

CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: Planning and Economic Development Department

AGENDA DATE: Introduction: Feb. 28, 2012
Public Hearing: March 6, 2012

CONTACT PERSON/PHONE: Mathew McElroy, (915) 541-4193

DISTRICT(S) AFFECTED: City-wide

SUBJECT:

An Ordinance amending Title 13 (Streets, Sidewalks and Public Places), Chapter 13.04 (Street and Sidewalk Construction and Maintenance), Section 13.04.045 (Sidewalks in New Development) of the El Paso City Code to remove reference to the Development Coordinating Committee. The penalty being as provided in Chapter 1.08, General Penalty, of the El Paso City Code.

BACKGROUND / DISCUSSION:

The City Manager has directed staff in several departments to implement application processing changes and code amendments that are intended to streamline and simplify the land development review process.

The Development Coordinating Committee will no longer be providing recommendations to City Council as to whether it is practical for the city to install sidewalks where a deferral has been granted and funds deposited for the future installation of sidewalk on arterial streets by the city. The recommendations will now be provided by the City Manager or appointed designee and the City Plan Commission.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Scheduled for the Development Coordinating Committee on February 22, 2012.

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Mathew S. McElroy
Deputy Director-Planning and Economic Development

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 13 (STREETS, SIDEWALKS AND PUBLIC PLACES), CHAPTER 13.04 (STREET AND SIDEWALK CONSTRUCTION AND MAINTENANCE), SECTION 13.04.045 (SIDEWALKS IN NEW DEVELOPMENT) OF THE EL PASO CITY CODE TO REMOVE REFERENCE TO THE DEVELOPMENT COORDINATING COMMITTEE. THE PENALTY BEING AS PROVIDED IN CHAPTER 1.08, GENERAL PENALTY, OF THE EL PASO CITY CODE.

WHEREAS, Chapter 13.04 of the City Code regulates construction on streets, sidewalks and public places; and,

WHEREAS, the City desires to remove reference to the development coordinating committee;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS:

Section 1. That Title 13, Streets, Sidewalks and Public Places, Chapter 13.04, Street and Sidewalk Construction and Maintenance, Section 13.04.045, Sidewalks in New Development, Paragraph B, Sidewalk Construction, Subparagraph 2c, of the El Paso City Code shall be amended as follows:

13.04.045 - Sidewalks in new development.

B. Sidewalk construction.

2. Arterial streets.

c. Where a sidewalk deferral is approved by the city plan commission as part of an approved subdivision, the property owner of the lot, or portion thereof, for which the deferral was granted, shall be required to deposit the funds necessary to pay the cost for the future installation of the sidewalk by the city or an agent of the city.

The amount of the deposit shall be the future value of the sidewalk construction, determined as follows: Three dollars and thirty cents per square foot factored for ten years at an inflation rate of five percent, multiplied by the total lot frontage on the street, multiplied by the width of the sidewalk.

The funds shall be deposited in full with the city prior to the issuance of any building permit. A deposit made pursuant to this subsection shall be tendered in the form of a cash payment, or cashier's check made payable to the City of El Paso. Funds received shall be reserved for sidewalk construction with reference to the individual subdivision involved.

After having deposited funds with the city in accordance with this provision, the owner of the property for which the funds were deposited may at any time, but not more often than once in any twelve-month period, request the city council to determine whether it has become practical for the city to install the sidewalks. From the date of receipt of such a request, the city council shall have ninety

days to render its determination. If the city council fails to do so, it shall be deemed practical for the city to install the sidewalk. Construction of a deferred sidewalk within a subdivision shall be completed within one year from the date the city council, after having obtained recommendations from the City Manager or designee and the city plan commission, determines that it is practical for the city to install the sidewalks. The recommendation shall include an opinion from the city attorney as to whether the city has the legal authority to install the sidewalks under the circumstances. The term "practical," as used in this subsection, does not include consideration of whether the city has funds available to supplement the cost of installing the sidewalks. If it is determined by the city council that it is practical to install the sidewalks, and if the deferred sidewalk is not installed by the city as herein required, the property owner who deposited the funds shall, upon written request, be entitled to a full refund of moneys paid within thirty days of receipt by the city of the request for the refund.

Section 2. Except as herein amended, Title 13, Streets, Sidewalks and Public Places, of the El Paso City Code shall remain in full force and effect.

PASSED AND APPROVED this _____ of _____ 2012

THE CITY OF EL PASO

John F. Cook, Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:

Mathew McElroy,
Deputy Director
Planning & Economic Development

Lupe Cuellar
Assistant City Attorney

ORDINANCE NO. _____