



## AGENDA ITEM SUMMARY FORM

**PROPOSED MEETING DATE:** April 3, 2024  
**PREPARED BY:** Scott Dunlop, Director  
**DEPARTMENT:** Development Services

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### AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action on an Ordinance of the City of Manor, Texas amending Manor Code of Ordinances Chapter 13 Utilities by amending the chapter title, amending definitions, declaring stormwater drainage to be a public utility, establishing a municipal stormwater utility system, providing for the establishment and calculations of stormwater drainage utility charges and credits, providing for penalties and appeals, providing a severability clause, providing savings, effective date, and open meetings clauses, and providing for related matters.

### BACKGROUND/SUMMARY:

Phase 1 of the city's proposed stormwater utility was approved in April 2022. Phase 1 included an assessment of the city's needs, the feasibility of a stormwater utility, and a draft rate model. Phase 2 was approved in July 2023 and it included finalizing the rate model and data necessary to implement the fee, if approved, and assisting with public outreach, when conducted. Phase 3 was approved in February 2024 and included the consultant, Raftelis, implementing the fee into our billing system.

As was provided for in the rate model, the proposed drainage fee per single-family home is \$6.50 per month, with non-single family properties paying based on the amount of impervious cover on the property. At the July 19, 2023 City Council meeting, staff was provided direction from the City Council to proceed with a starting rate of \$6.50 per ERU.

This draft ordinance is presented to the City Council for review prior to its publication as required by state law. The ordinance is planned to be published on April 12<sup>th</sup>, April 19<sup>th</sup>, and April 26<sup>th</sup> in the Manor Journal. It will come back to the City Council for approval at the May 15<sup>th</sup> meeting.

The draft ordinance adds the drainage utility to the city's code of ordinances and includes: creation of a utility fund, billing procedures, appeals, penalties, and exemptions. It does not set the rate, as that will be done by a separate ordinance through an amendment to the city's fee schedule at the May 15<sup>th</sup> City Council meeting.

This ordinance exempts all allowable properties under the State code. Section 552.053 Texas Local Gov't Code provides that a municipality MAY exempt a governmental entity and their property including: the state, a county, a municipality, a school district and open-enrollment charter school, and religious organizations. Furthermore, the ordinance SHALL exempt property with proper construction and maintenance of a wholly sufficient and privately owned drainage system; property held and maintained in its natural state until such time that the property is developed and all the public infrastructure constructed has been accepted by the municipality in which the property is located for maintenance; and a subdivided lot until a structure has been built on the lot and a

certificate of occupancy has been issued by the municipality in which the property is located. This ordinance exempts the State, Travis County, MISD and charter schools, the City, and religious organizations along with the other required exemptions.

- Would the City Council like to maintain all allowable exemptions?

**LEGAL REVIEW:** Yes, Veronica Rivera, Assistant City Attorney  
**FISCAL IMPACT:** Yes, will create new revenue dedicated to the city’s stormwater system  
**PRESENTATION:** No  
**ATTACHMENTS:** Yes

- Draft Ordinance

**STAFF RECOMMENDATION:**

The City Staff recommends that the City Council discuss and provide direction to city staff regarding the proposed Stormwater Drainage Utility Ordinance.

**PLANNING & ZONING COMMISSION:**                      **Recommend Approval**                      **Disapproval**                      **None**

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