

City of Las Cruces®

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 13

Ordinance/Resolution# 13-087

For Meeting of _____
(Ordinance First Reading Date)

For Meeting of December 17, 2012
(Adoption Date)

Please check box that applies to this item:

QUASI JUDICIAL

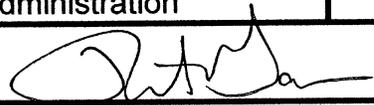
LEGISLATIVE

ADMINISTRATIVE

TITLE: A RESOLUTION DEFERRING THE EFFECTIVE DATE FOR THE MAJOR ROADS IMPACT FEE AND FOR THE DRAINAGE IMPACT FEE FROM JANUARY 1, 2013 TO JULY 1, 2013.

PURPOSE(S) OF ACTION:

Defer effective date for major roads and drainage impact fees.

COUNCIL DISTRICT: All		
Drafter/Staff Contact: Loretta M. Reyes, P.E. 	Department/Section: Public Works/ Administration	Phone: 528-3125
City Manager Signature:		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

On August 1, 2011, the Las Cruces City Council approved Resolution 12-025 and 12-026 to adopt the major roads and drainage impact fees for new residential and commercial development in compliance with the Las Cruces Development Impact Fee Ordinance (Las Cruces Municipal Code, Chapter 33). These impact fees were approved with an effective date of January 1, 2013.

The major roads and drainage fees only apply to new development located in the City of Las Cruces' (City's) "growth area" (i.e., area outside the City's designated in-fill area). The major road fees will be used to construct new roadway infrastructures and facility expansions for principal arterials only. The drainage impact fees will be used to construct major arroyo crossings only.

After reviewing the two fees, and considering the current economic climate, staff would like to analyze whether:

- each fee amount is sufficient to fund or to seek alternate funding options for constructing the projects on the Impact Fee Capital Improvement Plan list;
- each fee amount is sufficient to fund credit requests from developers;

- an amendment to the City's Design Standards addressing principal arterial construction would be a more prudent option to implementing these impact fees.

City staff recommends the City Council defer the effective date for the major roads and drainage fees from January 1, 2013 to July 1, 2013. This will give staff time to perform an analysis and to report back to the City Council.

SUPPORT INFORMATION:

1. Resolution.

SOURCE OF FUNDING:

Is this action already budgeted? N/A	Yes	<input type="checkbox"/>	See fund summary below
	No	<input type="checkbox"/>	If No, then check one below:
	<i>Budget Adjustment Attached</i>	<input type="checkbox"/>	Expense reallocated from: _____
		<input type="checkbox"/>	Proposed funding is from a new revenue source (i.e. grant; see details below)
		<input type="checkbox"/>	Proposed funding is from fund balance in the _____ Fund.
Does this action create any revenue? N/A	Yes	<input type="checkbox"/>	Funds will be deposited into this fund: _____ in the amount of _____ for FY _____
	No	<input type="checkbox"/>	There is no new revenue generated by this action.

BUDGET NARRATIVE

N/A

FUND EXPENDITURE SUMMARY:

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
N/A	N/A	N/A	N/A	N/A	N/A

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will approve the Resolution and authorize the City of Las Cruces to defer the effective date for the Major Roads Impact Fee and the Drainage Impact Fee from January 1, 2013 to July 1, 2013.

2. Vote "No"; this will deny the Resolution and will not authorize the City of Las Cruces to defer the effective date for the Major Roads Impact Fee and the Drainage Impact Fee; thereby, these two impact fees will go into effect on January 1, 2013.
3. Vote to "Amend"; this could retain the effective date of January 1, 2013 on these two impact fees.
4. Vote to "Table"; this could retain the effective date of January 1, 2013 on these two impact fees.

REFERENCE INFORMATION:

The resolution(s) and/or ordinance(s) listed below are only for reference and are not included as attachments or exhibits:

1. Resolution 12-025.
2. Resolution 12-026.

RESOLUTION NO. 13-087**A RESOLUTION DEFERRING THE EFFECTIVE DATE FOR THE MAJOR ROADS IMPACT FEE AND FOR THE DRAINAGE IMPACT FEE FROM JANUARY 1, 2013 TO JULY 1, 2013.**

The City Council is informed that:

WHEREAS, on August 1, 2011, Las Cruces City Council approved Resolution 12-025 and 12-026 to adopt the major roads and drainage impact fees for new residential and commercial development in compliance with the Las Cruces Development Impact Fee Ordinance (Las Cruces Municipal Code, Chapter 33); and

WHEREAS, these impact fees were approved with an effective date of January 1, 2013; and

WHEREAS, the major roads and drainage impact fees only apply to new development located in the City of Las Cruces' (City's) "growth area" (i.e., area outside the City's designated in-fill area); and

WHEREAS, the major road fee will be used to construct new roadway infrastructure and facility expansion for principal arterials only; and

WHEREAS, after reviewing the two fees and considering the current economic climate, staff would like to analyze whether each fee amount is sufficient to fund or to seek alternate funding options to construct projects on the Impact Fee Capital Improvement Plan list; whether each fee amount is sufficient to fund developers' credit requests; and, whether an amendment to the City's Design Standards addressing principal arterial construction would be a more prudent option to implementing these impact fees; and

WHEREAS, City staff recommends the City Council defer the effective date for the major roads and drainage fees from January 1, 2013 to July 1, 2013. This will give

the staff time to perform an analysis and to report back to the City Council.

NOW, THEREFORE, Be it resolved by the governing body of the City of Las Cruces:

(I)

THAT the effective date for the major roads and drainage impact fees is hereby deferred to July 1, 2013 as outlined herein.

(II)

THAT City staff is hereby authorized to do all deeds necessary in the accomplishment of the herein above.

DONE AND APPROVED this _____ day of _____, 2012.

APPROVED:

Mayor

ATTEST:

City Clerk

(SEAL)

VOTE:

Mayor Miyagishima: _____
Councillor Silva: _____
Councillor Smith: _____
Councillor Pedroza: _____
Councillor Small: _____
Councillor Sorg: _____
Councillor Thomas: _____

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:



City Attorney