

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 that generates motor vehicle trips.
- 2) *Director* means the City Manager or designee.
- 3) *Equivalent Residential Unit ("ERU")* means a unit of measurement for the median size of a residence equal to 1,500 square feet. For Residential Benefitted Property, an ERU equals one. For Nonresidential Benefitted Property, an ERU equals SF/1500 SF.
- 4) *Land Use* means one of the 131 land use categories recognized in the Trip Factor Index.
- 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 Residential Benefitted Property under this article.
- 7) *Residential Benefitted Property* means a detached single-family residence, attached multi-family housing, or a detached dwelling unit of a mobile home park, recreational vehicle (RV) park, or manufactured home community.
- 8) *Square Footage ("SF")* means the square footage of improvements designated as "living area" as identified in the records of the Nueces County Appraisal District ("NCAD").
- 9) *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.

- 10) *Street Preventative Maintenance Program ("SPMP")* means the street preventative maintenance program, as amended from time to time, funded by the Street Maintenance Fee.
- 11) *Street System* means the structures, streets, rights-of-way, bridges, alleys, and other facilities within the city limits 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.
- 12) *Trip Factor* means a principle basis of service measurement, principally derived from the trip generation rates published by the Institute of Transportation Engineers.
- 13) *Trip Factor Index* means the table of applied land uses recognized by the City of Corpus Christi for purposes of implementing the Street Maintenance Fee.
- 14) *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 Nonresidential Benefitted Property in order to avoid a disproportionate burden on any Residential or Nonresidential 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 Benefitted Property.
- 9) It is reasonable and equitable to derive trip generation rates for 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 conducted 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 (Exhibit "A").

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.

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 land use.

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. FEE CALCULATION.

The Street Maintenance Fee shall be calculated based on the following formula:

$$\text{Rate} \times \text{ERU} \times \text{TF} = \text{Monthly Bill}$$

ERU = Equivalent Residential Unit = 1500 SF.

For each dwelling unit of a Residential Benefitted Property, ERU = 1.

For each Nonresidential Benefitted Property, ERU = SF/1500 SF on a per meter basis.

TF = Trip Factor

SECTION 6. RESIDENTIAL BENEFITTED PROPERTY.

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

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

$$\underline{\$5.38} \times (1 \text{ ERU}) \times 1.00 \text{ (TF)} = \text{Monthly Bill} \quad (\text{Single family})$$

$$\underline{\$5.38} \times (1 \text{ ERU}) \times 0.45 \text{ (TF)} = \text{Monthly Bill} \quad (\text{Multi-family})$$

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:

$$\underline{\$5.38} \times (\text{SF}/1500 \text{ SF}) \times \text{TF} = \text{Monthly Bill}$$

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 118,000 square feet on a per meter basis, the Director will consider and determine the Square Footage for that property to be 118,000 square feet per meter.

Where an individual business has multiple meters on an individual lot or parcel that in total exceeds the cap on Square Footage, the Director shall calculate the Fee for that business as if they had a single meter. This paragraph does not apply to properties or meters that serve multiple businesses.

Where the Trip Factor for a Nonresidential Benefitted Property exceeds 5.78, the Director will consider and determine the Trip Factor to be 5.78.

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.

The Street Maintenance Fee shall become effective January 1, 2014. Beginning January 1, 2014, fees will be billed and collected 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 Customer who fails to pay the Fee when due.

SECTION 10. STREET MAINTENANCE FUND.

The City has created a special revenue fund known as the Street Fund. All fees collected 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 may 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. APPEALS.

The City shall adopt an appeals process by separate action of the City Council.

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.

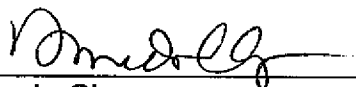
SECTION 16. EFFECTIVE PERIOD.

