

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

**DEPARTMENT:** Department of the City Manager

**AGENDA DATE:** Resolution: December 27, 2006  
Ordinance: Introduction, December 12, 2006  
Public Hearing, December 27, 2006

**CONTACT PERSON/PHONE:** Patricia D. Aduato, Deputy City Manager  
Development & Infrastructure Services  
(915) 541-4853

**DISTRICT(S) AFFECTED:**     All    

**SUBJECT:**

Resolution that the City Council of the City of El Paso hereby adopts newly reconfigured and expanded park zones, as referenced in the 2006-2016 Parks and Recreation Master Plan and used for the administration of Chapter 19.12 (Parkland Dedication) of Title 19 (Subdivisions) of the El Paso City Code, and further that all outstanding park fees in the parkland dedication fund be automatically reprogrammed to the approved and applicable expanded park zones.

An Ordinance amending Title 19 (Subdivisions) of the El Paso City Code by amending Chapter 19.12 (Parkland Dedication), Section 19.12.010 (Policy Plan and Purpose) to reference the current El Paso Parks and Recreation Master Plan; Section 19.12.085 (Parkland Credits) to reference expanded park zones approved by resolution; Section 19.12.100 (Fee in Lieu of Parkland Dedication) to authorize the reprogramming of outstanding park fees to expanded park zones; and Section 19.12.110 (Parkland Fees Special Fund) to set forth certain parameters of expenditures of sums paid in lieu of parkland dedication. The penalty being as provided in Section 19.04.190 of the El Paso City Code.

**BACKGROUND / DISCUSSION:**

On September 19, 2006, the El Paso City Council approved the 2006-2016 Parks and Recreation Master Plan (Plan), which replaces the 1996 comprehensive Parks and Open Space Plan. This planning document recommended the reconfiguration of park zones within the community that are utilized for expenditure of fees received in lieu of parkland dedication administered as part of the City's Subdivision Ordinance. Currently, the parks and recreation infrastructure is organized into one square mile (640 acres) park zones. The proposal is to expand the area of the park zones to allow for an improved and efficient expenditure of fees. When the Plan was presented to City Council, staff received direction to modify the park zones and amend the Code as may be necessary. A code amendment to Chapter 19.12 (Parkland Dedication) of the El Paso City Code is also proposed as an accompanying item. Provided below is a synopsis of the contents of the Resolution (1) and Ordinance (2).

**RESOLUTION:**

- Adopts the reconfigured and expanded park zones (Exhibits A-E).
- Makes expanded park zones applicable to the administration of the provisions of Chapter 19.12 (Parkland Dedication) of Title 19 (Subdivisions) of the City Code.
- Reprograms the outstanding park fees in the parkland dedication fund from the old to the new expanded park zones (Exhibit F).

**ORDINANCE:**

- Incorporates reference to newly adopted 2006-2016 Parks & Recreation Master Plan, and adds revised size and service area criteria.
- References adoption of park zones by Resolution of the City Council, a copy to be maintained with the Subdivision Coordinator.
- Adds provision for reprogramming of parkland fees collected when park zones are changed or expanded as approved by Resolution of the City Council.

- Sets criteria for expenditure of sums within the park zones as approved by the City Plan Commission, and upon the affirmative recommendation of the Director of the Parks & Recreation Department.

**PRIOR COUNCIL ACTION:**

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

See above.

**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**

The recommendation for expanded park zones was made as part of the presentation to the City Plan Commission when it considered the 2006-2016 Parks & Recreation Master Plan. The Commission concurred and recommended approval of the Plan. To comply with the provisions of Title 2 of the City Code, specific consideration of the Resolution and proposed Ordinance by the City Plan Commission is scheduled for December 21, 2006. A report of actions taken at the hearing will be submitted as supplemental information.

