

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, ADOPTING THE CITIES ROADWAY IMPACT FEES; AMENDING THE CITY'S CODE OF ORDINANCES CHAPTER 152 IMPACT FEES TO INCLUDE ROADWAY IMPACT FEES PER SERVICE UNIT; ESTABLISHING PROCEDURES FOR THE ASSESSMENT, COLLECTION, COMPUTATION, EXPENDITURE, REFUND AND GENERAL ADMINISTRATION OF ROADWAY IMPACT FEES; PROVIDING FOR THE ESTABLISHMENT OF ACCOUNTS FOR ROADWAY IMPACT FEES; REPLACING ALL ORDINANCES IN CONFLICT; CONTAINING SEVERABILITY AND REPEALER CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 395, Texas Local Government Code (the "Statute") provides the requirements and procedures for the adoption of Land Use Assumptions, Roadway Impact Fee Capital Improvements Plan, and Roadway Impact Fees; and

**WHEREAS**, the City retained Kimley-Horn and Associates ("Kimley-Horn") to prepare a Roadway Impact Fee Study that contains Land Use Assumptions ("LUA") reflecting a description of three Service Areas and projections of 10-year growth in residential and nonresidential land uses in each Service Area, a Roadway Impact Fee Capital Improvements Plan ("CIP") to identify Capital Improvements or Roadway Facility expansions for which Roadway Impact Fees may be assessed, and a calculation of the Roadway Impact Fee. The Roadway Impact Fee Study is attached as **Exhibit A** hereto and incorporated by reference herein; and

**WHEREAS**, after notice of public hearing was published as required by the Statute, the City Council held a public hearing on September 22, 2020 and by a 7-0 vote adopted the Land Use Assumptions ("LUAs") and the Capital Improvement Plan (the "Plan") pursuant to Section 395.042 through Section 395.045; and

**WHEREAS**, pursuant to Sec. 395.047, Texas Local Government Code, the City adopted Resolution No. RES-1798-20-09-22-0763 on September 22, 2020, which set a date of October 27, 2020 to conduct a public hearing to consider imposing an impact fee; and

**WHEREAS**, the City of Pflugerville's Capital Improvement Advisory Committee ("CIAC"), pursuant to Sec. 395.058, Texas Local Government Code, filed its written comments on the proposed Roadway Impact Fees on October 5, 2020, which is at least five (5) business days before the date of the public hearing on the adoption of the Roadway Impact Fee; and

**WHEREAS**, as required by Section 395.054, Texas Local Government Code, the City Council conducted a public hearing on October 27, 2020 on the adoption of Roadway Impact Fees in which any member of the public had the right to appear at the hearing and present evidence for or against the plan and proposed fee; and

**WHEREAS**, the City Council desires to adopt the Roadway Impact Fees and related administrative process as herein described and finds that it is in the best interest of the citizens of the City of Pflugerville.

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

### **Section I. Findings Incorporated.**

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein and are hereby found to be true and correct factual and legislative determinations of the City of Pflugerville, Texas.

### **Section II. Roadway Impact Fee Study Adopted**

The Roadway Impact Fee Study dated October 27, 2020 is hereby approved and adopted for all purposes consistent with this Ordinance and is attached as Exhibit A hereto is incorporated herein by reference for all purposes, including any future amendments thereto. A copy of the Roadway Impact Fee Study can be acquired through the City Secretary's office. The Roadway Impact Fee Capital Improvements Plan and Land Use Assumptions identifying Capital Improvements or Facility Expansions pursuant to which Roadway Impact Fees may be assessed, as considered and adopted by the City Council on September 22, 2020, is contained within the Roadway Impact Fee Study.

### **Section III. Code Amendments**

That the Code of Ordinances of the City of Pflugerville, Texas, Chapter 152 Impact Fees is hereby amended as follows with strikethroughs being deletions from the Code and underlines being additions to the Code:

~~GENERAL PROVISIONS~~ Subchapter A. Water and Wastewater Impact Fees.

§ 152.01 [RESERVED] ~~TITLE. This chapter will be known, and may be cited, as the Impact Fee Ordinance of the City of Pflugerville, Texas~~

§§ 152.24 through 152.99 are hereby reserved.

Subchapter B. Roadway Impact Fees, as provided for in the attached Exhibit B, are hereby adopted and fully incorporated into the City's Code of Ordinances Chapter 152.

### **Section IV. Severability**

If any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the

Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

#### **Section V. Repealer**

This ordinance shall be cumulative of all other ordinances, resolutions or acts of the City of Pflugerville, and this ordinance shall not operate to repeal or affect any other ordinances of the City of Pflugerville 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 VI. Effective Date**

This Ordinance shall take effect from and after its passage and publication in accordance with the provisions of the Texas Local Government Code, whichever is later, and it is accordingly so ordained.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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**

### **Roadway Impact Fee Study**

## **EXHIBIT B**

### **Chapter 152 Impact Fees, Subchapter A Roadway Impact Fees**