

Policy No. 8000-15
Adopted 10/19/2021
Effective 10/19/2021

RESOLUTION NO. 21-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, ADOPTING A RIGHT OF WAY ENHANCEMENT AND MAINTENANCE POLICY CLARIFYING THE RESPONSIBILITIES OF THE CITY AND THIRD PARTIES INCLUDING, BUT NOT LIMITED TO, HOAs, POAs, AND COMMERCIAL ASSOCIATIONS, IN REGARDS TO, AND ESTABLISHING UNIFORM STANDARDS FOR, THE ENHANCEMENT AND MAINTENANCE OF CITY RIGHTS-OF-WAY; AND REPEALING RESOLUTION NO. 17-20 ADOPTING A STREETScape POLICY.

WHEREAS, the City Council wishes to adopt a policy that clarifies the responsibilities of the City and third parties including, but not limited to, HOAs, POAs, and Commercial Associations, in regards to, and establishes uniform standards for, the enhancement and maintenance of City rights-of-way; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS:

Section 1. That Resolution No. 17-20 adopting a Streetscape Policy is repealed.

Section 2. That the City Council adopts the following Right of Way Enhancement and Maintenance Policy clarifying the responsibilities of the City and third parties including, but not limited to, HOAs, POAs, Commercial Associations, in regards to, and establishing uniform standards for, the enhancement and maintenance of City rights-of-way:

City Council Policy

RIGHT OF WAY ENHANCEMENT AND MAINTENANCE POLICY

I. PURPOSE

The purpose of this Policy is to clarify the responsibilities of the City and third parties including, but not limited to, HOAs, POAs, and Commercial Associations, and establish uniform standards for, the enhancement and maintenance of City right-of-way (ROW), including streets, streetlighting, sidewalks, bridges, hardscape, landscape, irrigation, bridges, and box culverts located therein. The Policy lays out guidelines for reimbursement and supplemental funding of private entities including, but not limited to, HOAs, POAs, and Commercial Associations, and standards for repairs. This Policy ensures that all private entities that work with the City in maintaining City ROW are treated equitably and fairly.

This Policy also serves as a guide as the City's street network continues to grow to ensure minimum standards for landscaping, streetlighting, entryways, tree management, use, irrigation management, screening, traffic signals and poles, enhancement, and maintenance for City ROWs. This policy does not govern over the City's ordinances or Development Code.

II. SCOPE

The appearance of the City's streetscapes has become a signature element for Sugar Land residents, businesses, and visitors. In accordance with the City's Comprehensive Plan's goal of a Safe and Beautiful City, the City has worked on creating standards for the physical appearance of the streetscapes in Sugar Land. The City Council has adopted many related internal policies and programs: Urban Beautification Policy, Streetlight Banner and Flag Policy, Design Standards, Landscape Master Plans, and Public Landscape Water Cost Share Participation Program, as well as a Tree Trimming Ordinance. All of these policies, programs, and codes impact the appearance and maintenance of the ROWs. The City has a long-standing relationship with private entities including, but not limited to, HOAs, POAs, and Commercial Associations, in sharing the responsibility of maintaining City ROW. The City also permits enhanced landscaping and maintenance by third parties in the ROW that exceeds minimum standards, as long as the landscaping is done in accordance with the City's permitting process.

The City's interest in ROW is an easement; most ROW is not owned by the City in fee. As a result, the City and third parties including, but not limited to, HOAs, POAs, and Commercial Associations have concurrent maintenance obligations for City ROW. The City is charged with ensuring that the ROW is maintained for safety and mobility purposes, but has no legal duty to maintain City ROW to any aesthetic standard. Third parties, such as HOAs, POAs, and Commercial Associations, are charged, typically through deed restrictions and declarations, or other restrictive covenants, with maintaining ROW within their communities to certain aesthetic standards. This Policy clarifies the responsibilities of the City and third-party entities including, but not limited to, HOAs, POAs, and Commercial Associations, in the maintenance of City ROW, including, but not limited to, streets, sidewalks, hardscapes, landscape, easements, streetlighting, irrigation, bridges, and box culverts.

This Policy does not establish design standards for development.

This Right of Way Enhancement and Maintenance Policy repeals and replaces the following policy:

1. Streetscape Policy adopted by Resolution No. 17-20.

III. DEFINITIONS

Bridge means a structure that carries a Street over physical obstructions, such as rivers, ditches, other Street, or other obstacles, allowing for the passage of transportation for people and vehicles.

Commercial Association means those associations in the City of Sugar Land, incorporated and formally registered with the Texas Secretary of State, that make and enforce rules for the

commercial properties within their jurisdictions.

Culvert Crossing means a pipe that is located under a Street or portion of land and allows running water to pass underneath.

