

WTA:cm  
08/27/87

A RESOLUTION  
NO. 87-41-64  
ESTABLISHING A CAPITAL IMPROVEMENTS ADVISORY  
COMMITTEE UNDER THE PROVISIONS OF SENATE BILL 336.

\* \* \* \* \*

WHEREAS, Senate Bill 336 was passed by the Texas Legislature in June, 1987 to provide a method for municipalities to impose impact fees for recouping the cost of off-site capital improvements necessitated by new development; and

WHEREAS, as part of the provisions of Senate Bill 336, a Capital Improvements Advisory Committee is required to be established to advise and assist in the implementation of the impact fee process; and

WHEREAS, the Committee's responsibilities require input at every stage of implementation of Senate Bill 336; NOW THEREFORE:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Eleven citizens will be appointed to serve as members of the Capital Improvements Advisory Committee. They shall be designated as one representative per City Council District and one member representing the extra-territorial jurisdiction.

SECTION 2. These eleven designees will meet all other criteria established in Section 7(a) Advisory Committee, composition of Senate Bill 336.

SECTION 3. The membership of the Capital Improvements Advisory Committee will serve in an advisory capacity and perform the duties and responsibilities provided in section 7(b) of Senate Bill 336 of the 70th Legislature of Texas.

PASSED AND APPROVED this 27<sup>th</sup> day of August, 1987.

*Henry Cisneros*  
M A Y O R

ATTEST:

*Norma J. Rodriguez*  
City Clerk

APPROVED AS TO FORM:

*Tom Finley*  
City Attorney

87-41



AVIATION	
BUDGET & RESEARCH	
BUILDING INSPECTIONS	
BUILDING INSPECTIONS-HOUSE NUMBER	
CITY WATER BOARD	
CITY ATTORNEY	
COMMERCIAL RECORDER	
CONVENTION & VISITORS BUREAU	
CONVENTION FACILITIES	
ECONOMIC & EMPLOYMENT DEVELOPMENT	
EQUAL EMPLOYMENT OPPORTUNITY	
FINANCE DIRECTOR	
ASSESSOR	
CONTROLLER	
TREASURY DIVISION	
GRANTS	
INTERNAL AUDIT	
RISK MANAGEMENT	
FIRE DEPARTMENT	
HUMAN RESOURCES & SERVICES	
INFORMATION RESOURCES	
LIBRARY	
MARKET SQUARE	
METROPOLITAN HEALTH DISTRICT	
MUNICIPAL COURTS	
PARKS & RECREATION	
PERSONNEL	
PLANNING	1
POLICE DEPARTMENT	
PUBLIC UTILITIES	
PUBLIC WORKS	
ENGINEERING	
CENTRAL MAPPING	
REAL ESTATE	
TRAFFIC ENGINEERING	
PURCHASING & GENERAL SERVICES	
WASTEWATER MANAGEMENT	
ZONING ADMINISTRATION	
SPECIAL PROJECTS - CITY MANAGER	
K. KLEWER	1
Johi, Mary Lou (du re)	

*Plan*  
*Submitted*  
 MEETING OF THE CITY COUNCIL  
 ACTION BY *Dutmer*  
 ORD. NO. \_\_\_\_\_

ITEM NO. 38  
 DATE: AUG 27 1987  
 SECONDED BY: Webb  
 ZONING CASE \_\_\_\_\_  
 RESOL. 87-41-64 PETITION \_\_\_\_\_

	ROLLCALL	AYES	NAYS
MARIA BERRIOZABAL			
PLACE 1			
JOE WEBB			
PLACE 2			
HELEN DUTMER			
PLACE 3			
FRANK D. WING			
PLACE 4			
WALTER MARTINEZ			
PLACE 5			
BOB THOMPSON			
PLACE 6			
YOLANDA VERA			
PLACE 7			
NELSON WOLFF			
PLACE 8			
WEIR LABATT			
PLACE 9			
JAMES C. HASSLOCHER			
PLACE 10			
HENRY G. CISNEROS			
PLACE 11 (MAYOR)			

