

10-5-06-2

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

DEPARTMENT: Department of the City Manager  
AGENDA DATE: June 27, 2006 Ordinance Introduction  
July 11, 2006 Ordinance Public Hearing  
CONTACT PERSON/PHONE: Patricia D. Adauto, Deputy City Manager  
Development & Infrastructure Services  
(915) 541-4853

DISTRICT(S) AFFECTED: All

*Item 13H from 7/11/06:*

**SUBJECT:**

An Ordinance amending Title 19 (Subdivisions) of the El Paso City Code by amending Chapter 19.12 (Parkland Dedication) by adding Subsection 19.12.030A.3 (Parkland Calculation) in order to provide an exception for the dedication of parkland required to be deeded to the City for multi-family developments of ten or less units; amending Section 19.12.090 (Bonus Reductions for Recreational Improvements) in order to allow for up to a one hundred percent bonus reduction for private amenities provided within multi-family development and open space amenities in general; amending Subsection 19.12.090B (Bonus Reductions for Recreational Improvements) to revise the calculation formula; and amending Subsection 19.12.100B.1 (Fee in Lieu of Parkland Dedication) in order to revise the time at which fees in lieu of parkland dedication are calculated for certain applications and decrease the park fee to be paid to the city in lieu of parkland dedication. The penalty being as provided in Section 19.04.190 of the El Paso City Code.

**BACKGROUND / DISCUSSION:**

On February 28, 2006, the El Paso City Council approved Ordinance No. 16192 which amended the parkland dedication requirements contained within the Subdivision Ordinance by increasing the amount of land dedication required (calculation) and the fees paid in lieu of land dedication, and reducing the minimum park size that would be allowed under certain circumstances. Following the Council passage of the regulations, the Parks staff re-evaluated the improvements that would be provided within a park and as a result is recommending an adjustment to the fees. (See attached Parks memorandum).

**PRIOR COUNCIL ACTION:**

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

This item was scheduled for introduction and public hearing on May 9 and May 23, 2006 respectively, and referred by the El Paso City Council to a review by the Planning & Development Legislative Review Committee (LRC). On June 15, 2006 the LRC convened a meeting and unanimously recommended approval of the proposed ordinance as submitted. In order to reconsider the item, the City Clerk's Office requested that the ordinance be rescheduled for introduction and public hearing.

**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?**

N/A

**BOARD / COMMISSION ACTION:**

Enter appropriate comments or N/A

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

LEGAL: (if required) \_\_\_\_\_ FINANCE: (if required) \_\_\_\_\_

DEPARTMENT HEAD: \_\_\_\_\_  
(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:** \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING TITLE 19 (SUBDIVISIONS) OF THE EL PASO CITY CODE BY AMENDING CHAPTER 19.12 (PARKLAND DEDICATION) BY ADDING SUBSECTION 19.12.030A.3. (PARKLAND CALCULATION) IN ORDER TO PROVIDE AN EXCEPTION FOR THE DEDICATION OF PARKLAND REQUIRED TO BE DEEDED TO THE CITY FOR MULTI-FAMILY DEVELOPMENTS OF TEN OR LESS UNITS; AMENDING SECTION 19.12.090 (BONUS REDUCTIONS FOR RECREATIONAL IMPROVEMENTS) IN ORDER TO ALLOW FOR UP TO A ONE HUNDRED PERCENT BONUS REDUCTION FOR PRIVATE AMENITIES PROVIDED WITHIN MULTI-FAMILY DEVELOPMENT AND OPEN SPACE AMENITIES IN GENERAL; AMENDING SUBSECTION 19.12.090B. (BONUS REDUCTIONS FOR RECREATIONAL IMPROVEMENTS) TO REVISE THE CALCULATION FORMULA; AND AMENDING SUBSECTION 19.12.100B.1. (FEE IN LIEU OF PARKLAND DEDICATION) IN ORDER TO REVISE THE TIME AT WHICH FEES IN LIEU OF PARKLAND DEDICATION ARE CALCULATED FOR CERTAIN APPLICATIONS AND DECREASE THE PARK FEE TO BE PAID TO THE CITY IN LIEU OF PARKLAND DEDICATION. THE PENALTY BEING AS PROVIDED IN SECTION 19.04.190 OF THE EL PASO CITY CODE.

