



**HORIZON CITY**

Incorporated 1988

**AGENDA  
PUBLIC MEETING  
REGULAR PLANNING AND ZONING MEETING  
THE TOWN OF HORIZON CITY, TEXAS  
Monday, March 17, 2025, 6:00 PM**

Notice is hereby given that a Regular Planning and Zoning Meeting of the Town of Horizon City, Texas will be held on **Monday, March 17, 2025 at 6:00 PM** at City Council Chambers Room, 15001 Darrington Road, Horizon City, TX 79928, at which time the following will be discussed and considered:

**1. CALL TO ORDER; PLEDGE OF ALLEGIANCE; ESTABLISHMENT OF QUORUM:**

**2. COMMISSION MEMBERS ATTENDANCE:**

**COMMISSIONERS EXCUSED AND UNEXCUSED:**

**3. OPEN FORUM:** NOTE: The Planning & Zoning Commission encourages public comment on all matters of interest listed on this agenda. Speakers from the audience will be given an opportunity to discuss each item in the order in which it appears on the agenda, prior to the Commission discussing the item unless otherwise approved by the Chairman. A "Speaker Request" form is available for those who wish to sign up on the day of the meeting. This form is also available in advance by downloading the attached form. Please submit the "Speaker Request" form completely filled out to the Board Secretary prior to the meeting. The Commission retains the option to set reasonable limits on the number, frequency, and length of presentations. Please contact the Board Secretary at (915) 852-1046 Ext. 404 with any additional questions. **3**

**4. PUBLIC HEARINGS**

**NOTICE TO THE PUBLIC AND APPLICANTS** The staff report for an agenda item may include conditions, exceptions or modifications. The Commission's motion to approve an item in accordance with the staff report or with all staff comments means that any modification, waivers, exceptions requested by the applicant and recommended for approval by staff and any staff recommended conditions, have been approved, without necessitating that the Commission restate the modifications, exceptions, waivers, or conditions as part of the motion to approve and that any findings required to be made by the Commission, have been made. If the Commission does not wish to approve an exception or modification, or require a condition, then the Commission's motion will state which have not been approved, otherwise, the staff report, with all modifications, exceptions and conditions, is approved and the applicant shall comply with all provisions of the staff report.

**A. DISCUSSION AND RECOMMENDATION:**

Chief Planner

On the resubmitted Replat application for **Horizon Manor, Unit Three Replat "A" (Case No. RP-002460-2020)**, legally described as a portion of Lot 19, Block 9, Horizon Manor Unit Three, Town of Horizon City, El Paso County, Texas. Containing 7.9365 acres ±. Application submitted by CAD Consulting Co. **(Postponed at the February 17, 2025 P&Z Meeting)**

**B. DISCUSSION AND RECOMMENDATION:**

Chief Planner

**4**

On the **Preliminary Subdivision Plat** applications for **Rancho Desierto Bello Unit 18 (Case No. SDP25-0001)**, legally described as a Portion of Leigh Clark Survey No. 297, Town of Horizon City, El Paso County, Texas. Containing 17.354 acres ±. Application submitted by Applicant/Representative: TRE & Associates.

**C. DISCUSSION AND RECOMMENDATION:** 15  
Chief Planner

On the **Vacation** application request (**Case No. SDV24-0003**), to vacate a portion of a 60'- foot Right-of-Way and 10' ft Utility Easements on a portion of Lots 1-10, Block 19 and Lots 1-11, Block 22. Horizon Country Club Estates Unit 3, Town of Horizon City, El Paso County, Texas, to incorporate and make full use of the property. City initiated vacation. (**Postponed at the February 17, 2025 P&Z Meeting**)

**5. OTHER BUSINESS**

**A. DISCUSSION AND ACTION:**

On the Planning and Zoning meeting minutes for the meeting held on February 17, 2025.

**B. DISCUSSION** 27

Research findings on the addition of P&Z commission alternates.

