

CITY OF EL PASO, TEXAS
DEPARTMENT HEAD'S SUMMARY REQUEST FOR COUNCIL ACTION (RCA)

DEPARTMENT: DEVELOPMENT SERVICES

AGENDA DATE: INTRODUCTION: JUNE 3, 2008
PUBLIC HEARING: JUNE 10, 2008

CONTACT PERSON/PHONE: R. ALAN SHUBERT, CITY ENGINEER, (915) 541-4428

DISTRICT(S) AFFECTED: ALL

SUBJECT:

An ordinance amending Title 19 (Subdivisions), Article 2 (Subdivision Standards), Section 19.19 (Storm Water Management Requirements), Subsection 19.19.1 (General Provisions) and Article 6 (Definitions) of the El Paso City Code to add a paragraph on Arroyo Preservation, to designate the role of the Floodplain Administrator, to amend the definition for the Storm Water Administrator to add a definition for Flood Plan Administrator and to amend the definition of Arroyos. The penalty is as provided for in Section 19.42 of the El Paso City Code.

BACKGROUND / DISCUSSION:

The purpose of this ordinance to amend the Subdivision Code to insert language on Arroyo Preservation that was omitted in the original ordinance and to correct the designation of Flood Plain Administrator, Storm Water Administrator and to correct the definition of Arroyo.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

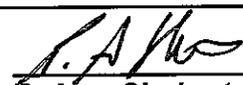
N/A

BOARD / COMMISSION ACTION:

N/A

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

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD: 
R. Alan Shubert, Engineering Services

OTHER: _____
(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:** 5-29-08

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 19 (SUBDIVISIONS), ARTICLE 2 (SUBDIVISION STANDARDS), SECTION 19.19 (STORM WATER MANAGEMENT REQUIREMENTS), SUBSECTION 19.19.1 (GENERAL PROVISIONS) AND ARTICLE 6 (DEFINITIONS) OF THE EL PASO CITY CODE TO ADD A PARAGRAPH ON ARROYO PRESERVATION, TO DESIGNATE THE ROLE OF THE FLOODPLAIN ADMINISTRATOR, TO AMEND THE DEFINITION FOR THE STORM WATER ADMINISTRATOR TO ADD A DEFINITION FOR FLOOD PLAIN ADMINISTRATOR AND TO AMEND THE DEFINITION OF ARROYOS. THE PENALTY IS AS PROVIDED FOR IN SECTION 19.42 OF THE EL PASO CITY CODE.

WHEREAS, Title 19 (Subdivisions) of the El Paso City Code was adopted to promote the health, safety, morals and general welfare of the community; and

WHEREAS, on May 6, 2008, the City Council of the City of El Paso amended Title 19, Subdivisions, in it's entirety, with an effective date of June 1, 2008; and,

WHEREAS, the provisions for the preservation of arroyos was inadvertently omitted and the responsibilities for the administration of the storm water provisions of title 19 need to be revised to correctly reflect the responsible individual,

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

SECTION 1. That Title 19, Subdivisions, Article 2, Subdivision Standards, Section 19.19, Stormwater Management Requirements, Subsection 19.19.1, General Provisions, of the El Paso City Code is hereby amended by adding the following paragraph:

19.19.1

f. Preservation of Natural Arroyos. Arroyos shall be preserved in their natural state, except that a modification of such requirement may be granted by the city plan commission provided such modification both meets the requirements of Section 19.48 and is necessary to protect the public health, safety or welfare. If a modification is authorized to allow improvements, the design for such improvements shall be incorporated into the subdivision improvement plans and approved by the floodplain administrator. As part of initial review of a subdivision application prior to acceptance as complete, the floodplain administrator shall determine the area within which improvements will require modification. The floodplain administrator's determination shall be forwarded to the applicant and city plan commission, which shall decide on any modification requested by the applicant.

SECTION 2. That Title 19 (Subdivisions), Article 2, Subdivision Standards, Section 19.19, Stormwater Management Requirements, Subsection 19.19.1, General Provisions, Paragraph d, of the El Paso City Code is hereby amended as follows:

(d) **Designation and Role of FloodPlain Administrator.** The City Manager or designee who is a Professional Engineer licensed in the State of Texas, is hereby authorized and appointed to administer and implement the provisions of this section and related Sections of this ordinance, as may be applicable.

SECTION 3. That Title 19 (Subdivisions), Article 6, Definitions, Section 19.50.3 of the El Paso City Code, is amended as follows:

Subparagraph 15 is amended to read:

15. **ARROYO.** An Arroyo, also called a wash or draw, is a natural creek bed or gulch that temporarily fills with water after a stormwater runoff event (see Stormwater), or seasonally as such, the term is similar to the word "wadi". The term usually applies to a mountainous desert environment.

Subparagraph 223(e) is amended as follows:

e. **Floodplain Administrator:** The Texas licensed professional engineer designated by the City Manager as the responsible Official and Initial Decision-Maker to administer and implement the provisions of 18.60 and other appropriate sections of 44 CFR (National flood Insurance Program regulations) pertaining to floodplain management; in addition to applications pertaining to grading and drainage plans and other drainage decisions as may be required in Title 18 Building and Construction and Section 19.19 Stormwater Management Requirements.

Subparagraph 223(o) is amended as follows:

o. **Stormwater Administrator:** The Texas licensed professional engineer designated by the City Manager as the responsible Official and Initial Decision-Maker to administer and implement the provisions of Chapter 15.20 Stormwater Management.

SECTION 4. Except as herein provided, Title 19 (Subdivisions) of the El Paso City Code, shall remain in full force and effect.

ADOPTED this _____ day of _____ 2008.

CITY OF EL PASO

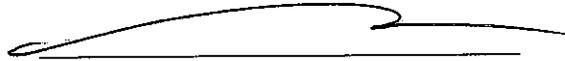
John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

SIGNATURES CONTINUE ON FOLLOWING PAGE

APPROVED AS TO FORM:



Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:



Patricia D. Adauto, Deputy City Manager
Development and Infrastructure Services