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

WHEREAS, the Subdivision Ordinance helps guide the physical development of the community by promoting orderly and healthful design, and particularly by providing adequate public facilities; and,

WHEREAS, the City is reviewing the Subdivision Ordinance in order to provide improvements and additional flexibility to the development process while at the same time ensuring that the Code requirements for the amount of parkland required to be dedicated as part of new development are in direct proportionality to the development and rapid population growth in the City; and,

WHEREAS, the City desires to amend the Code to provide incentives to property owners to install parkland improvements; and,

WHEREAS, the Code provides that fees may be paid in certain circumstances in lieu of parkland being dedicated to the City; and further review of current land prices and development costs has lead to the determination that further revision is needed to the current fee structure in order to provide parkland that provides sufficient amenities for use by the public; and,

WHEREAS, the Development Coordinating Committee (DCC) and the City Plan Commission (CPC) has reviewed and recommends the adoption of the amendments as herein enumerated; and,

WHEREAS, the El Paso City Council finds that the adoption of these amendments will further protect and provide for the public health, safety, morals and general welfare of the community, and will carry out the purpose and spirit of the policies expressed in *The Plan for El Paso*.

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

**Section 1.** That Title 19 (Subdivisions), Chapter 19.12 (Parkland Dedication) of the El Paso City Code shall be and hereby is amended by adding Subsection 19.12.030A.3. (Parkland calculation) with the following language:

A. Rate.

3. Exception. Notwithstanding the foregoing, if ten (10) or less dwelling units are proposed as part of a multi-family development, no parkland fees or parkland dedication is required. Documentation verifying the gross density shall be provided as set forth under 19.12.030B.2.

**Section 2.** That Title 19 (Subdivisions), Chapter 19.12 (Parkland Dedication) of the El Paso City Code shall be and hereby is amended by adding Subsections 19.12.090 A.4. and 5. (Bonus reductions for recreational improvements.) with the following language:

4. Up to a one-hundred percent reduction from the initial parkland dedication requirement for the installation and maintenance of private amenities such as landscaping, irrigation, playground equipment or other recreational facilities, to include picnic areas, hike/bike trails, playfields, swimming pools and recreation center buildings and facilities by the property owner within multi-family development, based on the formula in this section.

5. Up to a one-hundred percent reduction from the initial parkland dedication requirement for the dedication and development of alternate open space amenities, to include but not limited to landscaping, irrigation, playground equipment or other recreational facilities, picnic areas, hike and bike trails, playfields, swimming pools and recreation center buildings and facilities, located inside or outside the boundaries of the subdivision, and located within the same park zone as the subdivision. The calculation of the reduction shall be based on the formula in this section.

**Section 3.** That Title 19 (Subdivisions), Chapter 19.12 (Parkland Dedication) of the El Paso City Code shall be and hereby is amended by shall be and hereby is amended by replacing Subsection 19.12.090 B. (Bonus reductions for recreational improvements.) in its entirety with the following language:

B. Bonus Reduction Calculation. A bonus reduction approved under this section shall be determined according to the following procedure:

$a/100 = b$ , for single-family and two-family developments; and,

a/200=b, for multi-family developments.

"a" is the actual cost of the improvement(s);

"b" is the bonus reduction expressed in number of units.

