

ORDINANCE # 2011- 05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON APPROVING REVISIONS TO MUNICIPAL CODE, TITLE 15, CHAPTER 15.12, ADOPTING TRAFFIC MITIGATION IMPACT FEES BY RESOLUTION AND DELETING SECTION 15.12.080 SPECIAL INCENTIVE INDUSTRIAL PROGRAM

WHEREAS, Government Code Section 66000 et seq. authorizes cities to charge fees to new development to offset a proportionate share of capital costs associated with public improvements necessitated by that new development; and

WHEREAS, in 1999, the City Council adopted fees that reflected the cost of traffic and circulation improvements required throughout the city to mitigate the impact of new development contemplated in the General Plan; and

WHEREAS, the traffic impact fees were adjusted in 2004 to account for inflation, and were revised again in 2006 based on updated cost estimates for the identified improvements; and

WHEREAS, project costs were updated again in 2008 and were determined to have increased significantly from the 2006 estimates; and

WHEREAS, in accordance with the regulations established in the Government Code, adjustments to impact fees may be made from time to time to ensure that the fees reflect accurate capital costs; and

WHEREAS, changes to impact fees may only occur after a noticed public hearing; and

WHEREAS, the City Council held a public hearing on July 19, 2011 and again on August 16, 2011 and considered testimony regarding a proposed Ordinance to amend Section 15.12 of the City of American Canyon Municipal Code; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of American Canyon does hereby ordain the following:

Section 1: Section 15.12.050(A) of the American Canyon Municipal Code is amended to allow Traffic Mitigation Impact Fees after August 4, 2011 to be approved by City Council Resolution.

Section 2: Section 15.12.080 of the Municipal Code, "Special Industrial Incentive program", is hereby deleted.

Section 3: Effective Date. In accordance with Government Code 66017, this Ordinance shall take effect sixty (60) days after its adoption.

Section 4: Severability. This Ordinance shall be liberally construed to achieve its purposes and preserve its validity. If any provision or clause of this Ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provision or application. To this end,

the provision of this Ordinance are declared to be severable and are intended to have independent validity.

The foregoing Ordinance was introduced and read at a regular meeting of the City Council of the City of American Canyon, State of California, held on August 16, 2011, and adopted after second reading at a regular meeting of the City Council of the City of American Canyon held on September 6, 2011 by the following vote:

Mayor Garcia:	<u>yes</u>
Vice Mayor Bennett:	<u>yes</u>
Council Member Coffey:	<u>yes</u>
Council Member Bennett:	<u>yes</u>
Council Member Joseph:	<u>yes</u>

Leon Garcia
Leon Garcia, Mayor

Attest:

Approved as to form:

Rebekah Barr
Rebekah Barr, MMC, City Clerk

William D. Ross
William D. Ross, City Attorney