\*\*\*\*\*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. \_\_\_\_\_

CITY CLERK DEPT.  
08 DEC 16 2010

AN ORDINANCE AMENDING TITLE 19 (SUBDIVISIONS) OF THE EL PASO CITY CODE, CHAPTER 19.12 (PARKLAND DEDICATION), SECTION 19.12.085 (POLICY PLAN AND PURPOSE) TO REFERENCE THE CURRENT EL PASO PARKS AND RECREATION MASTER PLAN; SECTION 19.12.085 (PARKLAND CREDITS) TO REFERENCE EXPANDED PARK ZONES APPROVED BY RESOLUTION; SECTION 19.12.100 (FEE IN LIEU OF PARKLAND DEDICATION) TO AUTHORIZE THE REPROGRAMMING OF OUTSTANDING PARK FEES TO EXPANDED PARK ZONES; AND SECTION 19.12.110 (PARKLAND FEES SPECIAL FUND) TO SET FORTH CERTAIN PARAMETERS OF EXPENDITURES OF SUMS PAID 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**, Chapter 19.12 (Parkland Dedication) of the El Paso City Code provides for the dedication of parkland or the payment of fees in lieu of parkland dedication for the purposes of ensuring that the parkland needs of the community are satisfied as new development occurs; and

**WHEREAS**, the parks and recreation infrastructure is organized into one square mile (640 acres) park zones that delineate sectors of the community for the creation and determination of the adequacy of parkland and open space based on population growth, as described in the 1996 Comprehensive Parks & Open Space Plan and referenced in City Code Section 19.12.085; and,

**WHEREAS**, a newly adopted parks planning document, the 2006-2016 Parks and Recreation Master Plan for the City of El Paso, Texas (“the Plan”), proposes expanding the park zones geographically to provide an improved and more efficient use and expenditure of fees received in lieu of parkland dedication; and,

**WHEREAS**, on September 15, 2006, the City Plan Commission (“CPC”) approved the Plan and the proposed expansion of the park zones as contemplated in the Plan; and,

**WHEREAS**, on September 19, 2006 with the adoption of the Plan, the El Paso City Council directed the immediate reconfiguration and expansion of the park zones as described in “Section IV. Park Zones” found on pages 11-42 through 11-46 of the Plan, as well as other minor edits to the text of the Parkland Dedication Chapter of the City Code; and,

**WHEREAS**, the proposed ordinance has been submitted to the Development Coordinating Committee and the City Plan Commission for review and both have recommended the adoption of the subdivision regulations as related to expanded park zones 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, environmental protection and general welfare of the community, and will carry out the purpose and spirit of the policies expressed in the Plan.

**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 replacing Subsection 19.12.010 (Policy Plan and Purpose.) in its entirety with the following language:

The requirements for the dedication of parkland established by this title are based in part on the standards, needs and objectives set forth in the El Paso Parks and Recreation Master Plan, routinely amended and adopted by the city council, a copy of which shall be retained in the office of the subdivision coordinator and shall be incorporated by reference herein for all purposes. The El Paso Parks and Recreation Master Plan describes, for strategic planning purposes, a total system of park and recreational facilities, goals and objectives. The plan also identifies the need for parks within the overall land-use pattern of the community, identifies alternatives which may be available for reducing the need, and proposes methods of applying the alternatives which are designed to be systematic, orderly and equitable.

The primary purpose of the parkland dedication requirements is to ensure that any need for parkland which arises from new development is satisfied by the developers as part of the new development, so that those who generate the need contribute their proportionate share to alleviating the need. Accordingly, when new development occurs, a reasonable contribution is to be made for space and facilities for those who live or work in the new development to engage in active and passive recreation activities within or near the new development. In some instances, the need for parks resulting from new development may be addressed most effectively through the development and acquisition of community parks serving several neighborhoods.