Decorative Pavement means any pavement that has been enhanced beyond standard minimum specifications. This may include colored, stamped, or textured concrete, as well as inset brick pavers.

Hardscape means structures and features such as walls, fences, paving, signs, sidewalks, curb ramps, concrete pavers, and Site Furnishings.

HOA (Homeowners Association) means those organizations of homeowners of the various subdivisions in the City of Sugar Land, incorporated and formally registered with the Texas Secretary of State, that make and enforce rules for the properties within their jurisdictions.

Inset Parking means parking spaces inset into street ROW, outside of the traveled portion of the Street. Inset parking may be located along the edges of a Street, in a median, in an island, or other portion of street ROW.

Irrigation means the supplemental watering of plant material, typically by an underground automated system, using either a potable or non-potable water source.

Landscape Beautification collectively describes all annually provided services within City maintained ROWs. This includes all mowing, edging, line-trimming, weeding, and plant bed maintenance, performed forty-four (44) times annually. Fertilization, pre-emergent, post-emergent, ant bait, and mulching performed two (2) times annually. Ivy trimming on walls performed twelve (12) times annually, and litter pickup performed fifty-two (52) times annually. This term is also inclusive of the City's annual contract for tree removal and tree trimming for the mitigation of safety hazards and to meet City ordinance. This term includes the annual monitoring, inspection and repairs to the City's irrigation system.

POA (Property Owners Association) means those informal organizations of homeowners of the various subdivisions in the City of Sugar Land that oversee properties within their jurisdictions.

Right-of-Way or *ROW* means the entire width of a way granted to the City, by plat or other recorded instrument, that has a part open for public use for vehicular travel. ROW includes the entire width of the way that is granted, including both improved and unimproved portions. The following are often located in ROW: Streets, Sidewalks, walkways, bicycle lanes, utility easements, traffic control devices, and signage.

Safety Feature means a bridge guardrail or safety wall.

Screening means any medium that is used to protect properties from traffic, noise, heat, glare, or dust. It serves to provide enclosure, definition, and privacy to a front or rear yard or parking area.

Sidewalk means a paved, public pathway designated for and ordinarily used for pedestrian travel or pedestrian and bicycle travel, typically located parallel to, and in ROW adjacent to, a Street.

Site Furnishings means benches, seat walls, chairs, tables, planters, and other furniture and fittings designed for outdoor use and located in ROW.

Street means the paved portion of ROW used for vehicular travel, being the area between the face of curb to the opposite face of curb, or the area between the two parallel edges of the paved roadway for vehicular travel where there is no curb. A Street is generally part of, but smaller in width than, the width of the entire public ROW. A Street does not include the curb, the sidewalk, a walkway, or an off-street pathway for pedestrian and/or bicycle use.

Streetlighting means a raised source of light, usually mounted on or integrated into a pole, located along the edge of public Streets, and spaced at certain intervals.

Visibility Triangle means an imaginary triangle located on a property at the corner of intersecting streets to provide an unobstructed view of cross-traffic. Refer to the City ordinance for specific measurements of various street types.

Xeriscape means a landscape design style incorporating principles of using efficient irrigation methods, drought tolerant plants, as well as appropriate use of mulches, decorative aggregates, and turf areas. When properly designed, this style will minimize overall maintenance and water consumption.

IV. ROW ELEMENTS

This Policy establishes four (4) roadway classifications, each with its own maintenance standard and the roadway classifications further described in Section V. The following ROW elements assist in defining those roadway classifications:

- A. Landscaping – This Policy addresses existing conditions in City ROW and provides minimum standards for landscape maintenance and the supplemental funding of landscape maintenance in the ROW. This Policy does not discourage enhanced landscaping that exceeds these minimum standards by third parties in the ROW. Each roadway classification – Imperial, Highway 6, Signature, and Classic –has unique minimum levels of landscaping and maintenance. Maintenance along TxDOT ROWs will meet the then current *Landscape and Aesthetics Design Manual* as released by TxDOT.
- B. Tree Trimming – The purpose of this portion of the Policy is to provide guidance for maintenance crews and contracts. All tree trimming efforts should conform to the current City ordinances. Trees located in City ROW represent an important aspect of the City streetscape. The City’s tree trimming efforts and inspection will occur based on the roadway’s classification. This policy does not preclude POAs or HOAs from enhanced maintenance of trees that exceed the standards in this Policy.
- C. Streetlighting – The installation of streetlighting is mandatory along all streets within the City

limits and the City's extraterritorial jurisdiction as defined by the City's Development Code and Design Standards. The City owns and maintains streetlights on State Highway 6, US 90A, and US 59. All other lighting systems in the City are owned and managed by CenterPoint or private entities.

- D. Irrigation – Underground irrigation systems consisting of controllers, spray heads, rotors, bubblers, or drip emitters may be installed, owned, and operated within the ROW, by the City or a private entity with appropriate approval and permits. All irrigation systems shall follow all local, state, and federal rules and regulations.