**Section 4.** That Title 19 (Subdivisions), Chapter 19.12 (Parkland Dedication) of the El Paso City Code shall be and hereby is amended by replacing Subsections 19.12.100 B.1. (Parkland calculation) in its entirety with the following language:

B. Fee Calculation. For applications submitted on or after February 28, 2006, through May 23, 2006, and for which the fee is not due and has not been paid on or before May 23, 2006, the calculation of the fee paid in lieu of parkland dedication shall be based on the formula set forth in the ordinance adopted by City Council on May 23, 2006. Thereafter the calculation of the fee paid in lieu of parkland dedication shall be based on the formula set forth in this Chapter in effect at the time of the submission of the application, except as otherwise provided for State law or separate agreement. Where the city requires or accepts payment of cash in lieu of the dedication of parkland, such payment shall be equivalent to the following:

1. Residential Subdivisions.

a. Single-family and two-family: One thousand three hundred seventy dollars (\$1,370.00) per dwelling unit;

b. Multi-family: Six hundred eighty dollars (\$680.00) per dwelling unit.

**Section 5.** This ordinance shall be effective upon passage by the El Paso City Council and apply to all applications submitted on or after such date, except as may be provided for by Chapter 245 of the Texas Local Government Code or separate agreement.

**Section 6.** Except as herein amended, Title 19 (Subdivisions) of the El Paso City Code shall remain in full force and effect.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

**THE CITY OF EL PASO**

\_\_\_\_\_  
John F. Cook, Mayor

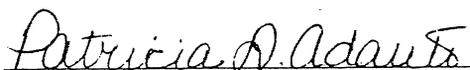
**ATTEST:**

\_\_\_\_\_  
Richarda Duffy Momsen, City Clerk

**APPROVED AS TO FORM:**

  
Carolyn J. Crosby  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

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



April 10, 2006

**To:** Norman Merrifield, Ed.D  
Director

**From:** Barry Russell  
Assistant Director

**Reference:** Irrigation

In responset o theC ity Manager's request that we review the appropriateness of the City's irrigation specifications in light of speculation that they are too onerous, expensive and high-ended, staff has prepared the following:

**1. City Comparisons**

Park staff contacted Park and Recreation Departments in the Cities of Tucson, Albuquerque and Phoenix and spoke to their staff members responsible for irrigation. Tucson and Albuquerque stated they depended upon hired Landscape Architects to provide their specifications. I requested copies of the specifications used by those Landscape Architects. Phoenix faxed some information but not as comprehensive. After reviewing their equipment specifications and materials, it is evident that for the most part we are comparable with all three communities, however, in a few of cases, the equipment we use is actually of a lower quality than what they request.

**2. Communications with Irrigation/Turf Professionals**

The comments listed below are from irrigation professionals and reflect their opinions and experience regarding the El Paso Park and Recreation Department Irrigation Program.

- a. Did not like the written format presentation, however, saw nothing out of line and wanted a materials/supply list as part of the specifications. (Jones from EP)
- b. Not all developers pickup the specifications and therefore can get themselves into trouble related to design issues. (Jones from EP)
- c. Absolutely no issues, but it would be nice to have specifications available on website. (McNeese from NM)
- d. Even though he does not supply the valves he concurs with the use of brass valves as they might cost more but last significantly longer than the alternative, plastic. (Futrell from EWing)
- e. Nothing wrong with the equipment specifications however, the Park and Recreation Department needs to run an investigation on the wind patterns to ensure proper and adequate coverage during the windy season. Concurs that dependent upon duration and time of year of heavier winds need to specify to that reality. (Dr. Ray Bader from Texas Extension Services)

### 3. Fact Sheet

#### a. Contracted Landscape Architects

Currently, all designs, equipment and materials are selected by the hired Landscape Architects. The decision on meter and valve size are made by them, not staff, relative to the design issues for each individual park, as related to park size, topography, existing and future water pressure needs, purpose of park, etc. Staff does specify material type but not sizes.

