



# CITY OF PLANO COUNCIL AGENDA ITEM

<b>CITY SECRETARY'S USE ONLY</b>				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		09/08/2014		
Department:		Budget & Research		
Department Head		Karen Rhodes-Whitley		
Agenda Coordinator (include phone #): <b>Matt Yager, x5220</b>				
<b>CAPTION</b>				
An Ordinance of the City of Plano, Texas, amending Section 21-2 (f) of Article I, Chapter 21, Utilities, of the Code of Ordinances of the City of Plano to modify the fees for residential customers of Municipal Drainage Utility System; providing a severability clause, a repealer clause, a savings clause, and an effective date.				
<b>FINANCIAL SUMMARY</b>				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input checked="" type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	<b>2014-15</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>
		<b>TOTALS</b>		
Budget	0	0	7,579,374	<b>7,579,374</b>
Encumbered/Expended Amount	0	0	0	<b>0</b>
This Item	0	0	-335,897	<b>-335,897</b>
BALANCE	0	0	7,243,477	<b>7,243,477</b>
<b>FUND(S):    MUNICIPAL DRAINAGE FUND</b>				
<b>COMMENTS:</b> Approval of this item will reduce Municipal Drainage Fee revenue by an estimated \$335,897 for the 2014-15 fiscal year.				
<b>STRATEGIC PLAN GOAL:</b> Changes to Municipal Drainage Fees relate to the City's Goal of a Financially Strong City with Service Excellence.				
<b>SUMMARY OF ITEM</b>				
This item modifies existing drainage rates for residential customers that were last changed in March 2013. The decrease in residential rates will provide for greater equity between residential and non-residential customers of the Municipal Drainage Utility System.				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Drainage Rate Change Ordinance				

**An Ordinance of the City of Plano, Texas, amending Section 21-2 (f) of Article I, Chapter 21, Utilities, of the Code of Ordinances of the City of Plano to modify the fees for residential customers of Municipal Drainage Utility System; providing a severability clause, a repealer clause, a savings clause, and an effective date.**

**WHEREAS**, on July 27, 1992, the City Council of the City of Plano, Texas adopted Ordinance Nos. 92-7-41 and 92-7-42 creating a Municipal Drainage Utility System and establishing monthly drainage charges for developed properties discharging water into the City's storm water drainage system, said ordinances being codified as Section 21-1 and 21-2 of Article I of Chapter 21 of the City Code of Ordinances (the "Code Sections"); and

**WHEREAS**, the City Council previously revised residential drainage fees effective April 1, 2013 by Ordinance No. 2013-3-9 on March 25, 2013; and

**WHEREAS**, the City Council previously revised non-residential drainage fees effective October 1, 2013 by Ordinance No. 2013-9-7 on September 9, 2013; and

**WHEREAS**, the Budget department recommends revising the residential rates for drainage utility customers to maintain equity between residential and non-residential customers; and

**WHEREAS**, the City Council further finds and determines that such modifications to drainage fees are in the best interest of the City and its citizens and the new rates are adopted as provided in this ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:**

**Section I.** Section 21-2 (f) of Article I, Chapter 21 Utilities of the Code of Ordinances of the City of Plano is hereby amended in its entirety to read as follows:

"(f) The following rates are hereby established and shall be collected through the city's public utility billing department:

Residential Customer Class	Size of Impervious Area (in square feet)*	Monthly Fee
R-1	Less than 4,750	\$3.10
R-2	4,750 to 6,450	4.15
R-3	Greater than 6,450	5.60

\* Includes footprint of first floor, patio, garage, and a pro rata portion adjustment of three thousand (3,000) square feet for streets, alleys, and sidewalks.

Duplex properties shall have the same monthly fee as R-1, R-2, and R-3 (depending on the size of the impervious area) if the duplex is under single ownership. If each side of the duplex is individually metered, the fee for each half shall be one-half, (½) the total fee as calculated for the duplex.

For all other properties including but not limited to apartment, commercial, industrial, office, religious institution, public or private school, and governmental and quasi-governmental entities, the monthly fee shall be based upon seventy five hundredths cents (\$0.075) per one hundred (100) square feet of total impervious area of the improved property. The total impervious area includes ten (10) percent additional area for the street and sidewalk adjustment. The minimum fee shall be three dollars and ten cents (\$3.10), per property."

**Section II.** The fees for Non-Residential Customer Class remain the same except for the minimum fee, which has been amended to be consistent with the residential minimum fee.

**Section III.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality

or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph or section of this Ordinance.

**Section IV.** All provisions of the Code of Ordinances of the City of Plano, codified or uncodified, in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Code of Ordinances of the City of Plano, codified or uncodified, not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**Section V.** The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this ordinance.

**Section VI.** This Ordinance shall become effective immediately upon its passage.

**DULY PASSED AND APPROVED** this the 8<sup>TH</sup> day of September, 2014.

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Harry LaRosiliere, MAYOR

ATTEST:

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Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

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Paige Mims, CITY ATTORNEY