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:



Armando Chapa
City Secretary

CITY OF CORPUS CHRISTI



Nelda Martinez
Mayor

EFFECTIVE DATE
6/25/13

That the foregoing ordinance was read for the first time and passed to its second reading on this the 19th day of March 2013, by the following vote:

Nelda Martinez	<u>Aye</u>	Chad Magill	<u>Aye</u>
Kelley Allen	<u>Aye</u>	Colleen McIntyre	<u>Aye</u>
Rudy Garza	<u>Aye</u>	Lillian Riojas	<u>Aye</u>
Priscilla Leal	<u>No</u>	Mark Scott	<u>Aye</u>
David Loeb	<u>Aye</u>		

That the foregoing ordinance was read for the second time and passed finally on this the 25th day of June, 2013, by the following vote:

Nelda Martinez	<u>Aye</u>	Chad Magill	<u>No</u>
Kelley Allen	<u>Aye</u>	Colleen McIntyre	<u>Aye</u>
Rudy Garza	<u>No</u>	Lillian Riojas	<u>Aye</u>
Priscilla Leal	<u>No</u>	Mark Scott	<u>Aye</u>
David Loeb	<u>Aye</u>		

PASSED AND APPROVED, this the 25th day of June, 2013.

ATTEST:
Armando Chapa
Armando Chapa
City Secretary

Nelda Martinez
Nelda Martinez
Mayor

TRIP FACTOR INDEX
Based on ITE Trip Generation Manual Ed. 9

6/21/2013

ITE Code	Land Use	Capped Trip Factor (5.78)
Residential		
1	Single Family Residential	1.00
2	Multi-family Residential	0.45
Non-Residential		
1	440 Adult Cabaret	5.78
2	311 All Suites Hotel	1.03
3	640 Animal Hospital/Veterinary Clinic	5.03
4	876 Apparel Store	3.79
5	879 Arts and Crafts Store	5.78
6	493 Athletic Club	4.39
7	948 Automated Car Wash	5.78
8	942 Automobile Care Center	1.92
9	943 Automobile Parts & Service Center	5.68
10	843 Automobile Parts Sales	5.78
11	453 Automobile Racetrack	1.04
12	841 Automobile Sales	3.1
13	865 Baby Superstore	2.88
14	433 Batting Cages	5.78
15	872 Bed and Linen Superstore	4.76
16	868 Book Superstore	5.78
17	437 Bowling Alley	3.5
18	940 Bread/Donut/Bagel Shop w/ Drive-through Window	5.78
19	939 Bread/Donut/Bagel Shop w/o Drive-through Window	5.78
20	812 Building Materials and Lumber Store	4.57
21	312 Business Hotel	1.53
22	770 Business Park	1
24	566 Cemetery	0.2
25	560 Church	1.4
26	630 Clinic	2.95
27	937 Coffee/Donut Shop with Drive-through Window	5.78
28	938 Coffee/Donut Shop with Drive-through Window and no indoors	5.78
29	936 Coffee/Donut Shop without Drive-through Window	5.78
30	021 Commercial Airport	5.78
31	811 Construction Equipment Rental Store	0.99
32	852 Convenience Market (Open 15-16 hours)	5.78
33	851 Convenience Market (Open 24 Hours)	5.78
34	853 Convenience Market w/ Gasoline Pumps	5.78
35	920 Copy, Print and Express Ship Store	5.78
36	714 Corporate Headquarters Building	0.84
37	160 Data Center	0.1
38	565 Day Care Center	5.78
39	875 Department Store	2.42
40	857 Discount Club	4.48
41	869 Discount Home Furnishing Superstore	2.31
42	854 Discount Supermarket	5.78
43	454 Dog Racetrack	1.02