#### b. Pumps

Developers complain about the need to provide pumps for some of the irrigation systems. These are required because there are a number of subdivisions that have inadequate water pressure and without the pumps we would not be able to water the park at all. In some cases we oversize because our experience has been that when the subdivision has been built out the pressure drops even more.

#### c. Landscape Architect

The department has hired its own landscape architect to assist in the development of park designs which will incorporate the department's new standing philosophy of balancing turf and xeriscape components in our park system.

#### d. \$157,000.

The approximate amount of financial resources budgeted annually for irrigation repair and replacement with industrial grade supplies.

#### e. 35,856 Hours/17 Man Years

The department has 17 Full Time Equivalent staff maintaining the existing irrigation system annually. Their hours do not include travel times, estimated to be over one hour a day per park maintenance employee.

### 4. **Review of the Development Services Department Irrigation Study**

#### a. TCEQ (Texas Center for Environmental Quality) State Standards Chapter 344

Conversations with local TCEQ authorities have informed city staff that their standards are the basic minimum standards and are usually reserved for residential and some commercial applications.

#### b. 40% Xeriscape

The amount of xeriscaping is dependent upon the size and purpose of the individual park. It would be irresponsible to establish a blanket policy based upon percentages. However, staff is aggressively incorporating balance between turf and natural landscape in all new park designs with an objective to reduce the percent of irrigated turf and water costs. We are developing landscape models with 40% & 50% alternative landscaping for presentation and public information. It must be noted that alternative landscaping also comes with a cost and in some cases, if not planned for professionally, can exceed the cost of irrigation in those areas.

#### c. Spray Patterns

The recommendation is to reduce the current overlap spray pattern from 10 to 15 feet to 5 feet. In discussion with Albuquerque, Tucson and Phoenix they have reduced overlap to about 5%, however they do not have the wind issues of El Paso. A wind of 3 to 5mph will guarantee a very low efficiency rate of coverage at most of the local parks. Some exceptions would be those parks that are in

protected areas. Park staff and our Texas Extension Services agent are researching the wind patterns throughout the city to evaluate the pervasiveness of this climatic issue and we will be making any necessary adjustments.

d. Coverage and Flow Rates

Currently irrigation is reserved to three times a week; Monday, Wednesday and Friday and between 10pm and 6am in line with PSB's Water Conservation Plan. There are some exceptions where Thursday is substituted. There has been some discussion of moving to five times a week, however, in consultation with Dr. Ray Bader, who works for us through the Texas Extension Service, he strongly recommended that we retain the three-day program because it provides a deeper soaking regimen which is better for the turf growth. We found that the cost savings in equipment by moving to a five times a week program would be negligible.

e. Trench Depths

Because of the huge variety of soils inherent to the City, staff is required to core and aerate to depths of up to 10 inches. This is done on the advisement of the Texas Extension Service staff. Any changes to reduce that depth would result in extensive damage to the whole irrigation system. Therefore the irrigation systems are designed to meet these needs.

f. Design and Installation of Irrigation Systems

The TCEQ requires that all designers and installers be licensed Texas Irrigators.

What is apparent from the investigation staff has done, is that a) we are definitely not asking for nor do we have the "Cadillac" of irrigation systems, b) our comparable cities are just that, comparable or just a little on the higher side of quality, but not significant cost wise, c) if we reduce the quality of our system/program the maintenance costs will increase significantly.

The quandary is to make a recommendation on cost reductions. Staff believes that with an emphasis on balancing alternative landscaping designs and reducing the amount of irrigated turf, there is an opportunity for modest cost reductions, however, the purpose of each individual park will dictate the proportion of landscaping verses turf. Most of the savings will occur on the maintenance side.

The important issue is that we are talking PARKS, not back yards. We are developing attractive green spaces for the physical, mental and emotional health of our residents in a recreational setting. This type of program requires a completely different level of service than the residential program many of the developers are seeking. It is interesting though that there are a number of developers who support the department and city and have no problem following the specifications as they are.

