



AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: May 15, 2024
PREPARED BY: Scott Dunlop, Director
DEPARTMENT: Development Services

AGENDA ITEM DESCRIPTION:

Conduct a public hearing on an Ordinance amending Chapter 13, Utilities, of the Code of Ordinances of the City of Manor, Texas, by amending the title for Article 13.02, adding Division 6 to Article 13.02, 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 for a severability clause, providing savings, effective date, and open meetings clauses, and providing for other related matters.

BACKGROUND/SUMMARY:

This ordinance was reviewed at the April 3, 2024, City Council meeting prior to its publication on April 12th, 19th, and 26th in accordance with state laws. The Ordinance has not changed since its review on April 3rd.

History of the Stormwater Drainage Program and this Ordinance:

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.

The ordinance adds the drainage utility to the city's code of ordinances and includes the 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 June 5th City Council meeting.

This ordinance exempts all allowable properties under the State code as requested by the City Council. 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 exempts 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.

If approved, the new drainage charge would be effective on July 1, 2024, utility bills.

The stormwater drainage program will fund expenditures like: system-wide mapping, a stormwater capital improvement plan, 4 dedicated stormwater employees, street sweeper, dump truck, gradall, storm drain medallions, maintenance and repair of pipes, ditches, and streets, and capital project funding.

The intention of the program is to allow the city to better maintain our stormwater system, which historically has not been funded annually and only small, reactive maintenance has been performed. Through the creation of this program, the city aims to be more proactive with maintenance and repairs as well as funding new drainage improvements like regional detention for the downtown area, which currently just surface flows undetained to Gilleland and Wilbarger Creeks. The program too can be used to correct and alleviate flooding issues along creeks and waterways within the city limits, such as the deep drainage channels through Timmermann Park and the downtown Art Park.

LEGAL REVIEW:	Yes, Veronica Rivera, Assistant City Attorney
FISCAL IMPACT:	Yes – will impose a drainage charge on applicable properties in the city
PRESENTATION:	No
ATTACHMENTS:	No

- Ordinance

STAFF RECOMMENDATION:

The City Staff recommends that the City Council conduct a public hearing on an Ordinance of the City of Manor, Texas, amending Chapter 13, Utilities, of the Code of Ordinances of the City of Manor, Texas, by amending the title for Article 13.02, adding Division 6 to Article 13.02, 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 for a severability clause, providing savings, effective date, and open meetings clauses, and providing for other related matters.

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