

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

**DEPARTMENT:** DEVELOPMENT SERVICES  
**AGENDA DATE:** INTRODUCTION – NOVEMBER 14, 2006  
PUBLIC HEARING – NOVEMBER 28, 2006  
**CONTACT PERSON/PHONE:** R. ALAN SHUBERT, DEVELOPMENT SERVICES/(915) 541-4557  
**DISTRICT(S) 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 Council to approve. Include \$ amount if applicable.

An ordinance amending Title 19 (Subdivisions), Chapter 19.28 (Construction and Guarantees), Section 19.28.040 (Special Financing), Subsection A (Arterial development within the corporate limits) of the City Code of El Paso, to add a provision providing for the code to supersede any language contained in annexation agreements should there be a conflict; the penalty being as provided in Section 19.04.190 of the El Paso City Code.

**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?

Ordinance amending Special Financing Provisions in Title 19

**PRIOR COUNCIL ACTION:**

Has the Council previously considered this item or a closely related one? If so, when?

N/A

**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

N/A

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

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

**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:** \_\_\_\_\_

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

AN ORDINANCE AMENDING TITLE 19 (SUBDIVISIONS), CHAPTER 19.28 (CONSTRUCTION AND GUARANTEES), SECTION 19.28.040 (SPECIAL FINANCING), SUBSECTION A (ARTERIAL DEVELOPMENT WITHIN THE CORPORATE LIMITS) OF THE CITY CODE OF EL PASO, TO ADD A PROVISION PROVIDING FOR THE CODE TO SUPERSEDE ANY LANGUAGE CONTAINED IN ANNEXATION AGREEMENTS SHOULD THERE BE A CONFLICT; THE PENALTY BEING AS PROVIDED IN SECTION 19.04.190 OF THE EL PASO CITY CODE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That Title 19 (Subdivisions), Chapter 19.28 (Construction and Guarantees), Section 19.28.040 (Special Financing), Subsection A (Arterial Development Within the Corporate Limits) shall be amended to read:

- 19.28.040** A. Arterial Development Within the Corporate Limits.
1. When an arterial street is shown within an approved subdivision, the subdivider shall be required to make the street improvements at his sole cost; except to the extent that the street improvements are determined to be excess width by the city plan commission. For purposes of this section, excess width occurs when all of the following apply:
    - a. The arterial street improvements (right-of-way width, street construction, or both) within the approved subdivision are not necessitated by and attributable to the proposed development as determined by the city plan commission based on a traffic impact study; and
    - b. The portion of the arterial street within the approved subdivision is designated on the official Major Thoroughfare Plan.
  2. In cases where the full cost of improving an arterial street is not required to be made by a subdivider pursuant to subsection (A)(1) of this section, the cost attributable to the excess width of the arterial street improvement shall be borne by the city. The reimbursement of the cost attributable to excess width shall be made when such arterial street is improved by the subdivider and accepted for maintenance by the city.
  3. The city council may authorize by specific resolution, whether or not the full cost of improving an arterial street is required to be made by a subdivider, the participation in the cost of improvement of an arterial street which is established at the direction and for the convenience of the city.
  4. Where in a subdivision there is an arterial street that will not be immediately developed, the subdivider's proportionate share of the costs of such arterial street shall be deposited with the city at the time of the recordation of the subdivision plat, and shall be held for future construction.
  5. In the event of any conflict between this section 19.28.040 of the City Code and language contained within any annexation agreement, this code provision shall prevail.

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

Doc#26310/Ord/Amendment of 19.28.04/HMCG

2. Except as amended herein, Title 19 (Subdivisions), Chapter 19.28 (Construction and Guarantees) of the El Paso City Code shall remain in full force and effect.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2006.

CITY OF EL PASO

ATTEST:

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

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

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Hillary S. McGinnes  
Assistant City Attorney

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
R. Alan Shubert, P.E., C.B.O.  
Development Services Director