It is the author's opinion that if there is still a desire to reduce costs, it should be done arbitrarily and not to the detriment of the park design program or the park system. It also must continue to be sufficient enough to deter the developers from bringing in smaller subdivisions and opting to pay the fee and yet be high enough to have them construct the parks to the city's specification. It begs the question.... If they believe they can build the

parks cheaper why are they concerned with the fee when they will be building the parks??? If they are worried about the smaller subdivisions, staff should be able to develop a fee schedule based specifically on those circumstances alone.

Based upon our analysis, we can comfortably recommend reducing the amount of Parkland Dedication from \$1635. to \$1373. for Single family and from \$818. to \$687. for Multi-family without limiting our ability to provide for a park that would be suitable until alternative funding is available. It needs to be remembered that these are still the City's costs, not the developers. Understanding that the City should also participate in developing parks, the following may assist.

	<u>Original</u>	<u>New</u>
<b><u>Basic</u></b>		
Maintain full basic.	\$82,620.	Same
<b><u>Option A</u></b>		
No Changes	\$ 9,750.	\$ 9,750.
<b><u>Option B</u></b>		
Reduce Playground from \$60K to \$45K		
Eliminate fencing	<u>\$ 71,200.</u>	<u>\$ 45,000.</u>
Total	\$163,570.	\$137,370.
<b>Single Family</b>	\$ 1,635.	\$ 1,373.
<b>Multi-family</b>	\$ 818.	\$ 687.

**Volume 1, Tab 3. ACTIVITY OVERVIEW**

**Part A. Development Cost Schedule**

*This Development Cost Schedule must be consistent with the Summary Sources and Uses of Funds Statement. All applications must complete the total development cost column and the Tax Payer Identification column. Only HTC applications must complete the eligible basis columns and the Requested Credit calculation below.*

DEVELOPMENT NAME:	Patriot Palms			Expected Payee Taxpayer Identification Number (TIN) <sup>1</sup> (and % of cost if item involves multiple payees)
	TOTAL DEVELOPMENT SUMMARY			
	Total Development Cost	Eligible Basis (If Applicable)		
		Acquisition	New/Rehab.	
<b>ACQUISITION</b>				
Site acquisition cost	450,000			
Existing building acquisition cost				
Closing costs & acq. legal fees				
Other <sup>2</sup> (specify)				
<b>Subtotal Acquisition Cost</b>	<b>\$450,000</b>	<b>\$0</b>	<b>\$0</b>	
<b>OFF-SITES<sup>3</sup></b>				
Off-site concrete				
Storm drains & devices				
Water & fire hydrants				
Off-site utilities				
Sewer lateral(s)				
Off-site paving				
Off-site electrical				
Other <sup>2</sup> (specify)				
<b>Subtotal Off-Sites Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	
<b>SITE WORK<sup>4</sup></b>				
Demolition				
Rough grading	230,000		230,000	
Fine grading	200,000		200,000	
On-site concrete	150,000		150,000	
On-site electrical	30,000		30,000	
On-site paving	70,000		70,000	
On-site utilities	215,000		215,000	
Decorative masonry				
Bumper stops, striping & signs	70,000		70,000	
Landscaping	200,000		200,000	
Pool and decking				
Athletic court(s), playground(s)	75,000		75,000	
Fencing	165,000		165,000	
Other <sup>2</sup> (specify)				
<b>Subtotal Site Work Cost</b>	<b>\$1,405,000</b>	<b>\$0</b>	<b>\$1,405,000</b>	
<b>DIRECT CONSTRUCTION COSTS<sup>5</sup>:</b>				
<b>HARD COSTS</b>				
Concrete	900,000		900,000	
Light weight concrete				
Masonry				
Metals				
Carpentry	1,950,000		1,950,000	
Waterproofing	6,000		6,000	
Insulation	200,000		200,000	
Roofing	200,000		200,000	
Sheet metal				
Electrical	550,000		550,000	