Inspections

Backflow Prevention	\$ 125.00 per inspection/rejection
Grease Trap	\$ 60.00 per inspection
Fire Hydrant	Labor, Vehicle and Equipment rates

Labor and Supervision

Salary Cost X 2, which consists of the hourly rate and benefit cost X 2.

Overtime rates of time and one-half will apply for work performed in excess of eight (8) hours per day or 40 hours per week, and on weekends and holidays as designated by Inframark as company holidays.

**SCHEDULE OF STANDARD RATES – CONTINUED
ATTACHMENT “A”**

Vehicles and Equipment

Utility Truck	\$ 17.50 per hour
Electrical Vehicle	\$ 35.00 per hour
Maintenance Truck	\$ 35.00 per hour
Mechanical Truck	\$ 35.00 per hour
Chlorination Truck	\$ 35.00 per hour
Crew Truck	\$ 45.00 per hour
Crane Truck	\$ 60.00 per hour
Backhoe w/trailer	\$ 65.00 per hour
Shoring Equipment	\$ 30.00 per hour
Utility Trailer	\$ 12.00 per hour
Lowboy (Gooseneck) Trailer	\$ 12.50 per hour
*Air Scouring Unit (4-hr. minimum)	\$ 120.00 per hour
*Televising Unit (4-hr. minimum)	\$ 150.00 per hour
*Vactor/Jet Unit (4-hr. minimum)	\$ 200.00 per hour – not including dump fee
Includes Technician	
*Vactor/Jet Unit (4-hr. minimum)	\$ 220.00 per hour – <u>overtime rate</u> , not including dump fee
Includes Technician	

*These units will be available on a per-foot based cost quoted by job.

Other Services

Sludge Management and Disposal	No markup on invoices paid directly by the City
Landscape Services	Outside contractor rates, plus markup
Billing and Collection Services	At Cost, No Markup
Back-charge Administrative Fee	\$ 15.00 per back-charge
Delinquency Notices	\$ 15.00 per notice
Returned Check/Payment Reversal	\$ 25.00 per transaction
Service Account Transfer/Setup	\$ 15.00 per transfer
Meter Disconnects/Reconnects	\$ 30.00 per disconnect/reconnect
Meter Removal/Installation/Reinstallation	\$ 60.00 per removal/installation/reinstallation
Meter Verification/Re-Read	Labor, Vehicle and Equipment rates
Special Studies/Reports	Labor, Vehicle and Equipment rates

Outside contractor, professional services, and materials (except for billing and collection services) utilized for services in this Attachment “A”, will be billed at cost plus 20%.

Inframark shall hold firm the rates set forth in this Attachment "A" for a period of one (1) year from the date of this Amendment. For subsequent years, the regular rates will be increased by the same percentage as any increase in the Urban Consumers – Water and Sewerage Maintenance (CPI-U) for the U.S. City Average, 1982-84=100 as published monthly by the U.S. Department of Commerce, Bureau of Labor Statistics (the “Price Index”), or any replacement to that index from time to time, during the preceding twelve (12) months. The increase in the Price Index shall be determined by calculating the percentage increase between the Price Index in effect as of the month of each and every anniversary of this Amendment date over the Price Index in effect as of the month of the previous anniversary date. In no event shall the rates herein be decreased by virtue of any such adjustment.