

ORDINANCE NO 2009-O-132

AMENDING SECTION 33.431 [SCHEDULE OF RATES] OF ARTICLE VII [STORMWATER FEES] OF CHAPTER 33 [ENVIRONMENTAL PROTECTION] OF THE CODE OF ORDINANCES, IN ORDER TO INCREASE THE STORMWATER RATES FOR RESIDENTIAL AND MULTIFAMILY CUSTOMERS AND THE RATE FOR ADDITIONAL METERS FOR COMMERCIAL CUSTOMERS, FROM \$4.50 TO \$6.50 PER MONTH; PROVIDING FOR PUBLICATION AND PROVIDING FOR EFFECTIVE DATE (AS AMENDED AND READ ARTICLE VII)

WHEREAS, in November 1990, the United States Environmental Protection Agency (EPA), promulgated rules and regulations requiring certain cities, including Laredo, to develop a STORMWATER management program; and

WHEREAS, the City of Laredo, created the Environmental Services Department to develop the National Pollutant Discharge Elimination Systems (NPDES) permit to comply with the federal regulation 40 CFR part 122; and,

WHEREAS, the City of Laredo was issued the NPDES permit effective on May 1, 1998; and

WHEREAS, the cost of operating NPDES activities is an unfunded mandate and was funded through stormwater fees; and

WHEREAS, on July 2, 2007, by Ordinance No 2007-0-122, the City Council amended the current stormwater rate for the NPDES program to fund citywide stormwater improvements through a stormwater improvement fund.; and

WHEREAS, the tremendous growth of the city requires that drainage infrastructures and creeks be maintained in a clean condition, for the health and safety of the citizens and to address the issues staff is recommending a \$2.00 increase in residential and multifamily customers to fund creek cleaning crews at Public Works; and

WHEREAS, after due consideration of the staff's request and presentation, the City Council finds that there should be an increase in the stormwater rates in Section 33.431 From \$4.50 to \$6.50 per month.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:

SECTION 1: That Section 33.431 of the Code of Ordinances be, and is hereby, amended as follows:

Chapter 33. Environmental Protection
Article VII. Stormwater Fees

Sec. 33.430. Definitions.

As used in this article:

“Benefitted Property” - real property that is a parcel of property or lot within the corporate boundaries of the City of Laredo to which stormwater programs are available. A lot is a designated property shown on a recorded plat duly recorded in the official Public Records of Real Property of the County in which the recorded plat is located.

“Billing Unit” as used in this section means an individual residence.

“Commercial Stormwater Customer” as used in this section shall mean any structure or premises other than residential or multi-family structures as defined in this section and shall include the following:

- (1) All retail, wholesale and industrial business establishments;
- (2) All office buildings;
- (3) Professional businesses and service businesses;
- (4) Hotels, motels, inns, rooming houses, boardinghouses, whether private, public or quasi-public;
- (5) Hospitals, whether public or private, charitable or otherwise;
- (6) Fraternal organizations, public or private clubs, associations or organizations, and whether profit or nonprofit;
- (7) All other charitable and/or tax-supported organizations;
- (8) Church-related hall or church-related school, whether on the same or on different premises as the church to which affiliated;
- (9) Any and all other types or forms of public or private concerns, organizations or institutions not otherwise herein provided for.

“Multi-family Stormwater Customer” - the owner or occupant of benefitted property containing a multiple family dwelling unit comprised of more than two (2) units.

“Residential Stormwater Customer” - the owner or occupant of benefitted property containing a single or multiple families dwelling unit composed of two (2) or less family units.

Sec. 33.431 Schedule of Rates

A monthly stormwater fee will be charged to each and every benefitted property within the corporate boundaries of the City of Laredo that received or benefited from the stormwater program, as defined hereinafter, in accordance with the following fee schedule:

(a) Residential Stormwater Rate Schedule Per Month Charge

Flat fee, per unit..... [\$4.50] \$6.50 per unit

(b) Multifamily Stormwater Rate Schedule Per Month Charge

Flat fee, per unit..... [~~\$4.50~~] \$6.50 per unit

(c) Commercial Stormwater Rate Schedule Per Month Charge

Tier	billing unit (SF)	per month charge
1	0 to 10,000	\$ 8.00
2	10,001 to 40,000	\$23.00
3	40,001 to 75,000	\$46.00
4	75,001 to 110,000	\$70.00
5	110,001 and over	\$120.00

(d) All additional meters for commercial Stormwater customer shall be billed at ~~\$4.50~~ at \$6.50.

Such rates are based on the square footage of the property as provided by the Webb County Appraisal District.

Sec. 33-432 Billing, Collection and Credit Management Procedures.