V. ROADWAY CLASSIFICATIONS AND STANDARDS

To distinguish among the various streetscape treatments along the City's roadways, four (4) roadway classifications are established to delineate the different landscape maintenance, tree trimming, streetlighting, and irrigation that are utilized. Those four (4) classifications are Imperial, Highway 6, Signature, and Classic.

A. Imperial

This classification is designated for the streetscape treatments of areas directly adjacent to interstate and state highways. Ultimately designed for harsh conditions, these areas provide a dramatic green aesthetic to an area where high volumes of traffic travel at higher speeds. These roadways are U.S. Highway 59, U.S. Highway 90A (from U.S. 59 to State Highway 6), and State Highway 99.

1. Landscape Beautification for Imperial Roadways - Roadways designated as Imperial will include, but will not be limited to: turf, shade trees, ornamental trees, large shrub masses, climbing vines on walls, flowering plants for seasonal interest, ground cover plants, and ornamental grasses planted primarily near intersections. Plants shall be selected for hardiness, low maintenance, and low water requirements. Landscaping must include necessary groundcover or storm water pollution control features to prevent erosion and sediment run-off during rain events, as required by City ordinance. The City is responsible for design, construction, and maintenance of the landscaping, and will conform to TxDOT standards and be approved by TxDOT prior to installation.

City maintenance will be performed at forty-four (44) cycles per year and will include mowing, trimming, and edging. Litter pick-up will be performed at fifty-two (52) cycles per year. Additional services will include weed control, insect control, disease control, fertilization, tree trimming, plant bed maintenance, irrigation, water monitoring and irrigation repair.

2. Tree Trimming for Imperial Roadways - Roadways designated as Imperial have large sections of ROW and all plantings will be strategically placed so as to never interfere with the visibility triangle. Trees in this category will be monitored, inspected, and trimmed on an annual basis.

3. Streetlighting for Imperial Roadways - The City owns lighting systems located along Imperial Roadways in Sugar Land, except State Highway 99. These systems are maintained by the City and have been approved by the Texas Department of Transportation (TxDOT).
4. Irrigation for Imperial Roadways - Planting beds and trees, but not turf, will be irrigated with drip line or spray heads. The City is responsible for design, construction, and maintenance of the irrigation system, and will conform to City standards. The City irrigation system shall have remote access and central control.

B. Highway 6

Since infrastructure features on State Highway 6 are a hybrid of both the Imperial and Signature categories, State Highway 6 has its own classification. This classification reflects the important role State Highway 6 plays as a major corridor for the City.

1. Landscaping for Highway 6 - The Highway 6 classification will include turf, shade trees, ornamental trees, minimal quantity of shrub and ground cover plantings primarily near intersections, and possible vines on sound walls. Landscaping must include necessary groundcover or storm water pollution control features to prevent erosion and sediment run-off during rain events, as required by City ordinance. The City is responsible for the design, construction, and maintenance. All planting design must conform to city standards and be approved by TxDOT prior to installation.

City maintenance will be performed at forty-four (44) cycles annually and will include mowing, trimming, and edging. Litter pick-up will be performed at fifty-two (52) cycles per year. Additional services will include weed control, tree trimming, plant pruning, fertilization, irrigation water monitoring, and irrigation repair.

2. Tree Trimming for Highway 6 - Highway 6 has large sections of ROW and all plantings will be strategically placed so as to never interfere with the visibility triangle. Trees on Highway 6 will be monitored, inspected, and trimmed on an annual basis.
3. Streetlighting for Highway 6 - The lighting along State Hwy 6 will be the black decorative streetlights. The lighting on Highway 6 is a mixture of City, CenterPoint, and privately-owned lighting.
4. Irrigation for Highway 6 - Irrigation of Highway 6 can include drip or spray irrigation of trees, shrubs, and turf as per City and State Requirements. The City is responsible for design, construction, and maintenance of the irrigation system, and will conform to City standards and be approved by TxDOT prior to installation. The City irrigation system shall have remote access and central control.

C. Signature

The heavily travelled boulevard streets in the City have become Sugar Land's trademark. These

streets make it easy to distinguish which neighborhoods are located within the City limits. Roadways in this classification typically have the following characteristics:

1. Classification as a major collector or arterial roadway as defined in the City's Major Thoroughfare Plan,
2. Connects to a State Highway or Freeway, or
3. Include a landscaped median dividing the roadway.

