

Ordinance establishing rates, policies, and methodologies to implement the street maintenance fee created by separate ordinance.

WHEREAS, City Council has established a street maintenance fee by separate ordinance; and

WHEREAS, by this ordinance the City Council adopts the policies, rates, and methodologies to implement the street maintenance fee,

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

SECTION 1. DEFINITIONS.

- 1) *Benefitted Property* means a residence; a business; or lot, parcel or property within the city limits of the City that generates motor vehicle trips.
- 2) *Commercial Residential Benefitted Property* means attached multi-family housing or a detached dwelling unit of a mobile home park, recreational vehicle (RV) park, or manufactured home community.
- 3) *Director* means the City Manager or designee.
- 4) *Equivalent Residential Unit ("ERU")* means a unit of measurement for the median size of a residence equal to 1,500 square feet.
- 5) *Motor Vehicle Trip* means each departure from and each arrival to a property by a motor vehicle.
- 6) *Nonresidential Benefitted Property* means Benefitted Property not defined as Commercial Residential Benefitted Property or Residential Benefitted Property under this article.
- 7) *Residential Benefitted Property* means a detached single-family residence.
- 8) *Street Maintenance Fee ("Fee")* means the fee established by this article imposed against, and collected from, owners or occupants of Benefitted Property for the purpose of maintaining the street system of the City.
- 9) *Street Preventative Maintenance Program ("SPMP")* means the street maintenance program, as amended from time to time, funded by the Street Maintenance Fee.

- 10) *Street System* means the structures, streets, rights-of-way, bridges, alleys, and other facilities within the city limits of the City that are dedicated to the use of vehicular traffic; the maintenance and repair of those facilities; and the operation and administration of such maintenance and repair under the Street Preventative Maintenance Program.
- 11) *Trip Factor* means a principle basis of service measurement, principally derived from the trip generation rates published by the Institute of Transportation Engineers.
- 12) *Utility Customer* (“*Customer*”) means the holder of a city utility account or the person who is responsible for the payment of charges for a Benefitted Property.

SECTION 2. FINDINGS.

The City Council finds and determines the following:

- 1) It is appropriate that a Benefitted Property pay the prorated annual cost of the Street System that can reasonably be attributed to the Benefitted Property.
- 2) The number of Motor Vehicle Trips generated by a Benefitted Property may reasonably be used to estimate the prorated cost of the Street System attributable to a Benefitted Property.
- 3) The size and use of a property may reasonably be used to estimate the number of Motor Vehicle Trips generated by the property.
- 4) Based on the best available data, the method of imposing the Street Maintenance Fee reasonably prorates the cost of the Street System among Benefitted Properties.
- 5) It is reasonable and equitable to impose a set monthly fee per utility meter for each Residential and Commercial Residential Benefitted Property in order to avoid a disproportionate burden on any Residential or Commercial Benefitted Property.
- 6) It is reasonable and equitable to cap the square footage for a Nonresidential Benefitted Property in order to avoid a disproportionate burden on a Nonresidential Benefitted Property.
- 7) It is reasonable and equitable to cap the Trip Factor for Nonresidential Benefitted Property in order to avoid a disproportionate burden on a Nonresidential Benefitted Property.

- 8) If available, appraisal district property tax records may be relied on to determine the size of nonresidential property.
- 9) It is reasonable and equitable to derive trip generation rates for Commercial Residential, Residential, and Nonresidential Benefitted Property as determined and published by the Institute of Transportation Engineers.
- 10) It is reasonable and equitable to assume that each utility meter in the service area serves a Benefitted Property.

SECTION 3. TRIP FACTORS.

The Director shall assign to each Benefitted Property a Trip Factor according to the property's use. The Director shall assume for each Nonresidential Benefitted Property the number of trips per day as set by the Institute of Transportation Engineers.

The Director will conduct a survey of Nonresidential Benefitted Property to more specifically identify land use, in order to assign a more appropriate Trip Factor to the land use categories shown in the Trip Factor Index.

The Trip Factor Index will be maintained by the Director or his designee and may be revised from time to time in accordance with this article.

A Customer may validate the Trip Factor of a Benefitted Property at the Customer's own expense under the rules and procedures established by the Director. After completion of the required validation procedures, if a change in Trip Factor is indicated that results in a reduced fee, the reduction in fee is prospective only. A Customer may not receive a refund from such a reduction in fee.

For purposes of this article, a property's use does not depend on the property's zoning. If a property fits more than one category of use, the Director shall assign a Trip Factor that most accurately reflects the number of Motor Vehicle Trips generated by the property.

SECTION 4. STREET FEE-ONLY ACCOUNT.

The Director shall create an account in the City's utility account billing system for any Benefitted Property for which no utility account exists.

SECTION 5. RESIDENTIAL BENEFITTED PROPERTY.

The Fee for Residential Benefitted Property shall be on the basis of a set fee per lot, unit, tract or parcel.

For a Residential Benefitted Property, each month a Customer shall pay an amount equal to the following:

$$\text{Amount} = \$7.00 \times (1 \text{ Unit}) \times (1) \text{ Trip Factor}$$

SECTION 6. COMMERCIAL RESIDENTIAL BENEFITTED PROPERTY.

The Fee for Commercial Residential Benefitted Property shall be on the basis of a set fee per dwelling unit.

For a Commercial Residential Benefitted Property, each month a Customer shall pay an amount equal to the following:

$$\text{Amount} = \$7.00 \times (\text{Number of Units}) \times (0.48) \text{ Trip Factor}$$

SECTION 7. NONRESIDENTIAL BENEFITTED PROPERTY.