**6. ANNOUNCEMENTS**

A. The next regular scheduled meeting: **Monday, April 21, 2025 at 6pm.**

Adjournment:

Motion to Adjournment: \_\_\_\_\_ 2nd \_\_\_\_\_

Dated this March 14, 2025

By: \_\_\_\_\_  
Elvia Schuller, City Clerk

I, the undersigned authority, hereby certify that the above notice of the Regular Planning and Zoning Meeting of the Town of Horizon City, Texas is a correct copy of this notice, and that I posted this notice at least seventy-two (72) hours preceding the scheduled meeting at the City Hall Bulletin Boards of the Town of Horizon City, Texas on this March 14, 2025 by 5:00 p.m.

Agenda Removed: \_\_\_\_\_ Time \_\_\_\_\_ By \_\_\_\_\_

In compliance with the Americans with Disabilities Act, the Town of Horizon City will provide for reasonable accommodations for persons attending meetings. Requests for auxiliary aids and services must be made 48 hours prior to this meeting by calling the City Clerk at (915) 852-1046.

# SPEAKER REQUEST FORM

*(for all persons who wish to address the Board or Commission)*

Date of Meeting: \_\_\_\_\_

Your Name: \_\_\_\_\_

Residence Address: \_\_\_\_\_

City: \_\_\_\_\_ Contact Number: \_\_\_\_\_

## **IF SPEAKING FOR AN ORGANIZATION:**

Name of Organization: \_\_\_\_\_

Speaker's Official Capacity: \_\_\_\_\_

Agenda Item No.: \_\_\_\_\_ Public Hearing Agenda Item No.: \_\_\_\_\_

For (If applicable)       Against (if applicable)

## **OPEN FORUM:**

To speak on an item not listed on the agenda, known as **OPEN FORUM**, please indicate area of interest:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please remember to step to the podium as soon as you are recognized by the chair; state your name and address before beginning your presentation. If you have written notes you wish to present to the Chair and the Board/Commission, PLEASE FURNISH AN EXTRA COPY FOR THE BOARD/COMMISSION.

The Board/Commission will appreciate each speaker limiting an address on any one item to three minutes.

Thank you for your cooperation.

**PLEASE CARRY THIS FORM TO THE  
BOARD SECRETARY AT THE DESK PRIOR  
TO THE BEGINNING OF THE MEETING.**



**TOWN OF HORIZON CITY  
Planning and Zoning Commission Staff Report**

**Case No.:** SDP25-0001 Rancho Desierto Bello Unit 18

**Application Type:** Preliminary Subdivision Plat Application  
**P&Z Hearing Date:** March 17, 2025  
**Staff Contact:** Art Rubio, Chief Planner  
 915-852-1046, Ext. 407; arubio@horizoncity.org

**Address/Location:** West of Darrington Rd and South of Claret Cup Pl  
**Property ID Nos.:** X29700000000080  
**Legal Description:** A portion of Leigh Clark Survey No. 297, Town of Horizon City, El Paso County, Texas  
**Property Owner:** RKM land Partners LLC  
**Applicant/Rep.:** TRE & Associates  
**Nearest Park:** RDB 2 Park  
**Nearest School:** Ricardo Estrada Middle School

<b>SURROUNDING PROPERTIES:</b>		
	<b>Zoning</b>	<b>Land Use</b>
<b>N</b>	R-9 (Single-Family Residential)	Residential
<b>E</b>	R-9 (Single-Family Residential)	Residential
<b>S</b>	M-1	Vacant
<b>W</b>	R-9 (Single-Family Residential)	Residential
<b>LAND USE AND ZONING:</b>		
	<b>Existing</b>	<b>Proposed</b>
<b>Land Use</b>	Vacant	Residential Subdivision
<b>Zoning</b>	R-9 Residential	R-9 Residential

**Application Description:**

*Preliminary Subdivision:*

The proposed preliminary residential subdivision includes 89 lots for single-family residential development, the smallest lot measuring approximately 6,016 sq. ft. and the largest lot measuring approximately 7,497 sq. ft. A 52 ft. residential street is proposed within the subdivision connecting to Claret Cup Place and ultimately to Darrington Rd.