Signature roadways are:

- | | |
|---|--|
| 1. Austin Parkway | 2. Greatwood Parkway from U.S. Highway 59 to Forest Woods |
| 3. Bay View Drive | 4. Jess Pirtle Blvd. |
| 5. Brooks St. | 6. Lexington Blvd. |
| 7. Burney Rd. | 8. New Territory Blvd. from Wescott Ave to Jillian Ln. |
| 9. Commerce Green Blvd. | 10. Riverbrook Dr. from Greatwood Pkwy to Fielding Dr. |
| 11. Commonwealth Blvd. | 12. Sandhill Dr. from Jaymar Dr to Winston Ln |
| 13. Cunningham Creek Blvd. from US90A to Autumn Ridge Dr. | 14. Settlers Way Blvd. |
| 15. Dulles Avenue | 16. Sugar Creek Blvd. from U.S. Highway 59 to Country Club Blvd. |
| 17. Dairy Ashford Rd. | 18. Sansbury Blvd. |
| 19. Eldridge Rd. | 20. Sugar Lakes Blvd. |
| 21. Ellis Creek Blvd. | 22. Sweetwater Blvd. |
| 23. First Colony Blvd. | 24. University Blvd. |
| 25. Gateway Blvd. | 26. West Airport Blvd. |
| 27. Williams Trace Blvd. | 28. South Stadium Dr from US90A to Oyster Creek |

As the City incorporates newly built roadways in the future, the City Council can amend this policy to add streets to this category and therefore allow them to be eligible for supplementation.

1. Landscaping for Signature Roadways - Roadways designated as Signature will include turf, shade trees, ornamental trees, minimal quantity of shrub and ground cover plantings primarily near intersections, and possible vines on sound walls. Landscaping must include necessary groundcover or storm water pollution control features to prevent erosion and sediment run-off during rain events, as required by City ordinance. The City, or another entity, such as a developer, HOA, or POA, may design, construct, maintain, and irrigate at the Signature level.

Maintenance will be performed at forty-four (44) cycles annually and will include mowing, trimming, and edging. Litter pick-up will be performed at fifty-two (52) cycles per year. Additional services will include weed control, tree trimming, fertilization, plant pruning, irrigation monitoring, and irrigation repair.

2. Tree Trimming for Signature Roadways - Roadways designated as Signature utilize understory plantings and shrubs. Trees planted in these areas should not interfere with streetlighting, pedestrian walkways, or the visibility triangle. Trees in this category will be monitored on an annual basis by City crews and inspected/trimmed on a routine basis. This category will be inspected and trimmed to meet the City's Tree Trimming Ordinance, depending on need by City contractors or HOAs participating in the Landscape Supplementation Program.
3. Streetlighting for Signature Roadways - As the City constructs or improves Signature routes, the standard will be one of two standard lighting systems, approved by CenterPoint: a black decorative cobra head system or a black decorative lamppost system.
4. Irrigation for Signature Roadways- Irrigation of Signature level roads may include drip or spray irrigation of trees, shrubs, and turf meeting City and State requirements. If maintained by the City, the irrigation system will have remote access and central control by the City.

D. Classic

The Classic category encompasses entryways into neighborhoods and esplanades along collector streets that are traditionally landscaped by the adjacent homeowner associations as an entry feature and amenity for subdivisions.

1. Landscaping for Classic Roadways - Roadways designated as Classic may include shade trees and ornamental trees, with very minimal quantity of landscaping around signage or intersections. If the ROW is maintained by an HOA, POA, or other entity, it is solely at that entity's expense.

If the ROW is not maintained by another entity, maintenance may be performed by the City. The maintenance at the Classic level is twenty-four (24) cycles per year and consists of mowing, trimming, and litter pick-up. This does not preclude an HOA or POA from enhanced landscaping and maintenance that exceeds the minimum standards.

2. Tree Trimming for Classic Roadways - Generally, streets designated as Classic have little existing tree inventory. Entryways typically utilize understory plantings and shrubs. Trees planted in these areas should not interfere with streetlighting or the visibility triangle. Trees in these sections will be monitored on annual basis and trimmed as needed.
3. Streetlighting for Classic Roadways - Two standard lighting systems, supplied by CenterPoint, are allowed in the ROW: a standard 30' cobra head system and a black decorative lamppost system.
4. Irrigation for Classic Roadways- Irrigation systems may exist in the ROW but they belong to an entity other than the City, and are operated and maintained solely at that entity's expense.

E. Non-Classified Roadways

Roadways that do not fall into one of the four (4) classifications are identified as non-classified roadways. The majority of such Streets will be local residential Streets, but also includes some Streets in commercial and industrial areas. ROW maintenance along such Streets shall be performed by the adjacent property owners, or applicable HOA, POA, or Commercial Association, in accordance with City ordinances and any applicable restrictive covenants.

F. General Requirements

The following items apply to all roadways within the City:

Traffic Signal Poles – Decorative (Black) Traffic Signal intersection poles will be the standard within the City limits. The specifications are located within the City Standard Specifications. Galvanized steel traffic signal intersection poles will be the standard within the Industrial Park. Existing galvanized steel intersection poles, not in the Industrial Park, will be included in the City's Capital Improvement Program based on its life expectancy. Life expectancy will be determined by the date it was installed plus twenty (20) years as a minimum.