The Director shall determine the Fee for Nonresidential Benefitted Property on the basis of factors that include the trip generation rate published by the Institute of Transportation Engineers for the land uses allowed.

For a Nonresidential Benefitted Property, per meter, each month a Customer shall pay an amount equal to the following:

$$\text{Amount} = \$7.00 \times (\text{Square Footage} / \text{ERU}) \times \text{Trip Factor}$$

The Director shall determine the square footage for a Nonresidential Benefitted Property based upon building square footage of property as recorded by the Nueces County Appraisal District. If appraisal district records are unavailable, the Director may determine the size of a Nonresidential Benefitted Property from the best available information.

Where the square footage for a Nonresidential Benefitted Property exceeds 100,000 square feet on a per meter basis, the Director will consider and determine the square footage for that property to be 100,000 square feet per meter.

Where the Trip Factor for a Nonresidential Benefitted Property exceeds 4.6, the Director will consider and determine the Trip Factor to be 4.6.

Where multiple water meters exist on the property, square footage will be distributed among the meters using the best available information.

SECTION 8. BILLING AND COLLECTION OF FEE.

Fees will be billed each month on the utility bill for each Benefitted Property. Payment is due upon receipt of the bill. The Utility Customer is responsible for apportionment of Fees to any person or persons leasing units of the Benefitted Property.

SECTION 9. RECOVERY OF UNPAID FEE.

The City may recover a Street Maintenance Fee that is not paid when due in an action at law. The City may discontinue utility services to a user who fails to pay the Fee when due.

SECTION 10. STREET MAINTENANCE FUND.

A special fund is created known as the Street Fund. All fees collected by the City for the purpose of maintenance of the Street System shall be deposited in the Street Fund. It will not be necessary for the expenditures from the Fund to specifically relate to any particular property from which the fees were collected.

The Director shall provide to the City Council an annual report of the Street Fund.

Every year the Director shall provide City Council a report on the progress of the Street Preventative Maintenance Program (SPMP) and publish an updated three-year map of street candidates to be considered for the maintenance program.

SECTION 11. RULES.

The Director shall adopt rules necessary for the administration of this article and the Street Maintenance Fee. The Director shall be responsible for administration of this article; developing all rules and procedures necessary to administer all provisions of this article; developing maintenance programs; and establishing Street System criteria and standards for the operation and maintenance of the Street System.

SECTION 12. APPEAL OF TRIP FACTOR

If a Customer believes that the Trip Factor assigned to a Benefitted Property does not fairly reflect the Motor Vehicle Trips generated by the Benefitted Property, the Customer may appeal the Trip Factor under rules and procedures established by the Director.

To appeal a Trip Factor, a Customer must show that based on an actual count of Motor Vehicle Trips, the Trip Factor assigned to the Benefitted Property should be reduced. The Customer is responsible for the cost of counting Motor Vehicle Trips.

The Director shall adopt rules for the administration of this section, including acceptable methods of counting Motor Vehicle Trips.

A reduced fee under this section is prospective only. A Customer may not receive a refund resulting from a reduction under this section.

SECTION 13. DISPOSITION OF FEES AND CHARGES.

The fee paid and collected by virtue of this article shall not be used for the general or government proprietary purposes of the City, except to pay for the equitable share of the cost of accounting, management and government thereof.

Other than as described above, the fees and charges shall be used solely to pay for the cost of operation, administration, planning, engineering, development of guidelines and controls, inspection, maintenance, repair, improvement, and renewal of the Street System and the costs incidental thereto.

SECTION 14. LOW-INCOME DISCOUNT.

A Customer who is eligible may apply for a discounted fee. A Customer shall provide proof of eligibility in accordance with the rules and procedures established by the Director. A Customer shall establish eligibility for a discounted fee on an annual basis.

The Director shall adopt rules for the administration of this section, including acceptable methods for showing and determining eligibility for a low-income discount.

A reduced fee under this section is prospective only. A Customer may not receive a refund resulting from a reduction or discount under this section.

SECTION 15. EXEMPTIONS.

This article does not apply to a city, county, state, federal agency or department, hospital district, publicly funded independent school district or charter school, public institution of higher education, or regional transit authority.

SECTION 16. EFFECTIVE PERIOD.

This Ordinance takes effect immediately upon its passage and continues for ten years. This Ordinance ceases to have effect ten years from date of its final passage, unless further Council action is taken to extend this Ordinance.

SECTION 17. LIABILITY.

This article does not create additional duties on the part of the City. This article does not waive the City's immunity under any law.

ATTEST:

CITY OF CORPUS CHRISTI

Armando Chapa
City Secretary

Nelda Martinez
Mayor

That the foregoing ordinance was read for the first time and passed to its second reading on this the _____ day of _____, 2013, by the following vote:

Nelda Martinez	_____	Chad Magill	_____
Kelley Allen	_____	Colleen McIntyre	_____
Rudy Garza	_____	Lillian Riojas	_____
Priscilla Leal	_____	Mark Scott	_____
David Loeb	_____		

That the foregoing ordinance was read for the second time and passed finally on this the _____ day of _____, 2013, by the following vote:

Nelda Martinez	_____	Chad Magill	_____
Kelley Allen	_____	Colleen McIntyre	_____
Rudy Garza	_____	Lillian Riojas	_____
Priscilla Leal	_____	Mark Scott	_____
David Loeb	_____		

PASSED AND APPROVED, this the _____ day of _____, 2013.

ATTEST:

Armando Chapa
City Secretary

Nelda Martinez
Mayor