**Cumulative Parkland Dedication:**

The developer does not propose to dedicate any parkland. Fees in lieu of parkland dedication would be required for 89 single-family units at \$400.00 per unit for a total of fee in lieu of parkland dedication of \$35,600.

**Staff Recommendation:**

Staff recommends approval subject to addressing all pending comments prior to City Council Meeting.

**Planning Division Comments:**

Recommend approval subject to the temporary turn arounds outside the boundary of the proposed subdivision be recorded as easements prior to recording the plat.

**Town Engineer Comments:**

1. In accordance with Town of Horizon City Subdivision Ordinance 4.2.2.5, show pertinent existing utilities on roads connecting to RDB Unit 18.
2. Confirm the construction of five (5) city monuments for this subdivision as noted on Sheet 1 of 1.
3. Verify the existence of the 30' Utility Easement on Banana Yucca Avenue. If it has not been decommissioned, show it in the plan view.
4. The city monument at Faxon Yucca Avenue and Vinca Place conflicts with the stormwater system manhole. Please revise accordingly.
5. Label existing major contours on the plat.
6. Provide a closure report for the subdivision.

**El Paso 9-1-1 District Comments:**

I'm not able to see how all the addressing will line up on Faxon Yucca but, I was wondering if it would be possible to adjust the addressing so that the 14300 block begins at the intersection of Maravillas/Faxon Yucca? Only so that the range doesn't go from 14200 to 14300 in the middle of a roadway.

**TxDOT Comments:**

No comments.

**El Paso Electric Company:**

Please change the 10' R U E to a 10' Utility Easement, we have an existing easement for an underground line along Claret Cup Pl.

**Texas Gas Service:**

In reference to the proposed Rancho Desierto Bello Unit 18, Texas Gas Service does not have any objections.

**El Paso Natural Gas / Kinder Morgan:**

This Project area is clear of El Paso Natural Gas a company of Kinder Morgan's Pipelines and facilities.

**Clint Independent School District:**

Clint ISD takes no exception to the information presented.

**EPCAD**

The block on Rancho Desierto Bello #18 are already used on Rancho Desierto Bello #17 can you please check if correct. The lots numbers are some what different are they doing Rancho Desierto Bello #17?