Water Conservation – Water conservation should be emphasized with all landscaping and irrigation projects through the use of plants that require minimal water usage (after plant establishment) and properly positioned and angled sprinklers. In order to conserve water, irrigation must not spray onto any hard surface. All ROW irrigation systems shall follow TCEQ standards, including having a licensed irrigation technician or licensed irrigator on-site when an irrigation system is installed, maintained, altered, repaired, or serviced.

All entities irrigating in City ROW must provide plans and drawings by a licensed irrigator to the City to ensure the new irrigation installations follow TCEQ regulations and City Design Standards. All plans must include and show the location of an automatic controller and sensors that prevent the operation of irrigation during rainfall or in freezing weather. All new automatically controlled irrigation systems must include sensors or other technology designed to inhibit or interrupt operation of the irrigation system during periods of moisture or rainfall. Repairs to existing automatic irrigation systems that require replacement of an existing controller must include a sensor or other technology designed to inhibit or interrupt operation of the irrigation system during periods of moisture or rainfall.

Screening – Screening can lessen the visual intrusion that may otherwise occur within an urbanized area. Even minimal Screening can provide an impression of separation of spaces, and more extensive Screening can shield one use from the visual and audible impact of an adjacent use. The following standards shall apply to Screening materials:

1. *Fences and Walls* - In the case of an HOA, POA, or Commercial Association, the fence or wall shall be constructed on private property or in a public utility easement, and not in public ROW. The City has no obligation to maintain these fences or walls. TxDOT, and/or the City, by written agreement, may own or maintain walls or fences in the ROW.

- a. *Vegetation on Walls* – Plant material, such as ivy or vines, may be planted to adhere to wall or fence as an extension of this type of screen. The City has no obligation to maintain vegetation on fences or walls located on private property or public utility easements, and not in the public ROW. Vegetation on TxDOT and/or City owned walls will be maintained by the City when located within the ROW. Vegetation located on the side of a TxDOT or City maintained wall that is adjacent to private property shall be maintained by the abutting property owner.
2. *Vegetation* - New plant materials shall consist of a combination of deciduous, evergreen, and ornamental trees and shrubs at a density that, at maturity, provides a year-round screen and buffer of the subdivision from adjacent roadways and shall satisfy the height and size requirements of the City’s Development Code at installation.
3. *Earthen Berms* – Berms may be used in combination with Hardscape or vegetative screening. They must be completely covered with turf or other vegetation and shall not exceed a three (3) to one (1) slope to allow for maintenance and mowing.

Hardscape - Hardscape elements include sidewalks, curb ramps, concrete pavers and other hardscape structures such as signs or neighborhood entry features.

1. *Curb Ramps* - Curb ramps must meet then current accessibility standards. Truncated dome pavers are standard and will be pavestone “River Red” or similar.
2. *Structures* - The ROW should be kept clear of obstructions. A freestanding sign, wall, fence, neighborhood entry feature, or other permanent structure must not be placed or located within a public easement or public ROW unless the City gives its written consent to the encroachment through the issuance of a permit or Consent to Encroachment.
3. Star and Crown Columns can be used by the City to help motorists and residents identify the roadways and entryways of Sugar Land.
4. *Concrete pavers* —The City can, but has no obligation to, install concrete pavers on median tips and back of curb for beautification and functionality. Stained or colored concrete may be installed in lieu of pavers where the distance between the backs of the curbs is inadequate to support landscaping. The stain color must match the standard paver color – “Antique Red”.

ADA Compliance – All Hardscape installed, renovated, repaired, or otherwise altered in City ROW after the date of this Policy must conform to the requirements of the Americans with Disabilities Act, as amended.

VI. LANDSCAPE SUPPLEMENTAL FUNDING PROGRAM

The intent of this program is to aid an HOA or Council-approved entity in the cost to maintain landscaping on City-managed ROW along Signature roadways, as defined in this policy. City Council may approve funding for a landscape supplementation program as part of the City’s

budget.

The supplementation rate will be determined on an annual basis during budget preparation and will be equal to the rate established in FY21 or \$0.088 per square foot. The rate will be increased or decreased annually based upon the Houston area Consumer Price Index (CPI) not to exceed +/- 3.0%. This will continue through FY24 at which time the supplementation rate will be reevaluated based upon the operational costs to the City. The supplementation amount will be based on the number of square feet of ROW maintained by the entity multiplied by the established City rate.

Annual contracts will be established with individual HOAs or other Council-approved entities that identify the current rate and square footage to be maintained. The contract will allow for quarterly disbursement of the supplementation based up completion of the maintenance and provided documentation of the completed work.