TRIP FACTOR INDEX
Based on ITE Trip Generation Manual Ed. 9

6/21/2013

	ITE Code	Land Use	Capped Trip Factor (5.78)
44	925	Drinking Place	5.78
45	912	Drive-in Bank	5.78
46	896	DVD/Video Rental Store	5.78
47	863	Electronics Superstore	4.73
48	520	Elementary School	1.62
49	823	Factory Outlet Center	3.03
50	934	Fast-Food Restaurant w/ Drive-through window	5.78
51	933	Fast-Food Restaurant w/o Drive-through window	5.78
		Fast-food Restaurant with Drive-through Window and no	
52	935	Indoor Seating	5.78
53	815	Free-Standing Discount Store	5.78
54	813	Free-Standing Discount Superstore	5.65
55	890	Furniture Store	0.53
56	817	Garden Center	5.78
57	944	Gasoline/Service Station	5.78
58	945	Gasoline/Service Station w/ conv. Mkt.	5.78
59	946	Gasoline/Service Station w/ conv. Mkt. & car wash	5.78
60	022	General Aviation Airport	0.77
61	120	General Heavy Industrial	0.16
62	110	General Light Industrial	0.56
63	710	General Office Building	0.89
64	830	Golf Course	0.2
65	432	Golf Driving Range	5.62
66	918	Hair Salon	3.23
67	816	Hardware/Paint Store	5.78
68	492	Health/Fitness Club	3.21
69	530	High School	1.07
70	152	High-Cube Warehouse	0.15
71	932	High-Turnover (Sit-Down) Restaurant	5.78
72	862	Home Improvement Superstore	4.03
73	610	Hospital	1.29
74	310	Hotel	1.66
75	130	Industrial Park	0.57
76	030	Intermodal Truck Terminal	0.79
77	540	Junior/Community College	2.27
78	441	Live Theater	0.67
79	591	Lodge/Fraternal Organization	5.78
80	140	Manufacturing	0.32
81	420	Marina	0.57
82	897	Medical Equipment Store	0.63
83	720	Medical-Dental Office Building	2.89
84	522	Middle School/Junior High School	1.45
85	431	Miniature Golf Course	1.18
86	151	Mini-Warehouse	0.25
87	562	Mosque	5.78
88	320	Motel	1.18

TRIP FACTOR INDEX
Based on ITE Trip Generation Manual Ed. 9

6/21/2013

	ITE Code	Land Use	Capped Trip Factor (5.78)
89	443	Movie Theater w/o Matinee	5.78
90	444	Movie Theater with Matinee	5.78
91	445	Multiplex Movie Theater	5.78
92	435	Multipurpose Recreational Facility	3.35
93	580	Museum	0.52
94	818	Nursery (Wholesale)	3.04
95	620	Nursing Home	0.8
96	750	Office Park	0.9
97	867	Office Supply Superstore	3.4
98	866	Pet Supply Superstore	5.37
99	881	Pharmacy/Drugstore w/ Drive-through window	5.78
100	880	Pharmacy/Drugstore w/o Drive-through window	5.78
101	536	Private School (K-12)	4.6
102	534	Private School (K-8)	5.78
103	931	Quality Restaurant	5.78
104	941	Quick Lubrication Vehicle Shop	5.78
105	491	Racquet/Tennis Club*	3.77
106	495	Recreational Community Center	2.9
107	842	Recreational Vehicle Sales	2.54
108	760	Research & Development Center	0.66
109	330	Resort Motel	0.71
110	947	Self-Service Car Wash	5.78
111	820	Shopping Center	4.37
112	715	Single Tenant Office Building	1.22
113	488	Soccer Complex	5.78
114	826	Specialty Retail Center	4.3
115	861	Sporting Goods Superstore	3.69
116	850	Supermarket	5.78
117	561	Synagogue	1.23
118	490	Tennis Courts	0.08
119	848	Tire Store	2.61
120	849	Tire Superstore	2.09
121	864	Toy/Children's Superstore	5.45
122	810	Tractor Supply Store	2.37
123	950	Truck Stop	5.78
124	814	Variety Store	5.78
125	911	Walk-In Bank	5.78
126	150	Warehousing	0.41
127	414	Water Slide Park	5.78
128	010	Waterport/Marine Terminal	0.46
129	860	Wholesale Market	0.57