

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PFLUGERVILLE AMENDING SECTION 4 OF THE 2014 ENGINEERING DESIGN MANUAL AND CONSTRUCTION STANDARDS, REPLACING ALL ENGINEERING AND CONSTRUCTION STANDARDS IN CONFLICT; CONTAINING A SAVINGS CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the 2014 Engineering Design Manual and Construction Standards were adopted by City Council of the City of Pflugerville on February 24, 2015 by Ordinance No. 1206-15-02-24, and revised by the City Council of the City of Pflugerville, Texas, by Ordinance No. 1290-16-11-22; and

WHEREAS, in September 2018, the National Oceanic and Atmospheric Administration (NOAA) published Atlas 14: Precipitation-Frequency Atlas of the United States, Volume 11 Version 2.0: Texas, and the atlas provides precipitation frequency estimates for the State of Texas and serves as the United States government's official source of precipitation frequency estimates and associated information for Texas, and replaces previous federal studies; and,

WHEREAS, Section II of Ordinance No. 1206-15-02-24 directed the City Engineer to review the Engineering Design Manual and Construction Standards from time to time, and to recommend such revisions as are necessary to account for changing conditions, and updated technical standards for the development of public infrastructure, and administration of the Engineering Design Manual and Construction Standards; and

WHEREAS, in order to protect the public health, safety and welfare it is necessary to maintain the integrity, carrying capacity and natural benefits of creeks, watercourses and floodplains in the City; and

WHEREAS, the City Council recognizes the proposed amendment to Section 4 of Engineering Design Manual and Construction Standards will provide for enhanced watercourse and public health protection based on the most recent rainfall data for use in determining floodplain boundaries and storm system design; and

WHEREAS, the City Council finds that there is a public necessity for the amendment and revision of the Engineering Design Manual and Construction Standards; that the public interest clearly requires the adoption and amendment of the Engineering Design Manual and Construction Standards; and that the Engineering Design Manual and Construction Standards, as amended does not unreasonably invade the rights of those who bought or improved property with reference to the classification and development standards that existed at the time the investment was made; and

WHEREAS, the City Council finds that the adoption of the proposed amendments to the Engineering Design Manual and Construction Standards promotes the health, safety, and general welfare of the citizens of Pflugerville and facilitates the implementation of adequate provisions

regarding drainage requirements.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS:

I. Adoption

Section 4 of the Engineering Design Manual and Construction Standards is hereby amended as set forth in **Exhibit “A,”** which is attached hereto and incorporated herein by reference for all purposes.

II. Ongoing Projects

Any project for which a complete development application has been accepted and permitted by the City before the effective date of this Ordinance may proceed pursuant to the 2014 Engineering Design Manual and Construction Standards adopted as Ordinance No. 1206-15-02-24, and the revision of the Engineering Design Manual and Construction Standards adopted as Ordinance No. 1290-16-11-22 unless the permit expires or the applicant elects to subject the project to requirements of this Ordinance. Any project for which a permit has not been issued by the City before the effective date of this ordinance shall adhere to the standards set forth in this Ordinance.

III. Conflicts and Savings

That all ordinances or resolutions or parts of ordinances or resolutions in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and that the Code of Ordinances of the City of Pflugerville, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

IV. Severability

If any provision of this Ordinance is illegal, invalid, or unenforceable under present or future laws, the remainder of this Ordinance will not be affected and, in lieu of each illegal, invalid, or unenforceable provision, a provision as similar in terms to the illegal, invalid, or unenforceable provision as is possible and is legal, valid, and enforceable will be added to this Ordinance.

V. Publication of Engineering Design Manual and Construction Standards

The publishers of the City Code of Pflugerville, Texas are authorized to publish this enactment of the Engineering Design Manual and Construction Standards of Pflugerville, Texas, to correct typographical errors and index, format and number paragraphs to conform to the existing City Code.

VI. Effective Date.

This Ordinance will take effect upon its adoption by the City Council and publication as required by law.

PASSED AND APPROVED this _____ day of _____, 2019.

CITY OF PFLUGERVILLE, TEXAS

By: _____
Victor Gonzales, Mayor

ATTEST:

Karen Thompson, City Secretary

APPROVED AS TO FORM:

Charles E. Zech, City Attorney
DENTON, NAVARRO, ROCHA, BERNAL & ZECH, P.C.

EXHIBIT A