

**CITY OF EL PASO, TEXAS
REQUEST FOR COUNCIL ACTION**

DEPARTMENT: Development Services

AGENDA DATE: April 28, 2009

CONTACT PERSON/PHONE: Mathew McElroy, ext 4193

DISTRICTS AFFECTED: All

SUBJECT:

APPROVE a resolution / ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want city council to approve. Include dollar amount if applicable.

Discussion and Action on whether to delay pending annexation applications until a new annexation policy is adopted or proceed with processing applications under current policies, such direction being sought by the Planning and Development Legislative Review Committee.

BACKGROUND/DISCUSSION:

Discussion of the what, why, where, when, and how to enable council to have a reasonably complete description of the contemplated action. This should include attachment of the bid tabulation, or ordinance or resolution if appropriate. What are the benefits to thee City of This action? What are the Citizen concerns?

City Council, at a special council meeting on January 21st, 2009, voted unanimously to consider only voluntary annexations, under guidance to staff that annexations be master planned and that all capital costs be recovered. There were 8 annexations in process being evaluated by staff at the time, which were taken to the Planning and Development Legislative Review Committee on April 17, 2009 and referred to the full council.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

No.

AMOUNT AND SOURCE OF FUNDING:

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

NA

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

DEPARTMENT HEAD: Patricia D. Aauto

(Example: If RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____ DATE: _____

DRAFT

ANNEXATION POLICY MAY 2009
CITY OF EL PASO

It is the policy of the City of El Paso that existing taxpayers should not be burdened by the cost of providing municipal services or infrastructure necessary to support municipal services in areas of potential annexation. Currently State law requires the municipality, through a service plan, to provide the annexed area with a level of services, infrastructure and infrastructure maintenance that is comparable to similar areas within the City. However, State law does not permit the involuntary recovery of capital improvements costs for infrastructure necessary to support the services required in a service plan, except through impact fees, which is limited to only certain infrastructure costs.

Therefore the City, except in extraordinary cases (such as circumstances where the property is not required to be in the City's Annexation Plan), will only annex property through voluntary annexation where the property owners agree through either an annexation agreement or a development agreement providing for annexation, to pay for their share of providing infrastructure necessary to support municipal services within their area of annexation. This will allow the City to recover capital improvement costs necessitated by extending municipal services, to include infrastructure costs, to the newly annexed area that are not recovered through impact fees. The Planning Division shall review all applications to determine appropriate capital improvements costs to be recommended to the City Council constituting an annexation fee. The City Council recognizes that said costs and corresponding financial benefits that may arise from annexation of particular land tracts may vary and must be judged on a case by case basis. In addition to this broad policy statement, the Council desires to establish the circumstances and conditions under which a voluntary annexation proposal may be favorably received.

As a basis for that more detailed assessment, the Council has reviewed the Annexation Assessment and Strategy Study prepared by Halff Associates and presented January 21, 2009. The findings of that Study were supplemented by water and wastewater infrastructure planning information from the El Paso Water Utilities reflecting their anticipated service needs in the next ten years. Acting on that information and input from City staff the Council has adopted a scheme of preferred areas of annexation reflected in The Annexation Maps adopted by reference herein. In summary these maps depict in the color green approximately 4,000 acres in the West and 13,000 acres in the East most desirable for annexation. In addition more than 40,000 acres are reflected in blue that also have desirable annexation characteristics, and may be considered by the Council for annexation in accordance with the specifics of this policy statement.

Map areas in green applying for voluntary annexation should meet the following minimum requirements:

1. Meet all the minimum conditions set forth in State law.
2. Are contiguous with existing City limits.
3. Are subject to water and wastewater impact fees, and any other annexation fees that may be imposed by the City.
4. Agree to provide, without reimbursement, for the construction of collector and arterial streets in their entirety, as designated on the City's Major Thoroughfare Plan and within the proposed annexed area.
5. Provide such dedication of land as may be necessary for community facilities based on the size, density and types of land uses proposed in the annexation area.
6. The applicant has submitted a general development plan for the area that includes all the information required to be submitted with an application in the annexation procedures being adopted in 20.06 of the El Paso Municipal Code.

Additionally areas in green will be subject to the following review requirements which will be prepared by staff and submitted with all annexation application and in the form of a development or annexation agreement when applicable.

1. The extent to which the general development plan incorporates smart growth principles, most essentially incorporating or promoting a mixture of land uses where appropriate, an interconnected network of streets, and transit alternatives to the automobile.
2. A statement of prorated costs for any capital improvements that may be or become necessary to provide municipal services in the next ten years.
3. A statement from the City Engineer specifying additional rights-of-way and roadway improvements deemed necessary within and abutting the proposed annexed areas. Improvements may include, but are not limited to, traffic signalization, street lighting and traffic calming devices.
4. A statement from the applicant:
 - a) Agreeing to fund these costs, or otherwise provide for their construction.
 - b) An explanation of why the application should not be subject to said costs.

Map areas in blue may become desirable for annexation:

1. As other areas are annexed and blue areas become contiguous.
2. When water and sewer infrastructure are planned by the EPWU and the area becomes subject to impact fees.
3. When the PSB agrees to acquire existing water and/or wastewater infrastructure.
4. Any service or governmental jurisdictional conflicts are resolved.
5. Residents in colonias must be supportive of annexation.
6. Other requirements are met as provided herein.