**ABSENT**

**87-41**



AVIATION
BUDGET & RESEARCH
BUILDING INSPECTIONS
BUILDING INSPECTIONS-HOUSE NUMBER
CITY WATER BOARD
CITY ATTORNEY
COMMERCIAL RECORDER
CONVENTION & VISITORS BUREAU
CONVENTION FACILITIES
ECONOMIC & EMPLOYMENT DEVELOPMENT
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PERSONNEL
PLANNING
POLICE DEPARTMENT
PUBLIC UTILITIES
PUBLIC WORKS
ENGINEERING
CENTRAL MAPPING
REAL ESTATE
TRAFFIC ENGINEERING
PURCHASING & GENERAL SERVICES
WASTEWATER MANAGEMENT
ZONING ADMINISTRATION
SPECIAL PROJECTS - CITY MANAGER

Plan  
Substitute B

ITEM NO. 38

MEETING OF THE CITY COUNCIL DATE: 8-27-87

MOTION BY: Berrington SECONDED BY: Vera

ORD. NO. \_\_\_\_\_ ZONING CASE \_\_\_\_\_

RESOL. 87-41-64 PETITION \_\_\_\_\_

	ROLLCALL	AYES	NAYS
MARIA BERRIOZABAL PLACE 1		✓	
JOE WEBB PLACE 2		✓	
HELEN DUTMER PLACE 3			X
FRANK D. WING PLACE 4			X
WALTER MARTINEZ PLACE 5		absent	
BOB THOMPSON PLACE 6		✓	
YOLANDA VERA PLACE 7		✓	
NELSON WOLFF PLACE 8		✓	
WEIR LABATT PLACE 9		✓	
JAMES C. HASSLOCHER PLACE 10			X
HENRY G. CISNEROS PLACE 11 (MAYOR)		✓	



# CITY OF SAN ANTONIO

## Interdepartment Correspondence Sheet

TO: City Council through the City Manager

FROM: Roland A. Lozano, Director of Planning  
S. Marcus Jahns, Asst. City Manager; Alexander E. Brisen; Asst. City  
Manager; Frank Kiolbassa, Director of Environmental Management Dept.; File

COPIES TO:

SUBJECT: SENATE BILL 336 - IMPACT FEES

Date August 18, 1987

### SUMMARY

Senate Bill 336 has been signed by the Governor effective June 21, 1987 relating to the financing of capital improvements by political subdivision through impact fees. Impact fees are charges assessed by a political body on new development to fund the cost of off-site capital improvements or expansions necessitated by the new development. Impact fees may be assessed to recover capital improvement costs relating to water supply, treatment, and distribution facilities; wastewater collection and treatment facilities; storm water, drainage flood control facilities; and roadways.

To comply with the State Statute, staff recommends the following:

- 1) The City Council endorse by resolution that the City Planning Department be the lead entity for developing the Land Use Assumptions of S.B. 336.
- 2) The City Council appoint by resolution that the City Planning Commission be the Capital Improvements Advisory Committee.

Staff recommends favorable consideration of these items.

### BACKGROUND

*Function* → Senate Bill 336 is a major piece of legislation which will now provide municipalities a mechanism to develop impact fees for recouping the cost of off-site capital improvements that are necessitated by new development. The Senate Bill establishes a systematic approach to be carried out by the governing body in the development and implementation of the impact fees.

★ The institution of Senate Bill 336 will require the development of Land Use Assumptions, identifying service areas, and projection changes in land uses, densities, and intensities with a population forecast covering a ten year span. The service areas will encompass the City's corporate limits and its ETJ. An additional requirement is the adoption of a Capital Improvements Plan which identifies improvements or facility expansions pertaining to water supply



treatment and distribution facilities, wastewater collection and treatment. This will enable governing bodies to levy an impact fee to generate revenue for funding or recouping improvement costs associated with new developments.