**HRMUD:**

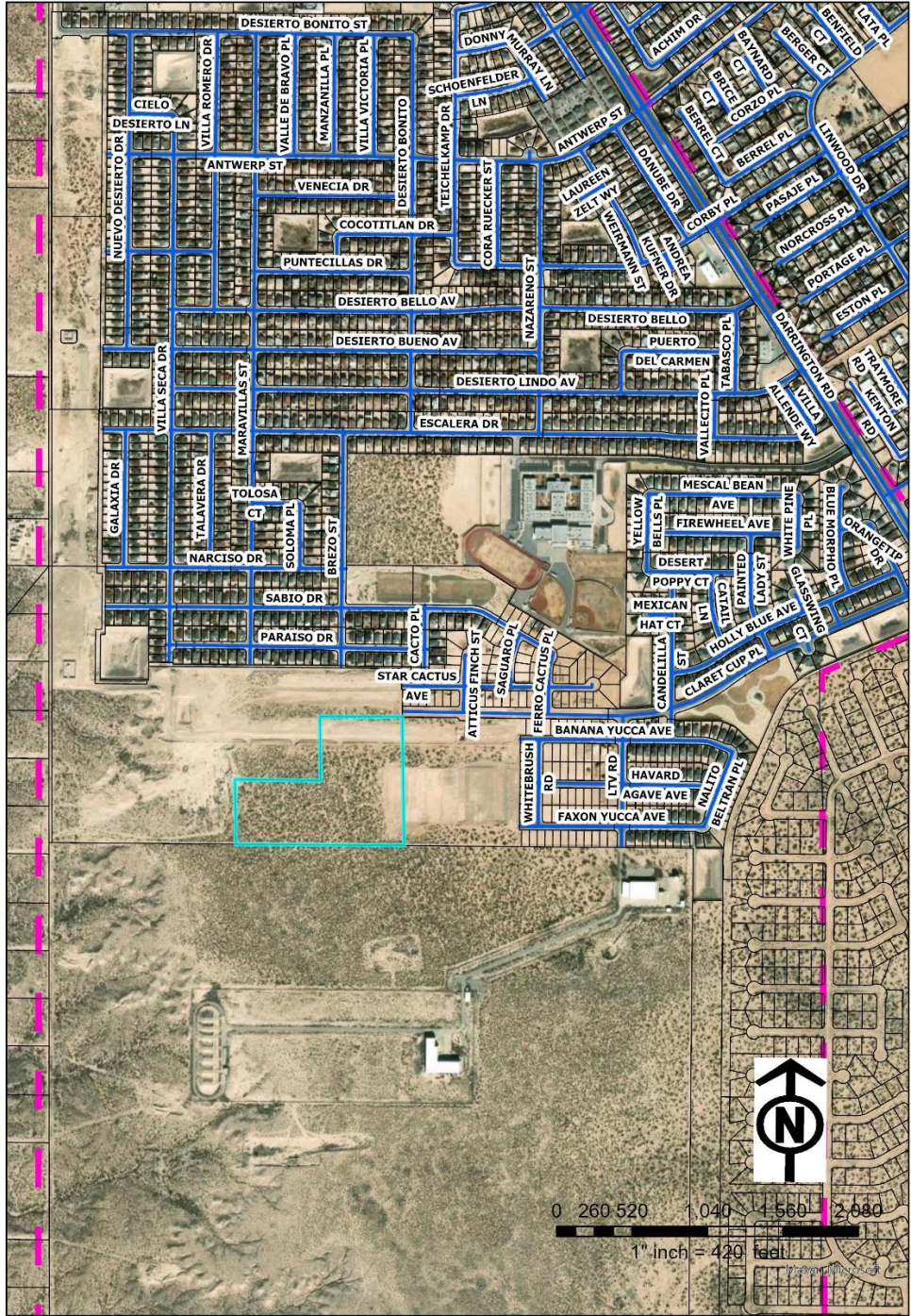
No comments.

**Attachments:**

- 1 - Aerial**
- 2 - Zoning Designation Map**
- 3 - Location Map**
- 4 - Preliminary Plat**
- 5 - Existing Right-of-Way Cross Sections**
- 6 - Preliminary Online Application**

