

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

**AGENDA DATE:** August 15, 2023

**PUBLIC HEARING DATE:** August 29, 2023

**CONTACT PERSON(S) NAME AND PHONE NUMBER:** Philip F. Etiwe, (915) 212-1553  
Kevin Smith, (915) 212-1566

**DISTRICT(S) AFFECTED:** All Districts

**STRATEGIC GOAL:** #3 Promote the Visual Image of El Paso

**SUBGOAL:** 3.1 Provide business friendly permitting and inspection process  
3.2 Set one standard for infrastructure across the city

**SUBJECT:**

An Ordinance amending Title 19 (Subdivision and Development Plats) adding Article 8 (Conflict of Laws) Chapter 8.1 (Conflict of Laws) in order to specify that in the event of conflict between Title 19 (Subdivision and Development Plats) and Chapter 212 of the Texas Local Government Code that Chapter 212 controls.

**BACKGROUND / DISCUSSION:**

This item is an amendment to the City of El Paso's subdivision code, Title 19, adding a new provision to clarify that, in instances of conflicts between this Title and the Texas Local Government Code Chapter 212, that Chapter 212 will prevail. This will allow the City to remain in compliance with current and future legislative changes; while allowing staff to conduct proper vetting of amendments to specific Code sections with stakeholders. City Plan Commission is scheduled for August 10, 2023.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED?**  YES  NO

**PRIMARY DEPARTMENT:** Planning & Inspections, Planning Division

**SECONDARY DEPARTMENT:** N/A

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

**DEPARTMENT HEAD:**

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*Philip Etiwe*

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**ORDINANCE NO.**

**AN ORDINANCE AMENDING TITLE 19 (SUBDIVISION AND DEVELOPMENT PLATS) ADDING ARTICLE 8 (CONFLICT OF LAWS) CHAPTER 8.1 (CONFLICT OF LAWS) IN ORDER TO SPECIFY THAT IN THE EVENT OF CONFLICT BETWEEN TITLE 19 (SUBDIVISION AND DEVELOPMENT PLATS) AND CHAPTER 212 OF THE TEXAS LOCAL GOVERNMENT CODE THAT CHAPTER 212 CONTROLS.**

**WHEREAS**, the City of El Paso regulates subdivisions through Title 19 of the El Paso City Code; and

**WHEREAS**, on June 18, 2023 the Texas Legislature passed House Bill 3699 (“HB 3699”) relating to the municipal regulation of subdivision plans and plats; and

**WHEREAS**, the Texas Legislature’s stated purpose of HB 3699 is to provide consistency in subdivision regulation across municipalities; and

**WHEREAS**, the City of El Paso adds Article 8 (Conflict of Laws) Chapter 8.1 (Conflict of Laws) to Title 19 (Subdivision and Development Plats) of the El Paso City Code in order to comply with HB 3699.

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

**Section 1.** That Title 19 (Subdivision and Development Plats) be amended to add Article 8 (Conflict of Laws) Chapter 8.1 (Conflict of Laws) as follows:

Chapter 8.1 (Conflict of Laws)

In the event that any portion of Title 19 (Subdivision and Development Plats) conflicts with Chapter 212 of the Texas Local Government Code, the conflicting portion of Title 19 shall be replaced with the prevailing portion of Chapter 212 of the Texas Local Government Code, as may be amended.

**Section 2.** That as expressly amended herein Title 19 (Subdivision and Development Plats) shall remain in full force and effect.

*(Signatures Begin on the Following Page)*

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2023.

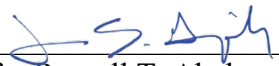
**THE CITY OF EL PASO:**

\_\_\_\_\_  
Oscar Leeser  
Mayor

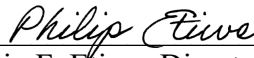
**ATTEST:**

\_\_\_\_\_  
Laura D. Prine  
City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
for Russell T. Abeln  
Senior Assistant City Attorney

**APPROVED AS TO CONTENT:**

  
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Philip F. Etiwe, Director  
Planning and Inspections Department