

Ordinance amending Section 55-709, Drainage Utility Charge, of the Corpus Christi Code, to levy an amended schedule of stormwater drainage charges, repealing conflicting provisions, and providing a savings clause

WHEREAS, it is necessary that the collection, handling, and storage of stormwater drainage runoff within the City protects the public health, safety, and welfare of the City's citizens including but not limited to protection against property damage;

WHEREAS, the City Council desires to address the various water quality and environmental issues that may burden its stormwater drainage infrastructure, and to protect against surface water overflow, standing surface water, and pollution arising from nonpoint source runoff within the City;

WHEREAS, prior to the amendment of this ordinance, the City Council adopted a municipal storm water drainage utility system, as authorized by Texas Local Government Code Chapter 552, Subchapter C, "Municipal Drainage Utility Systems," as amended (the "Act"), within the City's municipal boundaries and levied charges related thereto;

WHEREAS, the City Council has adopted the Act and declared that the City's storm water drainage infrastructure and services of the City is a public utility within the meaning of the Act;

WHEREAS, a public hearing was held on **August 30, 2022**, regarding amending Section 55-709 of the Code of Ordinances; notice of these public hearings and a copy of the proposed ordinances were published three times prior to the public hearing in a paper of general circulation in accordance with the Act;

WHEREAS, the City Council finds that (1) this ordinance establishes a schedule of drainage charges against all real property in the City's service area, (2) the City will provide drainage for all real property in the City's service area on payment of drainage charges, except real property exempted under Chapter 552 of the Act, and (3) the City will offer drainage service on nondiscriminatory, reasonable, and equitable terms.

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

SECTION 1. The above and foregoing recitals and premises to this ordinance are true and correct and are incorporated herein and made a part of this ordinance for all purposes.

SECTION 2. The City Council of Corpus Christi hereby levies the Schedule of Drainage Charges applicable to all non-exempt property owners in the City's service area for the collection, handling and transportation of stormwater drainage and runoff in accordance with the ordinance that created the City's Municipal Drainage Utility System.

SECTION 3. Section 55-709, Drainage Utility Charge, of the Corpus Christi Code is amended to read as follows:

“Sec. 55-709. Drainage Utility Charge

- (a) A Drainage Utility Charge is hereby imposed upon each improved lot and parcel within the Service Area. The Drainage Utility Charge shall be billed beginning January 1, 2022. Drainage Utility Charges shall be billed on a monthly basis thereafter for the duration of the drainage utility.
- (b) For purposes of imposing the Drainage Utility Charge, all lots and parcels within the City are classified into the following customer categories: (1) Residential Single-Family Property and (2) Non-Single-Family Residential (commercial) Property.
- (c) The ERU value for the City is determined through an inventory of all improved single-family residential parcels in the City and determination of Impervious Area for each parcel. This study shows that the impervious area for an average single-family residence in the City is 3,280 square feet.
- (d) The monthly Drainage Utility Charge for properties shall be calculated by multiplying the total number of ERU's for the parcel by the ERU monthly billing rate.

SINGLE FAMILY RESIDENTIAL PARCELS:

	Numbers of parcels	Stormwater Unit Equivalent
Single Family Residential	84,957 91,278	1

TIERED SINGLE-FAMILY RESIDENTIAL DRAINAGE FEES:

	Estimated Impervious Area	Equivalent Residential Unit	FY 2022 FY 2023
Tier 1	Less than 3,000 sq. ft.	0.75	\$4.59 \$5.77
Tier 2	3,000 sq. ft.- 4,500 sq. ft.	1.00	\$6.12 \$7.69
Tier 3	Greater than 4,500 sq. ft.	1.75	\$10.71 \$13.46

NON-SINGLE FAMILY RESIDENTIAL (COMMERCIAL) FACTORS:

Intensity of Development (IDF) factors derived from City Drainage Manual	Property's State Code determines which IDF is used
Rate Calculation = (Gross area x IDF) / 3,280 sq.ft.	1 stormwater unit = 3280 square feet
All properties (Non-SFR)	1 or more Stormwater Units based on calculation (area x factor)

INTENSITY OF DEVELOPMENT FACTOR (for Non-Single Family Commercial)

Land Use	State Code Land Uses	Intensity of Development Factor	Number of Parcels
Townhouse Dwellings/Multiple Dwellings District; Manufactured Homes	B11, B3, B5, B7, B8, B9	0.65	265 297
Apartments	B1, B10, B6	0.80	379 426
Business District	F1	0.85	6,536 7,099
Industrial District	F2, F3, F4, F5, J3, J4, J5	0.7	180 356
Railroad Yard Areas		0.30	0
Parks, Playgrounds, Greenbelts, Cemeteries		0.31	0 1
Private Streets		0.83	0
Agriculture Uses	D1, E5R, E2, E3	0.05	37 174
Commercial Stock	C1	0.17	14 1,695

NON-SINGLE FAMILY RESIDENTIAL (COMMERCIAL) RATE:

Type of Use (Non-Single-Family Commercial)	YR 2022 FY 2023
Non-Single Family Rate (Commercial)	\$6.12 per unit \$7.69 per unit

- (e) The Public Works Department shall be responsible for determining Impervious Area of property based on reliable data, including the appraisal roll, geographic information system technology, aerial photography, or other reliable means for determining Impervious Area. The Public Works Department may require additional information from the property owner, tenant, manager, or developer to make the determination. The amount of a charge may be revised by the Public Works Department based on any additions to the Impervious Area through the City approved building permit process.

- (f) No Drainage Utility Charge credit shall be given for the installation of drainage facilities required by the code or state law.

SECTION 4. All provisions of the ordinances of the City of Corpus Christi in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Corpus Christi not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 5. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

SECTION 6. This Ordinance shall take effect on **October 1, 2022**, at which time the rates described herein will apply to all properties subject to the Drainage Utility Charge.

That the foregoing ordinance was read for the first time and passed to its second reading on this the 30th day of August, 2022, by the following vote:

Paulette Guajardo	<u>Aye</u>	John Martinez	<u>Aye</u>
Roland Barrera	<u>Aye</u>	Ben Molina	<u>Aye</u>
Gil Hernandez	<u>NO</u>	Mike Pusley	<u>Aye</u>
Michael Hunter	<u>NO</u>	Greg Smith	<u>Aye</u>
Billy Lerma	<u>Aye</u>		

That the foregoing ordinance was read for the second time and passed finally on this the 6th day of September 2022, by the following vote:

Paulette Guajardo	<u>Aye</u>	John Martinez	<u>Aye</u>
Roland Barrera	<u>Aye</u>	Ben Molina	<u>Aye</u>
Gil Hernandez	<u>NO</u>	Mike Pusley	<u>Aye</u>
Michael Hunter	<u>NO</u>	Greg Smith	<u>Aye</u>
Billy Lerma	<u>Absent</u>		

PASSED AND APPROVED on this the 6th day of September, 2022.

ATTEST:

Rebecca Huerta
Rebecca Huerta
City Secretary

Paulette Guajardo
Paulette Guajardo
Mayor

EFFECTIVE DATE
10-1-22