



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		9/9/2013		
Department:		Budget & Research		
Department Head		Karen Rhodes-Whitley		
Agenda Coordinator (include phone #): Matthew Yager, x 5220				
CAPTION				
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 regarding the Municipal Drainage Utility System and related charges; providing a severability clause, a repealer clause, a savings clause, and an effective date.				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input checked="" type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: 2013-14	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	6,919,477	6,919,477
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	339,539	339,539
BALANCE	0	0	7,259,016	7,259,016
FUND(S): MUNICIPAL DRAINAGE FUND				
COMMENTS: Approval of this item will increase Municipal Drainage Fee revenue by an estimated \$339,539 for the 2013-14 fiscal year. STRATEGIC PLAN GOAL: Changes to Municipal Drainage Fees relate to the City's Goal of a Financially Strong City with Service Excellence.				
SUMMARY OF ITEM				
This item modifies existing drainage rates for non-residential customers that were last changed in March 2013. At that time it was decided to phase in drainage fee modifications for non-residential customers through three increases over 18 months. This increase from \$0.068 per 100 square feet of impervious area per month to \$0.075 per 100 square feet is the second of three planned increases. The additional revenues will be used to ensure compliance with revenue bond covenants and continued maintenance and expansion of Plano's Municipal Drainage system.				
List of Supporting Documents: Drainage Rate Change Ordinance			Other Departments, Boards, Commissions or Agencies	

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 regarding the Municipal Drainage Utility System and related charges; 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 drainage rates effective October 1, 2002 by Ordinance No. 2002-9-12 and revised the Best Management Practices and associated drainage fee credits by Ordinance No. 2006-4-26 on April 24, 2006; and

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

WHEREAS, the current revenues generated by the present drainage rates for non-residential properties are not sufficient to cover the costs associated with the operation and maintenance of the storm drainage system or satisfy the covenants in its Municipal Drainage Revenue Bonds; and

WHEREAS, additional revisions to the Code are necessary to revise rates for non-residential properties and references to the types of properties; and

WHEREAS, the City Council further finds and determines that such modifications to the drainage rates and references are in the best interest of the City and its citizens and that the new rates and revisions to the Code should be adopted with 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	\$3.15
R-2	4,750 to 6,450	4.62
R-3	Greater than 6,450	5.95

* 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 fifteen cents (\$3.15), per property."

Section II. The fees for Residential Customer Class are not changed by the passage of this Ordinance. Except for Residential Customer Class, the fees for all other properties described in Section I of this Ordinance shall be effective for all bills rendered on and after October 1, 2013. For bills rendered prior to October 1, the current fee of sixty-eight hundredths cents (\$0.068) shall remain in effect.

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 9TH day of September, 2013.

Harry LaRosiliere, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY