

ORDINANCE NO 2018-46

AN ORDINANCE AMENDING THE ENGINEERING SERVICES AND CONSTRUCTION INSPECTION FEE IN THE CITY OF LEAGUE CITY AND REPEALING AND REPLACING ORDINANCE 2016-23

WHEREAS, the City of League City, Texas incurs administrative expenses in providing engineering services and inspection services for public improvements which are constructed by developers, and should be properly borne as fees by developers; and

WHEREAS, the City Council finds that such fees as are recited herein are reasonable to the actual administrative costs and expenses incurred by the City of League City to conduct such inspections, and that the following ordinance should be enacted;

WHEREAS, on July 27, 2016, the City Council passed Ordinance 2016-23 which established the public works engineering services and inspection fee ("inspection fee") in an amount equal to 2.0% of the cost to construct public improvements by developers; and

WHEREAS, based on the 2018 Council-approved Strategic Plan (Critical Success Factor #2, Initiative #3, Item B), staff has determined that it's a necessary to further amend the inspection fee in order to be in line with other peer city fees,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEAGUE CITY, TEXAS, as follows:

Section 1. The facts and opinions in the preamble of this ordinance are true and correct.

Section 2. Developers that have submitted a preliminary plat prior to March 1, 2019 and have submitted their infrastructure improvement plans by June 1, 2019 shall pay a 2.0% inspection fee based on the Engineer's cost estimate or accepted bid tab. If the infrastructure improvement plan is not submitted by June 1, 2019, the developer shall pay a 2.50% inspection fee along with any city staff overtime costs. This inspection fee must be paid to the City by the developer of such development prior to the Pre-Construction Meeting being scheduled by city staff. The cost to construct the public improvements is the cost set forth in a cost-estimate prepared by the Engineer of Record and shall be signed and sealed by the Professional Engineer. As an alternate method, actual bids received for the cost of the work may be used.

Section 3. Developers that have submitted a preliminary plat on or after March 1, 2019, shall pay an inspection fee in an amount equal to 2.50% of the cost to construct public improvements along with any city staff overtime costs. This inspection fee must be paid to the City by the developer of such development prior to the Pre-Construction Meeting being scheduled by city staff. The cost to construct the public improvements is the cost set forth in a cost-estimate prepared by the Engineer of Record and shall be signed and sealed by the Professional Engineer. As an alternate method, actual bids received for the cost of the work may be used.

Section 4. In addition to the inspection fee, Developers that have submitted a preliminary plat on or after March 1, 2019, shall also pay any city-staff overtime costs related to inspector services at a rate of \$50 per hour with a 2-hour minimum. The developer has two options for paying for inspector overtime costs. First option, the developer may deposit \$500 with the City prior to the preconstruction meeting. The City will refund any unused funds to the developer at after the project is accepted. However, if there is a balance due to the City, the total amount of city-staff overtime fees owed by must be paid prior to the project being accepted. Second option, the developer may

opt to be billed monthly or prior to the final inspection. However, the total amount owed must be paid prior to the project being accepted. The developer must notify the City's engineering department by noon on Thursday if the developer has work planned for the weekend that requires city-staff inspection services.

Section 5. All ordinances or parts of ordinances in force when the provisions of this ordinance become effective which are inconsistent or in conflict with the terms of provisions contained in the amended schedule of rates hereby enacted by this ordinance, are hereby repealed to the extent of any such conflict.

Section 6. If any section, subsection, paragraph, sentence, clause, phrase or word in this ordinance, or application thereof to any person or circumstances held invalid by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance, and the City Council of the City of League City, Texas, hereby declares it would have enacted such remaining portions despite any such invalidity.

Section 7. It is hereby found and determined that the meeting at which this ordinance was passed was open to the public and that advance public notice of the time, place and purpose of said meeting was given as required by law.

PASSED on first reading the 11th day of December, 2018.

PASSED on second reading the _____ day of _____, 2018.

PASSED AND ADOPTED on the _____ day of _____, 2018.

PAT HALLISEY
Mayor

ATTEST:

DIANA M. STAPP
City Secretary

APPROVED AS TO FORM:

NGHIEM V. DOAN
City Attorney