

RESOLUTION NO. 15-90

A RESOLUTION OF THE CITY OF MESQUITE, TEXAS, EXPRESSING THE CITY'S INTENT TO ESTABLISH IMPACT FEES, NAMING A CAPITAL IMPROVEMENTS ADVISORY COMMITTEE, ESTABLISHING PROCEDURAL RULES, AND DECLARING AN EFFECTIVE DATE THEREOF.

WHEREAS, the City Council of the City of Mesquite, Texas, has determined that the need exists for a comprehensive financial plan for the financing of new projects in the City's water and wastewater utilities; and

WHEREAS, the citizens of Mesquite will best be served if new developments and projects pay for a portion of the costs associated with providing water and wastewater services to such developments and projects; and

WHEREAS, a capital recovery impact fee assessed to and collected from owners of residential property and property other than residential property will collect a portion of the costs associated with providing water and wastewater utility services; and

WHEREAS, Chapter 395 of the Texas Local Government Code authorizes the assessment of capital recovery impact fees; and

WHEREAS, Chapter 395 requires the appointment of a Capital Improvements Advisory Committee and authorizes the appointment of the City's Planning & Zoning Commission, under certain conditions, as the Capital Improvements Advisory Committee; and

WHEREAS, the Mesquite Planning & Zoning Commission has no member who is an employee or official of the City and does have membership of at least one person who is a representative of the real estate, development or building industry.

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

**SECTION 1.** That the City of Mesquite will hereby explore the possibility of the establishment of capital recovery impact fees for water and wastewater utilities.

**SECTION 2.** That the Mesquite Planning & Zoning Commission is hereby named the Capital Improvements Advisory Committee pursuant to the provisions of Chapter 395.058 of the Texas Local Government Code.

**SECTION 3.** That the Capital Improvements Advisory Committee shall serve in an advisory capacity and is established to:

- a) advise and assist the City in adopting land use assumptions;
- b) review the capital improvements plan and file written comments;
- c) monitor and evaluate implementation of the capital improvements plan;
- d) file semiannual reports with respect to the progress of the capital improvements plan and report to the City any perceived inequities in implementing the plan or imposing the impact fee;
- e) advise the City of the need to update or revise the land use assumptions, capital improvements plan, and impact fee; and
- f) provide other impact fee advisory services as directed by the City Council.

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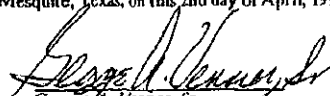
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SECTION 4. That the Capital Improvements Advisory Committee shall comply with all requirements set out by Chapter 395 of the Texas Local Government Code; provided that in circumstances not specified by Chapter 395, the procedural rules which are established by the Mesquite Zoning Ordinance and the Commission's Bylaws for the Mesquite Planning & Zoning Commission regarding quorums, voting, official records, hearings, and other procedures shall apply as the procedural rules of the Capital Improvements Advisory Committee.


SECTION 5. That the duly elected officers of the Mesquite Planning & Zoning Commission shall also serve as the officers of the Capital Improvements Advisory Committee.

SECTION 6. That this resolution shall take effect immediately upon passage as the Charter in such cases provides.

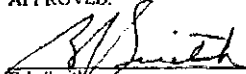
DULY RESOLVED by the City Council of the City of Mesquite, Texas, on this 2nd day of April, 1990.

  
George A. Vanner, Sr.  
Mayor

ATTEST:

  
Lynn Prugel  
City Secretary

APPROVED:

  
B.J. Smith  
City Attorney