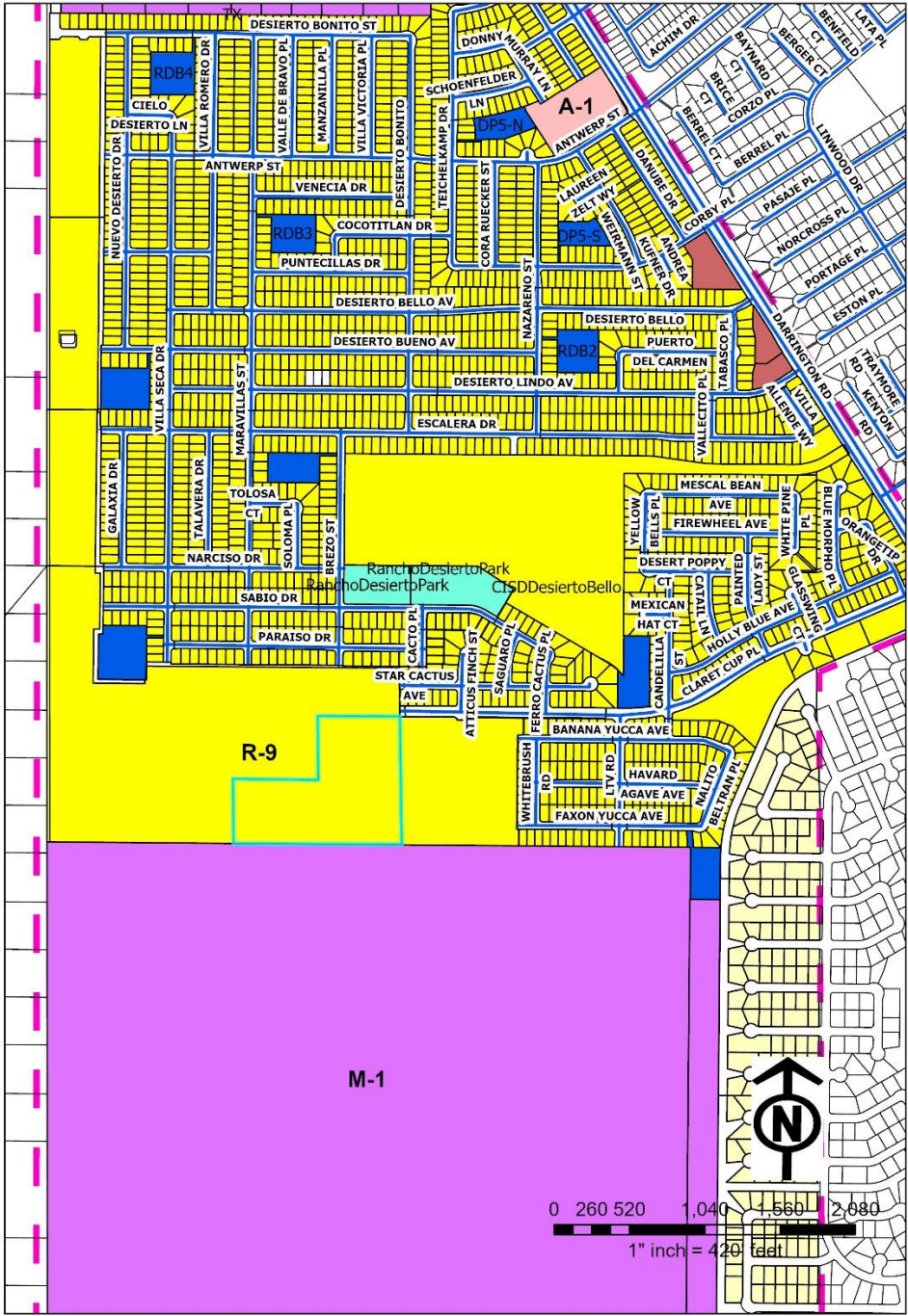
Attachment 1: Aerial Map

Planning & Zoning Commission  
Rancho Desierto Bello Unit 18  
Case No. SDP25-0001

