

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

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

WHEREAS, by this ordinance the City Council adopts the policies, rates, and methodologies to be used 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) *Director* means the City Manager or designee.
- 3) *Motor Vehicle Trip* means each departure from and each arrival to a property by a motor vehicle.
- 4) *Street Maintenance Fee or Fee* means the fee established by this article and assessed against, and collected from, owners or occupants of Benefitted Property for the purpose of maintaining the street system of the City.
- 5) *Street Preventative Maintenance Program or SPMP* means the street maintenance program, as amended from time to time, funded by the Street Maintenance Fee.
- 6) *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.
- 7) *Trip Factor* means a principle basis of service measurement derived from the trip generation rates published by the Institute of Transportation Engineers.
- 8) *Utility 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 assessing the Street Maintenance Fee reasonably prorates the cost of the Street System among Benefitted Properties.
- 5) It is reasonable and equitable to assess a set monthly fee per utility meter for each residential Benefitted Property in order to avoid a disproportionate burden on any residential 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) If available, appraisal district property tax records may be relied on to determine the size of a nonresidential property.
- 8) It is reasonable and equitable to assume the trip generation rates for residential and nonresidential Benefitted Property as determined and published by the Institute of Transportation Engineers.
- 9) 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.

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 a utility account for any Benefitted Properties for which no utility account exists.

SECTION 5. RESIDENTIAL PROPERTY.

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

Each month a Utility Customer of a residential Benefitted Property shall pay an amount equal to \$7.00.

SECTION 6. NONRESIDENTIAL 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 and land uses allowed. For each nonresidential Benefitted Property, the sum of the square footage of the property divided by 1,500 will be multiplied by the appropriate Trip Factor to arrive at a value.

For nonresidential Benefitted Property, each month a Utility Customer shall pay an amount per meter determined by the following equation:

$$\text{Amount} = \$7.00 \times (\text{Square Footage} / 1,500) \times \text{Trip Factor}$$

The Director shall determine the square footage for a nonresidential Benefitted Property based upon building square footage of the 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 30,000 square feet, the Director will consider and determine the square footage for that property to be 30,000 square feet.

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

SECTION 7. BILLING AND COLLECTION OF FEE.

The Fee shall be billed each month on the utility bill for each Benefitted Property. Payment is due upon receipt of the bill.

SECTION 8. 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 Street Maintenance Fee when due.

SECTION 9. 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 and the SPMP.

SECTION 10. RULES.

The Director shall adopt rules necessary for the administration of this article and the Street Maintenance Fee. The Director shall be responsible for the administration of this article; developing rules, regulations and procedures for the administration of fees, developing rules, regulations and procedures for petitions for modification or appeals; developing maintenance programs; and establishing Street System criteria and standards for the operation and maintenance of the Street System.

SECTION 11. 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 12. EXEMPTIONS.

This article does not apply to a state, a county, an independent school district, a regional transit authority, a public institution of higher education, a hospital district, or the City.

SECTION 13. 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 14. LIABILITY.

This article does not imply any guarantee that any street within the city limits will be maintained to any level of service within the term of the Street Preventative Maintenance Program. 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