

## ACTION FORM BRYAN CITY COUNCIL

<b>DATE OF COUNCIL MEETING:</b> February 25, 2014		<b>DATE SUBMITTED:</b> February 12, 2014	
<b>DEPARTMENT OF ORIGIN:</b> Water Services		<b>SUBMITTED BY:</b> M. Jurica	
<b>MEETING TYPE:</b>	<b>CLASSIFICATION:</b>	<b>ORDINANCE:</b>	<b>STRATEGIC INITIATIVE:</b>
<input type="checkbox"/> BCD	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1ST READING	<input checked="" type="checkbox"/> PUBLIC SAFETY
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2ND READING	<input checked="" type="checkbox"/> SERVICE
<input checked="" type="checkbox"/> REGULAR	<input checked="" type="checkbox"/> STATUTORY		<input type="checkbox"/> ECONOMIC DEVELOP.
<input type="checkbox"/> WORKSHOP	<input type="checkbox"/> REGULAR		<input checked="" type="checkbox"/> INFRASTRUCTURE
			<input checked="" type="checkbox"/> QUALITY OF LIFE
<b>AGENDA ITEM DESCRIPTION:</b> Consider approval of a rate resolution repealing and replacing Resolution No. 2021 and establishing fees to be charged for abatement of nuisances pursuant to Chapter 50 "Health and Sanitation" of the City of Bryan Code of Ordinances.			
<b>SUMMARY STATEMENT:</b> Water Services is requesting City Council approve the proposed rate resolution establishing fees to be charged for nuisance abatement. The City of Bryan Code of Ordinances establishes criteria for public nuisances and segregates the classification into one of the following: (1) weeds or grass, (2) heaps of rubbish, (3) dilapidated structures and fences, (4) animal carcasses, (5) pollution of water, (6) stagnant water, (7) other impure matter, and (8) abandoned wells and sewers.			
The City is able to abate a nuisance if a customer fails to take action within an allotted time period. Customers are invoiced for performed service(s) and a lien is filed against the customer's property, if the customer fails to pay the invoice for the City's abatement of the nuisance. A period of 30 days is provided for customers to complete payment against an invoice unless a payment plan is established.			
The proposed resolution establishes fees for nuisance abatement using City resources (i.e. staff, equipment, etc.) and abatement by the City using services provided through contract or price agreement. The current rate Resolution No. 2021 was adopted on July 8, 1991. The fees outlined in Resolution No. 2021 are not reflective of the City's actual cost for abatement and do not address nuisance abatement by the City using contract labor and equipment.			
<b>STAFF ANALYSIS AND RECOMMENDATION:</b> Staff recommends City Council approve the proposed rate resolution. Staff believes updating Resolution No. 2021 to reflect the City's actual cost of service for nuisance abatement is needed to yield accurate accounting of expense assumed by the City in performing service. Establishing a firm price per hour or price per service as practiced in Resolution No. 2021 is not recommended because abatement service is completed through multiple City departments involving staff and resources from Public Works, Bryan Police Department, and Bryan Fire Department. Attempting to establish a linear fee across the board for work performed by these departments does not accurately account for the City's true expense because salary expense and equipment costs among the departments vary.			
<b>OPTIONS (In Suggested Order of Staff Preference):</b>			
1. Approve the proposed resolution.			
2. Amend the proposed resolution and approve, which may require consideration at a future City Council meeting.			
3. Do not approve the proposed resolution and provide staff direction.			
<b>ATTACHMENTS:</b> Rate Resolution			

**FUNDING SOURCE:** N/A

**APPROVALS:** Jayson E. Barfknecht 02/12/14; Hugh R. Walker, 02/12/2014

**APPROVED FOR SUBMITTAL: CITY MANAGER Kean Register, 2/14/2014**

**APPROVED FOR SUBMITTAL: CITY ATTORNEY** Janis K. Hampton, 2/17/2014

Revised 04/2013

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS, REPEALING AND REPLACING RESOLUTION NO. 2021; ESTABLISHING THE FEES TO BE CHARGED AND COLLECTED FOR ABATEMENT OF NUISANCES PURSUANT TO CHAPTER 50, "HEALTH AND SANITATION" OF THE CITY OF BRYAN CODE OF ORDINANCES; AND ESTABLISHING AN EFFECTIVE DATE.**

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS:**

1.

That the fees to be charged and collected pursuant to the Ordinance shall be as follows:

- A. The City's abatement of nuisances as provided in Chapter 50 "Health and Sanitation" of City of Bryan Code of Ordinances using City staff and equipment. Abatement of weeds or grass, heaps of rubbish, dilapidated structures and fences, animal carcasses, pollution of water, stagnant water, other impure matter, and abandoned wells and sewers which have been declared to be a nuisance shall be based upon the actual cost of service plus overhead as determined by the City to include the loaded labor expense (hourly wage plus benefits), equipment expense, and waste disposal. Equipment expenses will be modeled from rates outlined in rate resolutions for equipment maintained by the responsive department unless a resolution has not been adopted. A fair market fee will be assessed in the event an adopted rate does not exist for a piece of equipment. The fair market fee will be based on the most current Federal Emergency Management Agency (FEMA) Schedule of Equipment Rates. Fees for waste disposal will be the actual disposal cost charged to the City by receiving facility. An administration fee of \$100.00 will be added to the total service(s) performed by the City.
  
- B. The City's abatement of nuisances as provided in Chapter 50 "Health and Sanitation" of City of Bryan Code of Ordinances using contracted labor and equipment. Abatement of weeds or grass, heaps of rubbish, dilapidated structures and fences, animal carcasses, pollution of water, stagnant water, other impure matter, and abandoned wells and sewers which have been declared to be a nuisance shall be based upon the agreed upon cost of service as secured by the City. An administration fee of \$100.00 will be added to the total service(s) performed by the City.

2.

The hereinabove adopted fees are in addition to any other remedy at law or in equity which may be pursued by the City. The fees shall be a basis for a lien against the property for costs in addition to any other fine.

3.

This Resolution shall become effective immediately upon its passage and approval.

**APPROVED AND ADOPTED** at a regular meeting of the City Council of the City of Bryan, Texas, on this 25<sup>th</sup> day of February, 2014.

ATTEST:

CITY OF BRYAN

---

Mary Lynne Stratta, City Secretary

---

Jason P. Bienski, Mayor

APPROVED AS TO FORM:

---

Janis K. Hampton, City Attorney