To be eligible to participate in or continue participating in a Council-approved landscape supplementation program, the HOA or other Council-approved entity must restore or re-establish landscaping within a reasonable amount of time, but not to exceed 120 days of an unanticipated incident causing the need for replacement.

Participants in the City's landscape supplementation program will comply with the City ROW Use Ordinance.

Prior to commencement of construction by the City on Signature roadways, participating HOAs may be eligible for reasonable reimbursement of impacted landscape in the ROW. The City may approve a reimbursement agreement for the reinstallation of irrigation and landscape to meet the new configuration.

VII. STREETLIGHTS

A. Streetlight Reimbursement Program for Private Lighting Systems

1. The installation of streetlighting is mandatory along all streets within the City limits and the City's extraterritorial jurisdiction as defined by the City's Development Code and Design Standards. As the replacement of grandfathered systems is needed, all systems must be replaced with CenterPoint's approved systems. For private lighting systems existing on the date of adoption of this Policy, a program for reimbursement of operational costs is included herein.
2. The City has previously provided prorated reimbursements of operational costs to requesting organizations that own private lighting systems used to light the ROW. These systems and the associated reimbursements will be grandfathered under the following program.
3. Currently, the reimbursement will be for the operational cost of the equivalent number of 9,500 lumen standard cobra head streetlights necessary to properly light a street to the City's minimum requirements. The reimbursement rate is calculated based on the

following criteria as outlined in electrical provider's tariff and current energy rate:

Single Luminaire Fixture Rate

(Monthly KWH x Rate Per KWH) + Monthly Rate Per Fixture

Double Luminaire Fixture Rate

2 x (Monthly KWH x Rate Per KWH) + 2 x Monthly Rate Per Fixture

The electrical provider's tariff can be located on their website:
<https://www.centerpointenergy.com/en-us/corp/pages/rates-and-tariffs-electric.aspx>

4. The organization will be responsible for the maintenance and operation of its decorative lighting system within the ROW and must keep those lighting systems in good working order and aesthetic condition.
5. The organization will complete a minimum of one inspection per quarter of all its street lighting to assure proper operation. All light outages identified via the inspection program or reported by others will be acknowledged and scheduled for repair within 72 hours after notification.
6. The organization will provide annual inspection of all its lighting fixtures to evaluate the structural condition and the aesthetic appearance. The organization will take immediate action to correct any structural defects found as a result of this inspection. All work identified to maintain the aesthetics of the fixtures will be completed by the organization within the subsequent year. If unable to complete the repairs within the following year, the organization must contact the City and provide a repair timeline.
7. The City's Public Works Department will strictly enforce the provisions of the program through random inspections to ensure compliance. If the organization does not comply with the terms and conditions of the program, the City may withhold a prorated portion of the reimbursement payment based on the time period the organization did not meet the terms and conditions of the program.
8. This portion of the Policy will be administered via annual agreements between the City and the organizations. These agreements will be initiated at the beginning of the City's fiscal year in October. Additionally, all streetlighting reimbursement agreements are subject to the annual appropriation of funding by the City Council. If there is a conflict between a provision in this Policy and a provision in a streetlight reimbursement contract, the latter controls.

B. Streetlight Conversions

1. Public Streetlight Conversions. The City will allow outside entities to request a change out from the standard lighting system. If approved, the requesting party is responsible for all

costs associated with the planning, design, and construction of the new lighting facilities, including all costs associated with additional lights that may be required to keep lighting levels at the City's standards.

2. Private to Public Streetlight Conversions. It is the goal of the City for all streetlights to eventually be converted from private systems to public. To that end, the City may use a portion of the annual number of streetlights allotted to the City by CenterPoint to convert private lighting systems that are currently participating in the City's private lighting reimbursement program detailed herein. The City's allotment is for the installation of the 30' cobra-head style poles in residential areas only. If an HOA, POA or Commercial Association decides to participate in the conversion program, an agreement will be necessary. The conversion program is subject to available funds and available streetlight allotment from CenterPoint.
3. For a conversion under either Section B.1. or B.2. above:
 - a. The requesting party may apply for funding assistance under the City Council Policy "City Participation with Community-Based Organizations in Joint Capital Improvement Projects." Information regarding funding assistance can be found at: <https://www.sugarlandtx.gov/234/Home-Owner-Associations>.
 - b. If the City's annual budget for replacement of CenterPoint lighting becomes available for residential change outs, the City may use it to help outside entities offset associated change out costs.
 - c. Upon change out, the City is responsible for the operational and maintenance costs associated with the lighting system.

VIII. BRIDGES & CULVERTS CROSSINGS RESPONSIBILITIES AND REPLACEMENT

The City is the chief steward of City ROW. ROWs contain many public and private utilities and system improvements. Coordination and standardization helps manage and protect both public and private investment located in the ROW.

