

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE CREATING A CAPITAL IMPROVEMENTS ADVISORY COMMITTEE PURSUANT TO TEXAS LOCAL GOVERNMENT CODE §395.058 AS A REQUIREMENT BEFORE AUTHORIZING IMPACT FEES; APPOINTING THE PLANNING AND ZONING COMMISSION'S MEMBERS AS MEMBERS OF THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE; PROVIDING FOR THE APPOINTMENT OF ONE ADDITIONAL AD HOC MEMBER TO THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE FROM THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF DENTON, TEXAS; PROVIDING FOR THE ADOPTION OF PROCEDURAL RULES FOR THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE TO FOLLOW IN PERFORMING OUT ITS DUTIES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Denton, Texas desires to authorize impact fees pursuant to Chapter 395 of the Texas Local Government Code; and

WHEREAS, on November 19, 2013, the City Council considered, approved, and authorized impact fees as provided in Ordinance No. 2012-326; now five (5) years has passed, and the City Council, in accordance with the applicable Texas law, must conduct appropriate activities regarding the imposition of impact fees for an additional five (5) year period; and

WHEREAS, a Capital Improvements Advisory Committee is required to be created before any impact fees can be authorized in accordance with §395.058 of the Texas Local Government Code; and

WHEREAS, such Capital Improvements Advisory Committee is to serve in an advisory capacity and is established to:

- (1) advise and assist the City Council in adopting land use assumptions;
- (2) review the capital improvements plans and file written comments;
- (3) monitor and evaluate implementation of the capital improvements plan;
- (4) file semiannual reports with respect to the progress of the capital improvements plan and report to the political subdivision any perceived inequities in implementing the plan or imposing the impact fee; and
- (5) advise the City Council of the need to update or revise the land use assumptions, capital improvements plan, and impact fee; and

WHEREAS, the City Council desires that the Planning and Zoning Commission of the City of Denton, Texas, consisting of seven (7) members, act as the advisory committee since the Commission has more than one (1) representative of the real estate, development, or building industry who are not employees or officials of a political subdivision or governmental entity; which Commission shall constitute a portion of the membership of the Capital Improvements Advisory Committee as provided by law; and

WHEREAS, the City Council desires that any authorized impact fees be applied in the extraterritorial jurisdiction of the City of Denton, Texas; therefore one (1) additional ad hoc voting member of the Capital Improvements Advisory Committee must be selected from the extraterritorial jurisdiction of the City of Denton; and NOW THEREFORE:

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. The recitations which are set forth above in this Ordinance are expressly incorporated by reference herewith, as if made a part of this Ordinance.

SECTION 2. The City Council establishes the Denton Capital Improvements Advisory Committee pursuant to Texas Local Government Code §395.058 as a prerequisite of authorizing impact fees.

SECTION 3. The Denton Capital Improvements Advisory Committee shall consist of eight members; seven shall be the members of the City of Denton Planning and Zoning Commission and one shall be appointed ad hoc from the extraterritorial jurisdiction of the City of Denton, Texas. All eight (8) members of the Capital Improvements Advisory Committee shall be voting members thereof. The terms of the members shall parallel those terms of the City of Denton Planning and Zoning Commission, except that the ad hoc member from the extraterritorial jurisdiction of the City of Denton, Texas shall serve a term of two (2) years and shall be appointed in odd-numbered years.

SECTION 4: Robin Harris, P.E., a person residing in the extraterritorial jurisdiction of the City of Denton, Texas, is well-qualified to serve, and is accordingly appointed as an ad hoc voting member of the Capital Improvements Advisory Committee.

SECTION 5. It is understood that the ad hoc member from the extraterritorial jurisdiction of the City of Denton, Texas, appointed in Section 3 above, shall have no authority to serve or deliberate as a member of the Planning and Zoning Commission of the City of Denton, and shall serve only as a member of the Capital Improvements Advisory Committee.

SECTION 6. The duties of the Capital Improvements Advisory Committee shall consist of the requirements listed in Texas Local Government Code §395.058(c) and (d) as currently written, and any other duties as may be required by amendment of that statute.

SECTION 7. The City Council designates procedural rules for the Capital Improvements Advisory Committee to follow in carrying out its duties by requiring it to follow the City Council Rules of Procedure as set forth in Section 2-29, Code of Ordinances, City of Denton, as amended, and adopting those procedural rules as the rules of the Advisory Committee.

SECTION 8. This ordinance shall become effective immediately upon its passage and approval.

PASSED AND APPROVED this the \_\_\_\_\_ day of March, 2018.

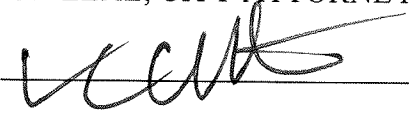
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CHRIS WATTS, MAYOR

ATTEST:  
JENNIFER WALTERS, CITY SECRETARY

BY: \_\_\_\_\_

APPROVED AS TO LEGAL FORM:  
AARON LEAL, CITY ATTORNEY

BY:  \_\_\_\_\_