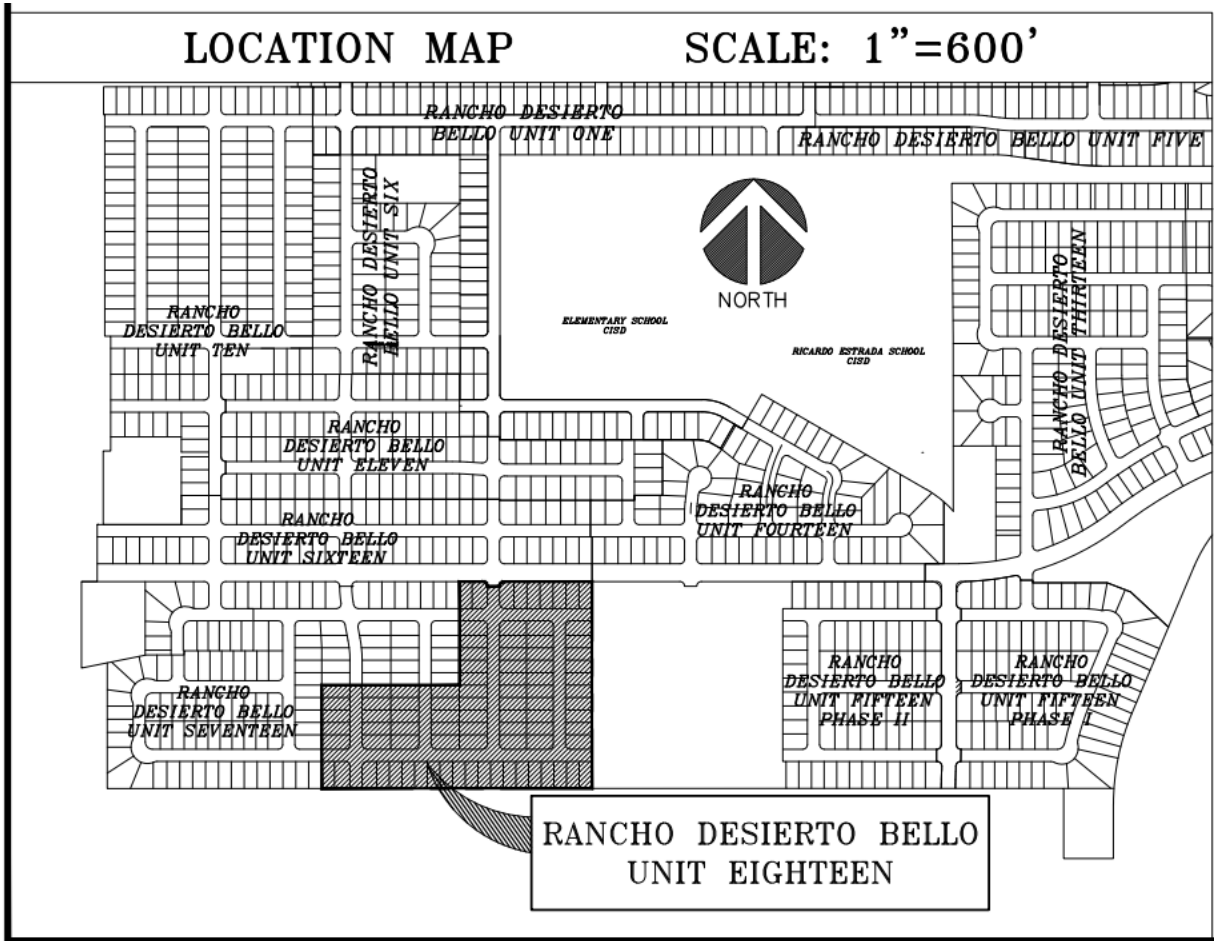


Attachment 2: Zoning Designation Map

Planning & Zoning Commission  
Rancho Desierto Bello Unit 18  
Case No. SDP25-0001



