



# City of Pflugerville

## Legislation Text

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**File #:** RES-1133, **Version:** 1

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Approving a resolution of the City of Pflugerville, Texas amending the Construction (Public Infrastructure) Plan and Building Plan Review New Commercial fees listed in the Pflugerville Fee Schedule adopted by Ordinance No. 1559-22-09-13, to address required legislative adjustments to value based fees per House Bill 3492.

The proposed amendment is a result of the 88th Texas Legislature approving House Bill 3492, which becomes effective September 1, 2023 and precludes a municipality from considering the cost of constructing or improving the public infrastructure for a subdivision, lot, or related property development in determining the amount of a fee. The current Fee Schedule approved with the FY23 budget includes two separate fees in Development Services that are value based and are required to be adjusted prior to September 1 to ensure compliance with the new legislation. According to the legislation, a municipality shall consider the actual cost, as applicable, to review and process the engineering or construction plan or to inspect the public improvement infrastructure. A municipality can consider the fee that would be charged by a qualified, independent third-party to do the review and inspection; the hourly rate for the estimated direct time of the municipalities employees performing the review and inspection; or the actual costs assessed to the municipality by a third-party providing the services.

The fee for Construction (Public Infrastructure) Plans included in the current Fee Schedule includes an initial application fee, a fee based on 3.5% of the value of the improvements that is due at time of plan approval, and a fee for each review exceeding three reviews. The proposed adjustment will replace the 3.5% value fee with a per construction plan sheet fee that is based on the anticipated staff time to review and further inspect the public improvements included in an average plan set and will continue to be paid at time of plan approval. The initial application is proposed to be retained and the review fee exceeding three reviews has been increased from \$250 to \$500 to account for the additional staff time. The fee, hourly rate, and estimated direct time incurred by city employees will be published annually on the website in accordance with the legislation.

Building Plan Review for New Commercial fees listed in the current Fee Schedule are pass through fees associated with the third-party that provides commercial plan review. The proposed adjustment will remove the tiered fees that are based on value in the Fee Schedule and will replace with a sentence that states the fees for new commercial building plan reviews will be the actual costs assessed to the City by a third-party entity that provides those services to the City. New Commercial applications will include the third-party review fee schedule for the applicant to refer to.

This item is supported by the Economic Development pillar of the Strategic Plan.

### **Prior City Council Action**

The Fee Schedule was approved September 13, 2022.

### **Deadline for City Council Action**

August 22, 2023 to ensure compliance with the September 1, 2023 effective date provided in the legislation.

**Funding Expected:** Revenue  Expenditure

**Budgeted Item:** Yes  No  N/A

**Amount:** \_\_\_\_\_

**1295 Form Required?** Yes  No

**Legal Review Required:** N/A  Required  Date Completed: 8/11/2023

**Supporting documents attached:**

Resolution

House Bill 3492

Current Fee Schedule

**Recommended Action**

Approve the resolution of the City of Pflugerville, Texas amending the Construction (Public Infrastructure) Plan and Building Plan Review New Commercial fees listed in the Pflugerville Fee Schedule adopted by Ordinance No. 1559-22-09-13, to address required legislative adjustments to value based fees per House Bill 3492