



Ordinance amending to Chapter 70, "Streets, Sidewalks, and Other Public Places"

City Council: April 1, 2024

MEETING TOPICS

- ❖ At its March 4 regular meeting, the City Council received a presentation of the Policy and Valuation Committee's work efforts regarding amendments to Chapter 70, "Streets, Sidewalks, and Other Public Places" in an effort to revise the City's easement and right-of-way use agreement process.
- ❖ The Council Policy and Valuation Committee conducted two meetings and provided comments and recommendations on the following:
 - Revised review and approval process
 - Revised form agreement
 - Criteria for plan submittals
 - Future renewal process
 - Fees
 - Policy vs ordinance

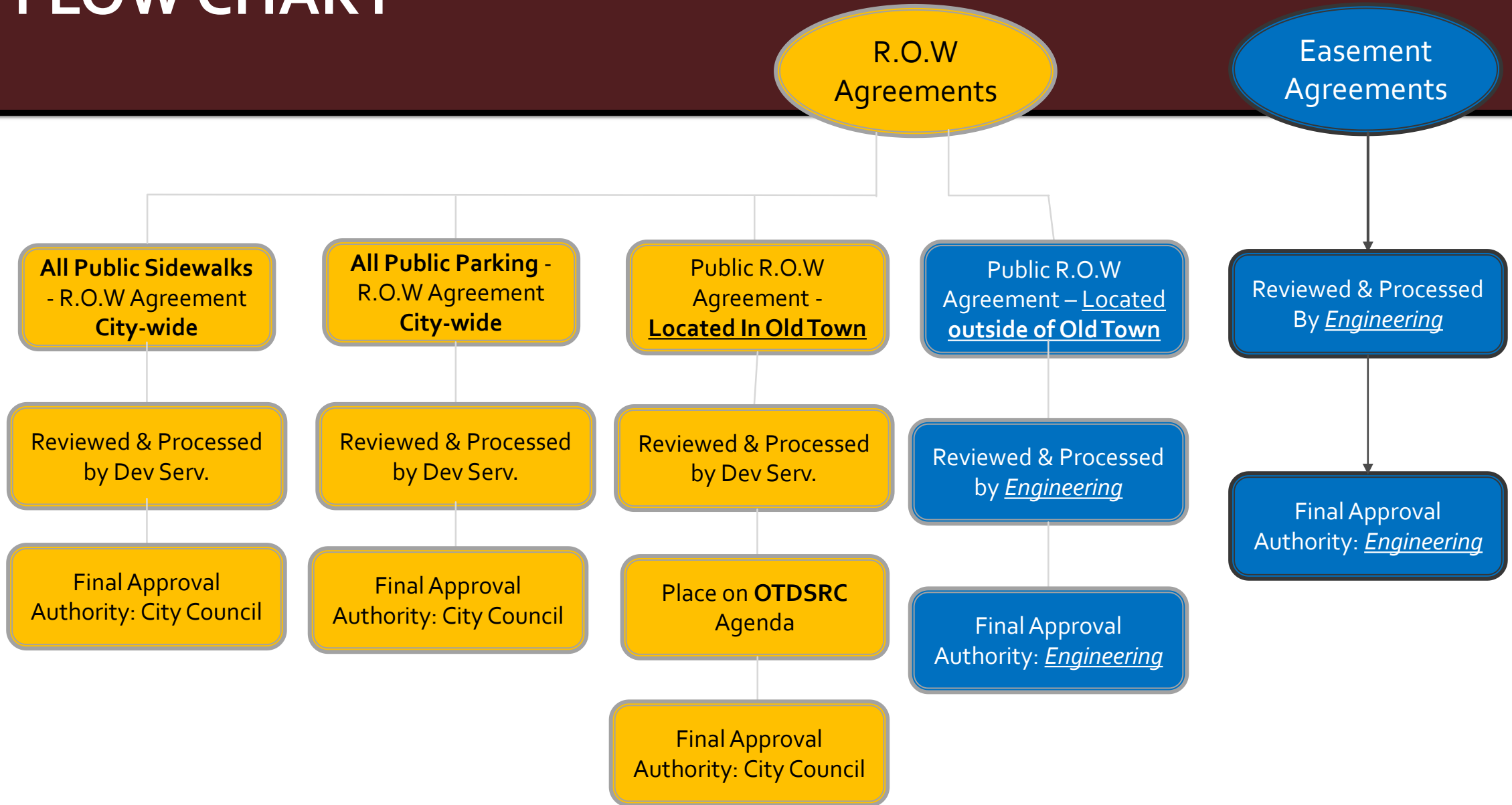
REVISED REVIEW AND APPROVAL PROCESS

- ❖ The Council supported the Committee recommendations as detailed on the next few slides:
 - Public Works- Engineering will review and administratively approve easement use agreements (city-wide) and right-of-way use agreements that are located outside of Old Town.
 - All right-of-way use agreements located in Old Town will proceed to the Old Town Design Standards Review Committee for review and then to City Council for consideration. All public parking and public sidewalks use agreements will proceed directly to City Council for consideration.
 - Approved right-of-way use agreements will be filed with the City Secretary's office instead of the County Clerk.

REVISED REVIEW AND APPROVAL PROCESS

- Prepare an ordinance to be codified in lieu of a policy.
- City Council to review and reconsider agreements annually.
 - Informational report agenda item (first appearance) and consent action agenda item for subsequent approval.
- Provide a new form agreement for right-of-way use requests requiring Council approval.
- Revise the application to reflect new workflow(s) and new \$525 fee.
- Staff has prepared a flow chart that illustrates the proposed, new process for easements and right-of-way use agreements.

FLOW CHART



REVISED APPLICATION

❖ Proposed application will include:

- Property owner authorization
- Adjacent property owner/tenant contact and comment information
- Applicable fee(s)
 - City Council recommended an initial, one year fee of \$525; this fee will be assessed following approval of the City's next fee schedule

