



# City of Las Cruces<sup>®</sup>

PEOPLE HELPING PEOPLE

## Council Action and Executive Summary

Item # 12Ordinance/Resolution# 13-171For Meeting of \_\_\_\_\_  
(Ordinance First Reading Date)For Meeting of June 17, 2013  
(Adoption Date)

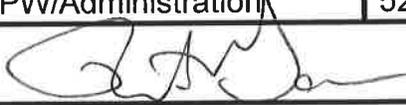
Please check box that applies to this item:

 QUASI JUDICIAL       LEGISLATIVE       ADMINISTRATIVE

**TITLE:** A RESOLUTION REPEALING RESOLUTION NO. 12-026 IN ITS ENTIRETY.  
RESOLUTION NO. 12-026 APPROVED THE DRAINAGE IMPACT FEE.

### PURPOSE(S) OF ACTION:

To repeal Resolution 12-026.

<b>COUNCIL DISTRICT: ALL</b>		
<b>Drafter/Staff Contact:</b> Loretta M. Reyes, P.E.	<b>Department/Section:</b> PW/Administration	<b>Phone:</b> 528-3125
<b>City Manager Signature:</b>		

### BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

On August 1, 2011, the City of Las Cruces (City) City Council adopted the drainage impact fee for new residential and commercial development in compliance with the Las Cruces Development Impact Fee Ordinance (Las Cruces Municipal Code, Chapter 33). This impact fee was approved with an effective date of January 1, 2013.

On December 17, 2012, City Council approved a resolution to postpone the effective date for the drainage impact fee from January 1, 2013 to July 1, 2013. The time allowed staff to determine whether the fee amount was sufficient to fund or to seek alternate funding options for constructing the projects on the Impact Fee Capital Improvement Plan list; the amount was sufficient to fund reimbursement requests from developers; and, to explore whether amendments to the City's Design Standards, LCMC Chapter 32 (design standards) would be a more prudent option to implementing the drainage impact fee.

On February 25, 2013, staff presented information to City Council that outlined issues and concerns with implementing the drainage impact fee and options for City Council to consider in lieu of implementing this fee, including making changes to the design standards. After discussion by City Council, staff was asked to provide additional information regarding the possible changes to the design standards.

On May 13, 2013, staff presented examples of changes to the design standards and the following three options to City Council:

- Option 1: Allow the major road and drainage impact fees to go into effect on July 1, 2013.

- Option 2:
  - Repeal the resolutions enacting the major roads and drainage impact fees.
  - Change design standards to address development concerns.
  
- Option 3:
  - Repeal the resolutions enacting the major roads and drainage impact fees.
  - Change design standards to address development concerns.
  - Go back through the impact fee process.

Based on the options and information presented, staff requested direction on how to proceed with the implementation of the drainage impact fee.

City Council directed staff to repeal the resolution enacting the drainage impact fee (Resolution 12-026) in its entirety and directed staff to pursue changes to the design standards.

**SUPPORT INFORMATION:**

1. Resolution.

**SOURCE OF FUNDING:**

<b>Is this action already budgeted?</b>  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.	
<b>Does this action create any revenue?</b>  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 repeal Resolution 12-026 in its entirety.
2. Vote "No"; this will not repeal Resolution 12-026 in its entirety. The drainage impact fee will go into effect on July 1, 2013, contrary to the direction given at the May 13, 2013 Work Session.
3. Vote to "Amend"; this could modify the terms of the resolution and instruct staff to seek alternative direction.
4. Vote to "Table"; this will allow the drainage impact fee to go into effect on July 1, 2013, contrary to the direction given at the May 13, 2013 Work Session.

**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 12-026.

**RESOLUTION NO. 13-171****A RESOLUTION REPEALING RESOLUTION NO. 12-026 IN ITS ENTIRETY. RESOLUTION NO. 12-026 APPROVED THE DRAINAGE IMPACT FEE.**

The City Council is informed that:

**WHEREAS**, on August 1, 2011, the City of Las Cruces (City) City Council adopted the drainage impact fee for new residential and commercial development in compliance with the Las Cruces Development Impact Fee Ordinance (Las Cruces Municipal Code, Chapter 33) with an effective date of January 1, 2013; and

**WHEREAS**, on December 17, 2012, City Council approved a resolution to postpone the effective date for the drainage impact fee from January 1, 2013 to July 1, 2013; and

**WHEREAS**, the time allowed staff to determine whether the fee amount was sufficient to fund or to seek alternate funding options for constructing the projects on the Impact Fee Capital Improvement Plan list; the amount was sufficient to fund credit requests from developers; and, to explore whether amendments to the City's Development Code would be a more prudent option to implementing the drainage impact fee; and

**WHEREAS**, on February 25, 2013, staff presented information to City Council that outlined issues and concerns with implementing the drainage impact fee and options for City Council to consider in lieu of implementing this fee; and

**WHEREAS**, on May 13, 2013, staff presented examples of changes to the design standards and the following three options to City Council: Option 1- Allow the major road and drainage impact fees to go into effect on July 1, 2013; Option 2 - Repeal the resolution enacting the major roads and drainage impact fees and change

design standards to address development concerns; and Option 3 - Repeal the resolution enacting the major road and drainage impact fees, change design standards to address development concerns, and go back through the impact fee process; and

**WHEREAS**, City Council directed staff to repeal the resolution enacting the drainage impact fee, Resolution 12-026, in its entirety and directed staff to pursue changes to the design standards.

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

**(I)**

**THAT** Resolution 12-026 is hereby repealed in its entirety.

**(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 \_\_\_\_\_, 2013.

**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