

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

**DEPARTMENT:** Parks and Recreation  
**AGENDA DATE:** August 17, 2010 (Hearing and Action)  
**CONTACT PERSON/PHONE:** Shamori Whitt, (915) 541-4020  
**DISTRICT(S) AFFECTED:** District 1

**SUBJECT:**

**APPROVE a resolution / ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.**

Discussion and action on a Resolution that the Service and Assessment Plan for the El Paso Public Improvement District No. 1 (Thunder Canyon) approved on April 17, 2007, as described in Ordinance No. 016603, has been reviewed annually as required by Chapter 372 of the Texas Local Government Code, and the City Council finds that there is no need to revise the adopted Service and Assessment Plan, and, as a result, there is no need to update annual budget and all assessments shall remain the same as described in Ordinance No. 016603.

**BACKGROUND / DISCUSSION:**

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

The annual review of the Service and Assessment Plan (Plan) for Thunder Canyon should be held in conjunction with the annual budget hearing and adoption. No changes are recommended for the Plan, and, as result, there is no need to update the annual budget and all assessments should remain as described in Ordinance 016603.

**PRIOR COUNCIL ACTION:**

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

Council approved the creation of PID No. 1 on January 16, 2007 and approved the Service and Assessment Plan and the levy of assessment on April 17, 2007. Council approved the FY2009 Plan review by resolution on August 19, 2008. Council approved the FY2010 Plan review by resolution on August 18, 2009.

**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?**

Property Owners within PID No. 1 bear the cost of assessment.

**BOARD / COMMISSION ACTION:**

**Enter appropriate comments or N/A**  
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:** \_\_\_\_\_

## RESOLUTION

**WHEREAS**, Chapter 372 of the Texas Local Government Code (the "Act") allows for the creation of public improvement districts; and

**WHEREAS**, on or before July 21, 2006, owners of real property located within El Paso Public Improvement District No. 1 (Thunder Canyon) delivered to the City of El Paso, Texas (the "City") a Petition (the "Petition") to create El Paso Public Improvement District No. 1 (Thunder Canyon) (the "District"); and

**WHEREAS**, after providing notices required by Section 372.009 of the Act, the City Council on January 16, 2007, conducted a public hearing on the advisability of the improvements and the creation of the District; and

**WHEREAS**, on January 16, 2007, the City Council passed a Resolution which modified the property included in the District, authorized and approved the creation of the District; and

**WHEREAS**, the authorization of the District took effect when notice of the passage of the Resolution was published in a newspaper of general circulation in the City; and

**WHEREAS**, after statutory notice was provided, on April 17, 2007, the El Paso City Council approved Ordinance No. 016603 which approved the Service and Assessment Plan and the levying of assessments for the District; and

**WHEREAS**, the Act requires an annual review and update of the service plan for the purpose of determining the annual budget for improvements; and

**WHEREAS**, the City staff has reviewed the April 17, 2007 Service and Assessment Plan and has recommended that no changes or revisions are needed to the April 17, 2007 Service and Assessment Plan.

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

That the Service and Assessment Plan for the El Paso Public Improvement District No. 1 (Thunder Canyon) approved on April 17, 2007, as described in Ordinance No. 016603, has been reviewed annually as required by Chapter 372 of the Texas Local Government Code, and the City Council finds that there is no need to revise the adopted Service and Assessment Plan, and, as a result, there is no need to update the annual budget and all assessments shall remain the same as described in Ordinance No. 016603.

*(Signatures appear on the following page)*

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

**THE CITY OF EL PASO**

**ATTEST:**

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

\_\_\_\_\_  
Richarda D. Momsen, City Clerk

**APPROVED AS TO CONTENT:**



\_\_\_\_\_  
Nanette Smejkal  
Director of Parks & Recreation

**APPROVED AS TO FORM:**



\_\_\_\_\_  
Kristen L. Choi  
Assistant City Attorney

ORDINANCE NO. 016603

AN ORDINANCE CLOSING HEARING, FINDING THE PROPOSED IMPROVEMENTS ARE ADVISEABLE AND LEVYING ASSESSMENTS FOR THE COST OF CERTAIN IMPROVEMENTS TO BE PROVIDED IN THE EL PASO PUBLIC IMPROVEMENT DISTRICT NO. 1 (THUNDER CANYON); FIXING CHARGES AND LIENS AGAINST THE PROPERTY IN THE DISTRICT AND AGAINST THE OWNERS THEREOF; PROVIDING FOR THE COLLECTION OF THE ASSESSMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 372 of the Texas Local Government Code (the "Act") allows for the creation of public improvement districts; and

WHEREAS, on or before July 21, 2006, owners of real property located within El Paso Public Improvement District No. 1 (Thunder Canyon) delivered to the City of El Paso, Texas (the "City") a Petition (the "Petition") to create El Paso Public Improvement District No. 1 (Thunder Canyon) (the "District"); and

WHEREAS, the City staff and City Council reviewed the Petition and determined that the owners of taxable real property representing more than 50% of the appraised value of the taxable real property liable for assessment under the Petition and owning more than 50% of the area of all taxable real property within the District executed the Petition and that the Petition complies with the Act and authorized the City Council of the City to consider making findings as to the advisability of the creation of the District; and

WHEREAS, after providing notices required by Section 372.009 of the Act, the City Council on January 16, 2007, conducted a public hearing on the advisability of the improvements and the creation of the District; and

WHEREAS, on January 16, 2007, the City Council passed a Resolution which modified the property in the District, authorized and approved the creation of the District,

*etc*