



CAPITAL IMPROVEMENTS ADVISORY COMMITTEE MEETING

DATE: April 29, 2009
TIME: 10:00 A.M.
PLACE: City Hall
2nd Floor, Council Chambers
El Paso, Texas

MINUTES

MEMBERS PRESENT:

Mr. Ray Aduato
Mr. Bobby Bowling, IV
Mr. Larry Nance
Mr. Charlie Wakeem
Mr. Dan Olivas
Mr. Mark Dyer
Mr. Michael Wyatt
Mr. Richard Piñeda
Mr. Sal Masoud

1. Discussion and Action of the following:

- a. Approval of the minutes for the Capital Improvements Advisory Committee Meeting of April 16, 2009

ACTION: Motion made by Mr. Wakeem, seconded by Mr. Dyer, and unanimously carried to **APPROVE THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE MINUTES FOR APRIL 16, 2009.**

Motion passed.

- b. Comments on Affordability Credit

Mr. Neal discussed the provisions of the USC 42.12.745 and noted that the committee under the statute of the provisions, is limited to the affordability credit that they can provide and proposed that the committee deal with the rental provisions and the ownerships separately. He made a couple of comments on the rental provisions

Bobby Bowling gave some background on the tax credit program. He noted some of the requirements under Title 42 of the US Code. For disclosure purposes, Mr. Bowling noted that his family has been actively involved in trying to acquire tax credit developments for El Paso County since 2001. It would be a major setback for projects going forward in El Paso, if Impact Fees went into effect on tax credit developments. He strongly recommends implementing the affordable housing exemption.

Richard Dayoub, representing The Greater Chamber of Commerce, distributed some hand-outs and noted that the Chamber is not in favor of the City Council adopting an Impact Fee Ordinance at this time.

Mr. McElroy, Deputy Director for Planning, summarized the single-family ownership and the application of the affordability credit.

ACTION: Motion made by Mr. Adatao, seconded by Mr. Bowling, and carried to **RECOMMEND TO COUNCIL TO ISSUE 100% OF THE ALLOWABLE CREDIT FOR BOTH NEW HOMES AS WELL AS RENTAL UNITS.**

AYES: Mr. Bowling, Mr. Adatao, Mr. Dyer, Mr. Masoud, and Mr. Olivas

NAYS: Mr. Wyatt, Mr. Piñeda, Mr. Nance, and Mr. Wakeem

Mr. Olivas broke the tie voting in favor of the motion.

Motion passed.

Nick Costanzo noted that it was their intent not to charge for fire lines.

Rick Giardina from Red Oaks noted that it is customary across the country not to charge for fire lines because they are not a dedicated water service. Landscape meters are typically charged.

c. Comments on maximum impact fees to possibly be implemented.

Mr. Neal noted that the Capital Improvements Advisory Committee had previously provided a comment to the City Council indicating that fees had been calculated by qualified professionals in accordance with the Texas Local Government Code, Chapter 395.

ACTION: Motion made by Mr. Wakeem, seconded by Mr. Wyatt, and carried to **APPROVE THE CONSULTANTS RECOMMENDATION AND IMPOSE 100% OF THE MAXIMUM IMPACT FEES.**

AYES: Mr. Piñeda, Mr. Wakeem, Mr. Wyatt, and Mr. Nance

NAYS: Mr. Masoud, Mr. Bowling, Mr. Adatao, Mr. Dyer, and Mr. Olivas

Mr. Olivas broke the tie voting to **DENY** the motion.

Motion failed.

ACTION: Motion made by Mr. Bowling, seconded by Mr. Adatao, and carried to **RECOMMEND A STEPPED SYSTEM OF REFUNDS OF IMPACT FEES PAID. THE REFUNDS WOULD HAVE THE NET AFFECT OF HAVING THE ENTIRE IMPACT FEE REFUNDED ON A HOME OF LESS THEN 1,500 SQUARE FEET LIVING AREA; A REDUCTION OF \$1,500 FROM THE MAXIMUM IMPACT FEE FOR A HOME BETWEEN 1,500 AND 2,000 SQUARE FEET OF LIVING AREA; A REDUCTION OF \$1,000 FROM THE IMPACT FEE FOR HOMES BUILT BETWEEN 2,001 AND 2,500 SQUARE FEET OF LIVING AREA; A REDUCTION OF \$500 FROM THE IMPACT FEE FOR HOMES BUILT BETWEEN 2,501 AND 3,000 SQUARE FEET LIVING AREA; AND NO REDUCTION OR CREDIT FOR HOMES BUILT ABOVE 3,000 SQUARE FEET LIVING AREA.**

Mr. Bowling withdrew his motion and Mr. Adatao withdrew his second to the motion.