The bill requires City Council appointment of a Capital Improvements Advisory Committee comprised of not less than 5 members to advise and assist in the implementation of the impact fees. The advisory committee must have a membership composition that includes representation from the real estate and development industry. The Planning Commission of the City can qualify as the advisory committee if approved by the City Council. This will involve the passage of a resolution by the City Council designating the Commission as the Advisory Committee. The committee will serve in an advisory capacity overseeing the mandated public hearings for adopting the plan. The bill requires the committee to hold two public hearings, one of which is to consider Land Use Assumptions and the second to consider and adopt the Capital Improvements Plan with methodology for imposing the impact fees.

In summary the bill, as approved, set forth the following provisions:

- stringent public hearing requirements.
- adoption of Land Use Assumptions with a 10 year projection with periodic review and amendments required for each study area.
- adoption of a Capital Improvements Plan for each study area.
- imposition of impact fees at the time of plat recordation, building permit process, issuance of utility connections or Certificate of Occupancy.
- Land Use Assumptions and Capital Improvement Plan updates every 3 years.
- commitment requiring capital improvement construction within 2 years from the date of payment.
- penalties with respect to financial refunds if service is not available or construction is not underway within 2 years.
- recalculation of impact fees based on actual cost after completion of improvements and if actual cost is less than the fee paid, the difference is refunded if it exceeds 10%.

Presently, the City Water Board and the City Regional Wastewater system's policies and regulations regarding the extension and provision of services will fall under the jurisdiction of SB 336. Under provision of the state statute, the City will have three (3) years to comply with the law. However, any city having an impact fee in place on the effective date will be required to conform with the Bill within one year of the effective date of this Act. Thereafter, the governing body shall be liable to any party who, after the one year period, pays an impact fee which exceeds the maximum permitted in an amount equal to two times the difference between the maximum impact fee allowed and the actual impact fee imposed, plus attorney's fees and court cost.

The bill will greatly alter the way development occurs within our planning area. Under SB 336, populations and land use densities would be "predetermined" for the next ten years. Capital facilities will be sized and their costs allocated based on those populations and uses. The tremendous flexibility which developers now have in determining the type and density of their developments will be gone.



POLICY CONSIDERATIONS

The keystone to the process outlined by the state statute is the development of the Land Use Assumptions. The Land Use Assumptions must be formulated, reviewed and approved prior to development of a Capital Facilities Plan. Since the Land Use Assumptions are an integral part of this legislation and the development process of the city, staff is currently proceeding and proposes that the City of San Antonio Planning Department take the lead in developing the Land Use Assumption for both City entities - City Water Board and City Regional Wastewater system.

An integral component of the process, outlined in the statute, is the Capital Improvements Advisory Committee. The committee is advisory to the staff and City Council and oversees the mandated public hearings. It is proposed that the City Planning Commission, since it meets the requirements of the law, be appointed the Capital Improvements Advisory Committee.

FISCAL IMPACTS

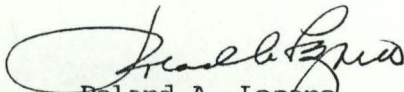
To initiate the implementation of SB 336, staff is recommending for fiscal year 1987-1988 that a budget increase of approximately \$124,500 be approved to establish a section with the Planning Department. This will authorize 4 of the 6 positions needed to carry out the requirements of SB 336. The two remaining positions will be recommended for authorization in fiscal year 1988-1989 for an estimated cost of \$54,741.00.

To offset this cost to the general fund, staff will work with the Wastewater Program to provide funding for staff positions. Additionally, staff will be working to develop a contractual relationship with the City Water Board to provide financial support to this staff.

RECOMMENDATION

The following reflects the action needed to be taken by the City Council.

- 1) Endorse the proposal of Planning Department being the lead entity for developing the Land Use Assumptions of SB 336.
- 2) Appoint the Planning Commission as the Capital Improvements Advisory Committee to include a new appointment irrespective of the Commission representing the area in the City's E.T.J.; or
- 3) The option that each Councilperson appoint a member to serve on the Capital Improvements Advisory Committee to be composed of no less than 40% of its representation from the real estate, development or building industries as well as a representative from the City's E.T.J.

  
Roland A. Lozano  
Director of Planning

RAL/sm

APPROVED:

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Louis J. Fox  
City Manager