Bridges and Culvert Crossings located within a Street are City infrastructure. The City has a duty to maintain the structural elements of Bridges and Culvert Crossings in safe working order, but has no duty to upgrade and/or maintain Bridges or Culvert Crossings to any specific aesthetic standard.

Any Bridges and Culvert Crossings that contain aesthetic upgrades above and beyond City's minimum standard, as defined by TxDOT Road and Bridge Standards, will be maintained by the HOAs, POAs, Commercial Associations or other entities responsible. This includes ongoing maintenance and capital improvements. HOAs, POAs, Commercial Associations or other entities responsible for maintaining decorative features of Bridges and Culvert Crossings may apply for funding assistance under the City Council Policy "City Participation with Community-Based

Organizations in Joint Capital Improvement Projects.” This limited, competitive program is for capital improvements only, and not for maintenance. Applicants must apply and receive approval prior to completing any work. Information regarding funding assistance can be found on the City of Sugar Land website.

If a Safety Feature receives structural damage, the HOA, POA, Commercial Associations or other entity will be responsible for the cost of repair. All repairs to Safety Features must be initiated within 30 days. If the entity fails to initiate replacement of the Safety Feature within 30 days, the City will replace it with the minimum standard. The City, based on available budget, may reimburse the HOA, POA, Commercial Association or other entity, the cost that would have been incurred by the City for similar repairs to standard, City-maintained guardrails or safety walls. The reimbursement rate will be determined on a case per case basis. The entity must pay for all upfront costs and submit a request to the Director for the repair within 90 days of the completion of the repairs. All documentation, including but not limited to, insurance documentation, repair invoice, and proof of payment, must be included in the request for reimbursement.

If a City-initiated project requires the adjustment or replacement of existing aesthetic upgrades to a Bridge or Culvert Crossing, the City will pay for all expenses related to the adjustment or replacement of the aesthetic upgrades. Once the project is complete, maintenance of the aesthetic upgrades will remain the responsibility of the HOAs, POAs, Commercial Associations or other entities responsible.

This Policy does not discourage aesthetic upgrades and maintenance of such upgrades by HOAs, POAs, Commercial Associations or other entities.

IX. DECORATIVE PAVEMENT

Certain Sidewalks and Streets in the City contain Decorative Pavement. Decorative Pavement is considered to be an infrastructure enhancement. The City can, but has no obligation to, install, maintain, and replace Decorative Pavement for Sidewalks or Streets that are maintained by the City.

If Decorative Pavement on Sidewalks or Streets maintained by the City needs to be replaced or maintained in the future, the City will, in its sole discretion, determine whether it will follow minimum standards or provide Decorative Pavement. This decision will be based on available funding. If funding is not available, the entity that is responsible for the hardscape can, at their own expense, pay for the additional cost for the enhanced hardscape. The entity will have 90 days to make a determination on funding the additional cost. After 90 days, the City will move forward with the standard repair.

In addition, if a section of pavement is identified for repair, based on the City's Pavement Maintenance and Management Program, that is located in an area that may benefit from Decorative Pavement, the City may, at its sole discretion and with coordination with the local entity, choose to install enhanced pavement at the City's expense, if funding is available. Locations where improvements could directly promote or develop new or expanded business enterprises, such as roads classified as state highways, arterials, or major collectors, and are entrances to subdivisions,

would qualify. The City would be responsible for the maintenance of the new Decorative Pavement.

The City has no responsibility to install, maintain, or replace Decorative Pavement in private streets, driveways, or walkways that the City does not maintain.

This Policy does not discourage aesthetic upgrades and maintenance of such upgrades by HOAs, POAs, Commercial Associations or other entities.

X. INSET PARKING

Inset Parking is to be maintained by the City unless the parking is required by the Development Code or another agreement that makes a party other than the City responsible for maintenance.

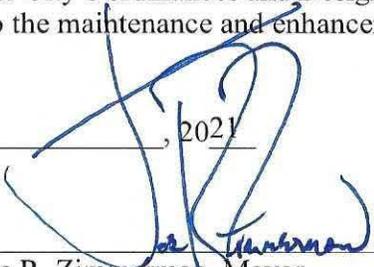
XI. CONSTRUCTION AND REPAIRS OF ROW

City projects may impact facilities and property (including aesthetic upgrades thereto) in the ROW that are owned and/or maintained by an HOA, POA, or Commercial Association, including, but not limited to, landscaping, trees, private streetlighting systems, and irrigation, bridges, box culverts, and hardscape. In accordance with the City's Code of Ordinances, the City has no legal obligation to: (1) pay for; (2) contribute to the cost of; (3) reimburse; or (4) otherwise assist in the temporary or permanent removal, relocation, change, alteration, or repair of such facilities, property, or aesthetic upgrades. Provided, however, the City may in its sole discretion, on a case-by-case basis, choose to provide financial or other assistance to an affected HOA, POA, or Commercial Association, in order to mitigate the financial impact to those entities from the City's work in the ROW. Such assistance is limited to impacted facilities and property along Signature and Classic Roadways, in recognition of the higher standards imposed upon such roadways by this Policy.

