



# City Council Agenda Item Report

May 7, 2013

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**SUBJECT: APPROVAL OF THE SECOND READING OF AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE CHAPTER 9 INFRASTRUCTURE AND PUBLIC IMPROVEMENTS (SECTION 9.3 GENERAL STANDARDS RELATING TO STANDARDS FOR ACCEPTANCE OF IMPROVEMENTS).**

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## 1. BACKGROUND/HISTORY

This amendment is in response to an emerging issue regarding deflection and separation in non-pressurized utility lines that rely on gravity to function properly. Many cities require specialized testing of sewer & storm water lines to ensure proper sealing and slope to maintain appropriate flow as a condition of acceptance. While the City already uses mandrel methods, the best practice utilizes cameras in addition to the mandrel to examine the lines and joints, providing additional important information like slope and proper sealing of lines.

The required public hearings for this proposed amendment was held at the January 8<sup>th</sup> meeting of the Planning & Zoning Commission and the April 16<sup>th</sup> City Council meeting.

## 2. FINDINGS/CURRENT ACTIVITY

The attached amendment incorporates this best practice of examining lines with cameras prior to accepting improvements. Approval of this change will better protect the City against accepting substandard utility lines, which is particularly important given the shrink/swell nature of soils in the area.

## 3. FINANCIAL IMPACT

This is a cost familiar to and often borne by developers, particularly in smaller cities. Even in larger cities there is often a special inspection fee when this service is provided by the City.

## 4. ACTION OPTIONS/RECOMMENDATION

City Council voted unanimously to approval the ordinance on first reading at its April 16<sup>th</sup> meeting. The Planning and Zoning Commission recommended approval on a 5-1 vote, with Commissioner Graham dissenting. Staff recommends the City Council consider approval of the ordinance.

## 5. ENCLOSURES

Draft Ordinance

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

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BUDA, TEXAS AMENDING CHAPTER 9 OF THE CITY OF BUDA UNIFIED DEVELOPMENT CODE BY AMENDING THE GENERAL STANDARDS PERTAINING TO THE ACCEPTANCE OF IMPROVEMENTS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City has reviewed its Unified Development Code (Buda Ordinance No. 021217-1, as amended) (“Code”) and conducted public hearings regarding the need and desirability of amendments, revisions, deletions, and modifications; and

**WHEREAS**, the City has decided to amend the Code as more specifically set forth herein; and

**WHEREAS**, the Council has determined that the provisions of this Ordinance will promote the health, safety, morals and the general welfare of the City of Buda and its surrounding areas; and

**WHEREAS**, the Planning and Zoning Commission held a public hearing and considered these proposed amendments, revisions, deletions and modifications at their January 8, 2013 meeting and recommended that the amendments, revisions, deletions and modifications set forth herein be approved by the City Council; and

**WHEREAS**, the City Council held a public hearing and considered these proposed amendments, revisions, deletions and modifications at their April 16, 2013 meeting; and

**WHEREAS**, this ordinance was passed and approved at a meeting of the City Council of the City of Buda held in compliance with the Texas Open Meetings Act at which a quorum of the City Council Members were present and voting.

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

**Section 1.** Chapter 9, *Infrastructure and Public Improvements*, Section 9.3, *General Standards*, Subsection (8), *Acceptance of Improvements* is hereby repealed and replaced in its entirety with the following:

**Section 9.3 General Standards**

(8) Acceptance of Improvements

During the course of installation and construction of the required improvements, the Director of Public Works, City Engineer or another designee of the City

Manager shall make periodic inspections of the work to ensure that all improvements comply with this Code and other municipal, county and State requirements. Upon completion of installation and construction of all required improvements, the developer may seek acceptance of all public improvements by the City by submitting the required number of copies of as-built plans and a two year maintenance bond in an amount as specified at the time of final plat submittal. All testing shall be in accordance with City of Austin Standard Specifications Series 500. For the storm sewer lines and all appurtenances associated therewith, at the developer's expense, the developer shall provide for and submit reports from the TV inspection of the lines and all appurtenances associated therewith prior to any acceptance. In addition, the developer shall provide a statement signed by a registered professional engineer that all improvements have been installed and constructed in accordance with the submitted as-built plans.

**Section 2.** This ordinance shall be cumulative of all other ordinances of the City of Buda, and this ordinance shall not operate to repeal or affect any other ordinances of the City of Buda except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, are hereby repealed.

**Section 3.** The sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

PASSED AND APPROVED on first reading by an affirmative vote of the City Council of the City of Buda, this 16<sup>th</sup> day of April, 2013.

PASSED, APPROVED AND ADOPTED on second reading by an affirmative vote of the City Council of the City of Buda, this 7<sup>th</sup> day of May, 2013.

APPROVED:

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Todd Ruge, Mayor

ATTEST:

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Danny Batts, City Secretary