(a) The City of Laredo Utilities Department shall be the primary agency responsible for billing and collections. Billing and collection procedures for stormwater rates shall be the same, insofar as practicable, as those utilities department billing and collection for water and wastewater service, all as set forth in City Code of Ordinances and approved and adopted by the City Council.

(b) Billing and collection procedures shall include a process by which customers may appeal the validity of amounts billed in accordance with the written criteria established by the utilities department customer service policies.

(c) Any credit for the incorrect rates will be credited for a period of no longer than six(6) months at the customers request.

Sec. 33-433 Exemptions.

The following real property, only, shall be exempt from the provisions of this ~~Ordinance~~ Article VII.

- (a) All property which is both owned and occupied by the State; and
- (b) Public Institutions of higher education as defined by state law.

Sec. 33-434 Severability.

If any provision of this Article or its application to any person or circumstance is held invalid, the remainder of this Ordinance or the application of the provision to other persons or circumstances is not affected.

Sec. 33-435 Fund

(a) *Collections.* All fees collected shall be deposited into the NPDES fund, with the exception of that amount identified in subparagraph (c) *Stormwater Improvement Fund* of this section.

(b) *Use.* All collections for the Stormwater fee shall be used for the purpose of administration and operation the City's Stormwater program.

(c) *Stormwater Improvement Fund.* \$3.25 (Three Dollars and twenty five cents) [~~Three (3) dollars and twenty five (25) cents~~] of collections from residential and multifamily shall be allocated to a "Stormwater Improvement Fund" in the City's annual budget and shall be used for any projects or improvements related to stormwater drainage, which include but may not be limited to, necessary land acquisition, regional detention facilities, drainage improvements, drainage studies, grant matches for projects that will be used for stormwater management and any outstanding principal and interest debt service payments associated with such projects or improvements.

Secs. 33-436 – 33-450. Reserved.

SECTION 2. This ordinance shall be published in accordance with Section 2.09 (D) of the City Charter.

SECTION 3. This ordinance shall become effective sixty (60) days after the date of the public hearing and introduction of this ordinance as provided in Section 2.09(B) of the City Charter, and after publication as provided in Section 2, whichever date is later

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS
THE 17th DAY OF AUGUST 2009.


RAUL G. SALINAS
MAYOR

ATTESTED:

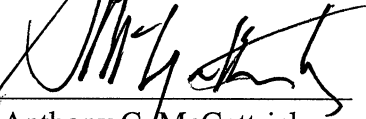


GUSTAVO GUEVARA, JR.
CITY SECRETARY



APPROVED AS TO FORM:

RAUL CASSO
CITY ATTORNEY

BY: 

Anthony C. McGettrick
Assistant City Attorney

COUNCIL COMMUNICATION

DATE: 08/17/09	SUBJECT: FINAL READING OF ORDINANCE NO 2009-O-132 AMENDING SECTION 33.431 [SCHEDULE OF RATES] OF ARTICLE VII [STORMWATER FEES] OF CHAPTER 33 [ENVIRONMENTAL PROTECTION] OF THE CODE OF ORDINANCES, IN ORDER TO INCREASE THE STORMWATER RATES FOR RESIDENTIAL AND MULTIFAMILY CUSTOMERS AND THE RATE FOR ADDITIONAL METERS FOR COMMERCIAL CUSTOMERS, FROM \$4.50 TO \$6.50 PER MONTH; PROVIDING FOR PUBLICATION AND PROVIDING FOR EFFECTIVE DATE(AS AMENDED AND READ ARTICLE VII)	
INITIATED BY: Jesus Olivares, Jr. Assistant City Manager		STAFF SOURCE: Riazul Mia, P.E., Director Environmental Services Department
PREVIOUS COUNCIL ACTION: The ordinance was introduced on August 3, 2009.		
BACKGROUND: The City Council adopted the stormwater rate by Ordinance 1998-O-263 dated October 5, 1998 to provide the funding for the stormwater management programs, required by the unfunded Federal Mandates. In May 16, 2005, and July 2, 2007, the City council increased the storm water fees to fund drainage Capital Improvement Projects. The last increase was from \$2.25 to \$4.50 per month. Due to the tremendous growth of the city there is a serious need to keep the drainage infrastructures and creeks to be clean for the life and safety of the citizens. To address the issues staff is proposing a \$2.00 increase from \$4.50 to \$6.50 per month in residential and multifamily customers to fund creek cleaning crews at Public Works. By having a dedicated funding source and crew, the drainage system can handle the large volume of stormwater runoff from the growth of Laredo and to reduce some localized flooding. The revenue collected from this fee increase will be used to fund stormwater management, and specifically to fund the creek cleaning program.		
FINANCIAL IMPACT: For residential and multi family is \$2.00/month, and \$2.00/month per additional meter for commercial properties.		
RECOMMENDATION:		STAFF RECOMMENDATION: Adoption of the ordinance.