XII. OTHER RULES AND REGULATIONS

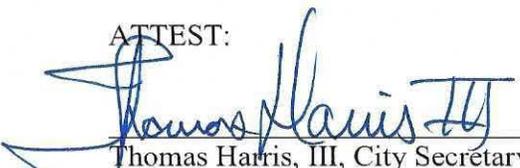
In addition to the requirements of this Policy, the City's ordinances and Design Standards, as well as any applicable restrictive covenants, apply to the maintenance and enhancement of City ROW.

APPROVED on October 19, 2021



Joe R. Zimmerman, Mayor

ATTEST:



Thomas Harris, III, City Secretary

APPROVED AS TO FORM:





City Council Agenda Request

OCTOBER 19, 2021

AGENDA REQUEST NO: IV.B.

AGENDA OF: City Council Meeting

INITIATED BY: *Eric Oscarson - Assistant Director of Public Works*

PRESENTED BY: *Eric Oscarson, Assistant Director of Public Works*

RESPONSIBLE DEPARTMENT: Public Works

AGENDA CAPTION:

Consideration of and action on **CITY OF SUGAR LAND RESOLUTION NO. 21-19**: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, ADOPTING A RIGHT OF WAY ENHANCEMENT AND MAINTENANCE POLICY CLARIFYING THE RESPONSIBILITIES OF THE CITY AND THIRD PARTIES INCLUDING, BUT NOT LIMITED TO, HOAs, POAs, AND COMMERCIAL ASSOCIATIONS, IN REGARDS TO, AND ESTABLISHING UNIFORM STANDARDS FOR, THE ENHANCEMENT AND MAINTENANCE OF CITY RIGHTS-OF-WAY; AND REPEALING RESOLUTION NO. 17-20 ADOPTING A STREETScape POLICY.

RECOMMENDED ACTION:

Adopt Resolution No. 21-19, adopting a Right-of-Way Enhancement and Maintenance Policy and repeal Resolution No. 17-20.

EXECUTIVE SUMMARY:

In April 2019, City Council approved the creation of the City/HOA Maintenance Responsibilities Task Force with the responsibility of updating the Streetscape Policy. The Task Force met seventeen times over two years reviewing and making recommendations for updates to the Streetscape Policy. The following is a brief summary of the recommended changes:

- Updated name to "Right-of-Way Enhancement and Maintenance Policy"
- Add "Non-Classified" as a Roadway Type
- Updated "Landscape Reimbursement Program" to Landscape Supplemental Funding Program
 - Funding Rate to start in FY22 at \$.088 per SF and adjust annually by CPI for three years. After that time, staff will assess cost of City staff to maintain and determine new rate.
- Streetlight Reimbursement Program to all for participation in Joint CIP Program to fund conversion of streetlights.
- Add language for bridges and culvert crossings
 - City to maintain the structural and minimum aesthetic standard components.
 - Other entities will be required to maintain upgraded aesthetics.
 - Entities may utilize Joint CIP for capital improvements
 - City will reimburse for costs for safety features
- Added language regarding decorative pavement
 - The City has no obligation to install or maintain decorative pavement.
 - If decorative pavement needs to be replaced, the City will determine if funding is available; if not, the City will reach out to the entity to see if they want to cover the difference.
 - If a pavement repair is needed in a location that may benefit from decorative pavement, the City will attempt to fund the improvement or meet with the entity to see if they want to participate.
- Added language regarding inset parking
 - City to maintain inset parking unless parking is required as part of a development's parking requirement or other agreement.
- Added language regarding City construction in the right-of-way
 - The City understands that projects may impact private infrastructure. The City may, in its sole discretion, include in the project or reimburse the entity, for damages to the impacted infrastructure.

These recommendations and the entire policy were reviewed and unanimously approved by the City/HOA Task Force. The Finance and Audit Committee reviewed and concurred with updates on August 5, 2021. PARCS Board recommended approval of update policies on August 10, 2021. City Council reviewed the policy on September 28, 2021.

Staff is recommending City council approve Resolution 21-19, adopting the Right-of-Way Enhancement and Maintenance Policy, and repeal Resolution 17-20 adopting a Streetscape Policy.

BUDGET

EXPENDITURE REQUIRED: N/A

CURRENT BUDGET: N/A

ADDITIONAL FUNDING: N/A

FUNDING SOURCE:N/A

ATTACHMENTS:

	Description	Type
▣	<u>Resolution</u>	Resolutions