NEW FORM AGREEMENT PROVISIONS

- ❖ A requirement that the R-O-W permittee must be owner or lessee of property adjacent to R-O-W.
- ❖ A requirement that the permittee (i) will be responsible for the maintenance of the permitted area, (ii) allow all members of the public to use the permitted area, and (iii) will comply with all local, state, and federal laws.
- ❖ A provision stating that the agreement and use is revocable by the City for any reason and at any time.
- ❖ An indemnity provision for the benefit of the City.
- ❖ A requirement that the ROW permittee must maintain general liability insurance coverage during the term of the agreement.

NEW FORM AGREEMENT PROVISIONS

- ❖ A requirement that the R-O-W permittee must maintain liquor liability insurance coverage during the term of the agreement, if alcohol is served by the permittee.
- ❖ A requirement stating that the R-O-W permittee shall remain current on all taxes (ad valorem, sales taxes, etc.) due to the City, subject to the permittee's appeal rights under law.
- ❖ Proposed improvements must comply with Americans with Disabilities Act (ADA).
- ❖ No storage of hazardous materials.
- ❖ A provision stipulating that the City or utility provider may remove the improvement/use at any time, without liability and at no cost.
- ❖ Council recommended no escrow of funds to cover the cost of the City or utility provider to remove the improvement/use from the R-O-W.

CRITERIA FOR PLAN SUBMITTALS

- ❖ Staff is proposing the following plan submittal details:
 - Facility Details – provide a detail and/or cross-section of the private facilities to be placed in the R.O.W/easement. Vertical alignment of existing and proposed facilities must be shown.
 - Colored architectural or technical renderings that detail the proposed improvements, building materials specifications, height and coverage.
 - If applicable, standardized details for outdoor dining (e.g. colored renderings, number of tables, chairs, lighting, etc.)
 - If in Old Town, must adhere to the Old Town Design Standards

Staff Recommendation

- ❖ Staff recommends the Council approve the ordinance amending Chapter 70, “Streets, Sidewalks and Other Public Places”, following its second reading.