Mr. Neal clarified that the impact fees must be and can only be used for the capital improvements in the development. The only opportunity that exists for any money that would be used to reimburse a separate program would have to come from a different pot of money.

ACTION: Motion made by Mr. Masoud, seconded by Mr. Bowling, and carried to **RECOMMEND TO CITY COUNCIL THAT THE IMPACT FEE SHOULD BE 50% OF THE MAXIMUM CALCULATED IMPACT FEE AND TO WAIVE THE IMPACT FEE FROM FIRE LINES AND FROM LANDSCAPE LINES THAT WILL BE DEDICATED TO THE CITY.**

No vote was taken.

ACTION: Motion made by Mr. Bowling, seconded by Mr. Dyer, and unanimously carried to **RETIRE INTO EXECUTIVE SESSION TO RECEIVE LEGAL ADVICE.**

Motion passed.

ACTION: Motion made by Mr. Bowling, seconded by Mr. Aduino, and unanimously carried to **RECONVENE THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE MEETING FROM EXECUTIVE SESSION.**

Motion passed

- d. Other comments to Council on impact fees related issues.

ACTION: Motion made by Mr. Masoud, seconded by Mr. Bowling, and carried to **RECOMMEND TO CITY COUNCIL THAT 50% OR LESS OF THE MAXIMUM RECOMMENDED IMPACT FEE BE ADOPTED.**

AYES: Mr. Bowling, Mr. Dyer, Mr. Aduino, Mr. Masoud, and Mr. Olivas

NAYS: Mr. Nance, Mr. Wyatt, Mr. Wakeem, and Mr. Piñeda

Mr. Olivas broke the tie, voting in favor of the motion.

Motion passed.

ACTION: Motion made by Mr. Masoud, seconded by Mr. Wakeem, and carried to **RECOMMEND THAT STAFF AND CONSULTANT CONSIDER ADOPTING A POLICY FOR A 100% REIMBURSEMENT FOR IMPACT FEES FOR PARK OR MEDIAN IRRIGATION METERS THAT ARE GOING TO BE DEDICATED TO THE CITY.**

AYES: Mr. Bowling, Mr. Aduino, Mr. Nance, Mr. Wakeem, Mr. Masoud, and Mr. Piñeda

NAYS: Mr. Wyatt, and Mr. Dyer

Motion passed.

ACTION: Motion made by Mr. Bowling, seconded by Mr. Dyer, and carried to **RECOMMEND TO CITY COUNCIL TO ADOPT THE PUBLIC POLICY, WHEREBY THEY ARE DOING A REFUND MECHANISM LIKE SAN ANTONIO AND AUSTIN, BASED ON A DIFFERENT METHODOLOGY ACROSS THE BOARD WHERE EVERYONE JUST PAYS ONE FEE.**

AYES: Mr. Bowling, Mr. Aduino, Mr. Masoud, Mr. Dyer, and Mr. Olivas

NAYS: Mr. Nance, Mr. Wyatt, Mr. Piñeda, and Mr. Wakeem

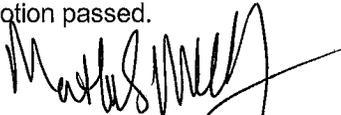
Mr. Olivas broke the tie, voting in favor of the motion.

Motion passed.

2. Adjournment

ACTION: Motion made by Mr. Masoud, seconded by Mr. Wyatt, and unanimously carried to **ADJOURN THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE MEETING AT 4:30 P.M.**

Motion passed.



Mathew McElroy, City Plan Commission Executive Secretary