Parks shall meet the following minimum standards:

Type	Size	Service Area
Mini-neighborhood	< 2 acres	1 square mile
Neighborhood	2 to 10 acres	1 ½ square mile
Community	10.1 acres or greater	4 square miles
Regional	50 + acres	>5 square miles

**Section 2.** That Title 19 (Subdivisions), Chapter 19.12 (Parkland Dedication) of the El Paso City Code shall be and hereby is amended by replacing Subsection 19.12.085 A. (Credit Applicability.) in its entirety with the following language:

A. Credit Applicability. Parkland to be deeded as part of a subdivision or an off-site dedication shall be entirely within the boundaries of no more than two adjacent park zones. A copy of the park zones, identified in the El Paso Parks and Recreation Master Plan and approved by Resolution of the City Council, is available from the subdivision coordinator. A parkland dedication shall be an option available to the subdivider where parkland credits derived are then used to reduce by an equivalent amount any subsequent parkland requirement generated by the submission of phased residential subdivisions. The credit shall be applied to residential subdivisions submitted from within the applicable park zone(s). Where a parkland dedication straddles two park zones, credits shall be allowed within either park zone.

**Section 3.** That Title 19 (Subdivisions), Chapter 19.12 (Parkland Dedication) of the El Paso City Code shall be and hereby is amended by adding Subsection 19.12.100.E (Reprogramming of Park Fees within Park Zones) with the following language:

E. Reprogramming of Parkland Fees. From time to time, the park zone boundaries may be amended by Resolution of the El Paso City Council to meet the geographic needs of the community as growth occurs. Park fees outstanding pursuant to this Chapter may be automatically reprogrammed to the changed or expanded park zones within the same approved Resolution as recommended by the director of the parks and recreation department. Any amounts and timelines for the expenditure of the reprogrammed park fees shall remain unchanged.

**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 19.12.110 A. (Fund Established.) in its entirety with the following language:

A. Fund Established. The city shall establish a special fund for the deposit of all sums paid in lieu of parkland dedication pursuant to this chapter. The city shall account for all sums paid in lieu of parkland dedication with reference to the individual subdivisions involved, and all sums received shall be committed by the city within three years from the subdivision recordation. For purposes of this section, funds shall be considered committed: when funds are encumbered for expenditure on equipment and materials; when funds are set aside under an earnest money agreement for the purchase of parkland; when funds are to be awarded under a bid in process; or when funds encumbered are not expended because of delays by reason of strikes, court action or any similar impediment which renders it impossible or illegal to spend the money. Where the sums cannot be committed within the initial three-year time period, the director of the parks and recreation department may request time extensions for expenditure of the sums from the city plan commission in one-year intervals; except that no more than five one-year time extensions may be granted by the city plan commission. The extension request(s) shall be submitted in writing to the subdivision coordinator sixty days prior to the expiration period for sums to be committed by the city, and shall include a detailed justification for the extension request(s).

Funds may be used for either acquisition or development, or both, of public parkland or other recreational facilities. In no case shall the funds be used for routine park or other recreational facility maintenance. Where fees are received in lieu of parkland dedication in residential subdivisions, the funds shall be spent on a park within the boundaries of the subdivision that generated the funds, or the applicable park zone. Provided, however, that the city plan commission, upon the affirmative recommendation of the director of the parks and recreation department, may authorize the expenditure of sums received in lieu of parkland dedication outside the applicable park

zone, as part of the final plat approval, where infill development is proposed within older neighborhoods of the city, and where a park or other recreational facility is not available within the applicable park zone. In these instances, the city plan commission, upon the affirmative recommendation of the director of the parks and recreation department, shall authorize the expenditure of the sums from the proposed subdivision at the nearest appropriate park or other recreational facility in an adjacent park zone. For nonresidential subdivisions, fees received in lieu of parkland dedication shall be spent on a neighborhood, community or regional park within the applicable park zone of the subdivision.

If funds are not committed within the required time period and any approved time extensions, the subdivider who provided the funds in lieu of the parkland dedication shall, upon written request, be entitled to a full refund within one hundred eighty days of the last day of the required period of moneys paid.

**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 December 2006.**

**THE CITY OF EL PASO**

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Josette Flores  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

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