



AGENDA ITEM SUMMARY FORM

MEETING DATE: June 28, 2022

PREPARED BY: Walter E. Reeves, Jr., AICP, Development Services Director

AGENDA CONTENT: Conduct a public hearing, discussion, and possible action on an ordinance amending Section 23-98 Public Improvement Acceptance of Chapter 23 Land Development Code, of the Code of Ordinances of the City of Angleton, Texas.

AGENDA ITEM SECTION: Public Hearing

BUDGETED AMOUNT: N/A

FUNDS REQUESTED: N/A

FUND: N/A

EXECUTIVE SUMMARY:

The public improvement acceptance process, as described in Section 23-98 is a two-step process. The first step is preliminary acceptance which is an administrative process where the City Manager preliminarily accepts public improvements after the City Engineer determines that the public improvements are installed in compliance with the approved construction plans and requirements of the Angleton Code of Ordinances (Code) and submission of "as-built" construction plans and a one (1) year maintenance bond.

After one year, the next step is final acceptance, which requires City Council accept the public improvements upon recommendation by the City Manager and City Engineer. Final acceptance also requires submission of a one (1) year maintenance bond.

Until adoption of the LDC (Chapter 23 of the Code) the process used by the City appears to have been City Council acceptance of the public improvements with submission of "as-built" plans and a one (1) year maintenance bond. The process as detailed in the LDC is inefficient and results in two different acceptances and a two-year maintenance bond period. Recognizing this inefficiency, staff has been processing a waiver of the preliminary acceptance and final acceptance to City Council for action. City Council instructed on May 24, 2022, that the process be amended to eliminate the need for the waiver of the preliminary acceptance, and the ordinance included with this agenda summary amends the process accordingly. Council also instructed that the maintenance bond period be one (1) year, that the acceptance of public improvements be done administratively (by the City Manager and not City Council), and that the maintenance bond requirement be 100% of the construction costs. The current maintenance bond amount is \$25,000 or 20% of the construction costs, whichever is greater.

The ordinance accompanying this agenda summary reflects this direction.

The Planning and Zoning Commission held a public hearing on June 2, 2022, and voted 6 in-favor/0 opposed/0 abstained to recommend approval of the ordinance amending Section 23-98 Public Improvement Acceptance subject to the condition that the maintenance bond be for two (2) years as a two (2) year maintenance bond would better protect the public interest.

RECOMMENDATION:

Staff recommends approval of the ordinance amending Section 23-98 Public Improvement Acceptance.

SUGGESTED MOTION:

I move we approve the ordinance amending Section 23-98 Public Improvement Acceptance.