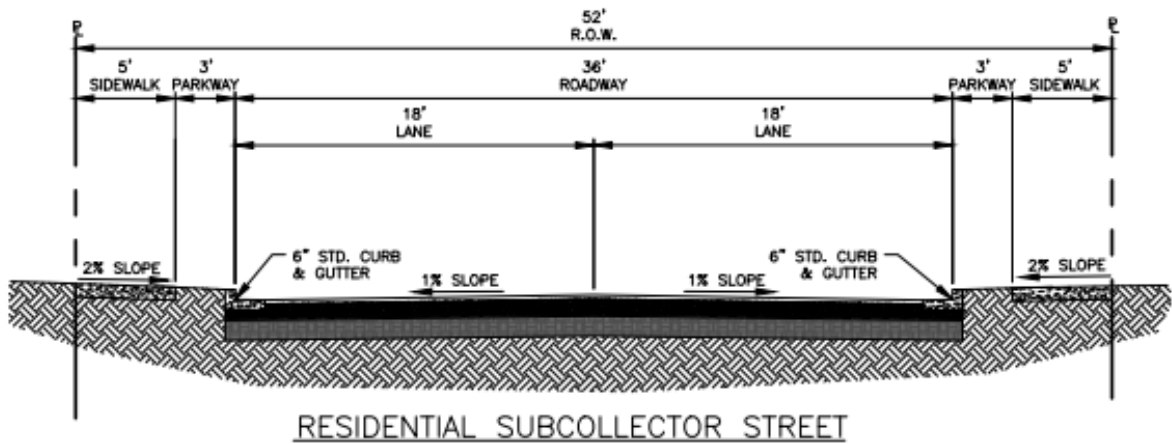
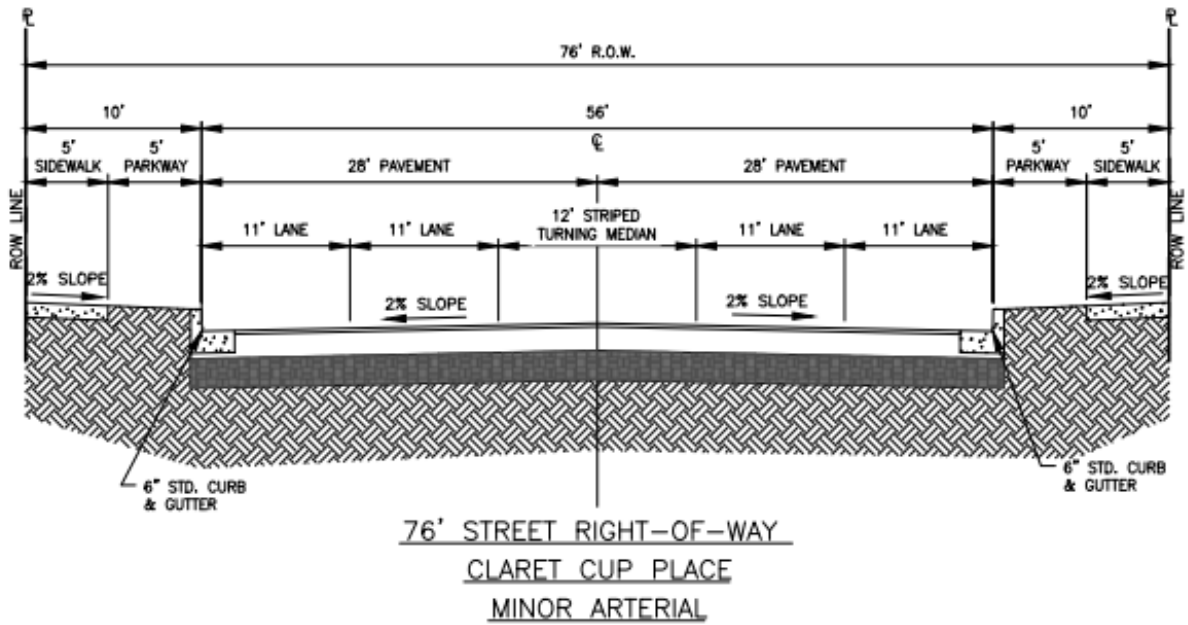
**Attachment 3: Location Map**



Attachment 4: Preliminary Subdivision Plat



**Attachment 5 – Existing Right-of-Way Cross Section**



**Attachment 6: Preliminary Online Application**



**TOWN OF HORIZON CITY**  
 14999 Darrington Road  
 Horizon City, Texas 79928  
 Phone 915-852-1046 Fax 915-852-1005

**MAJOR SUBDIVISION  
 PRELIMINARY APPLICATION**

SUBDIVISION PROPOSED NAME: Rancho Desierto Bello Unit 18 SUBMITTAL DATE: February 19, 2025

1. LEGAL DESCRIPTION FOR THE AREA INCLUDED ON THIS PLAT (TRACT, BLOCK, GRANT, etc.)  
 A PORTION OF LEIGH CLARK SURVEY NO. 297, TOWN OF HORIZON CITY, EL PASO COUNTY, TEXAS. CONTAINING 17.354 ACRES +/-

2. PROPERTY LAND USES:

	ACRES	SITES		ACRES	SITES
SINGLE-FAMILY	<u>13.060</u>	<u>89</u>	OFFICE	_____	_____
DUPLEX	_____	_____	STREET & ALLEY	_____	_____
APARTMENT	_____	_____	PONDING & DRAINAGE	_____	_____
MOBILE HOME	_____	_____	INSTITUTIONAL	_____	_____
P.U.D.	_____	_____	OTHER	_____	_____
PARK (Min 1 acre)	_____	_____	<u>R.O.W.</u>	<u>4.293</u>	_____
SCHOOL	_____	_____	_____	_____	_____
COMMERCIAL	_____	_____	TOTAL NO. SITES	<u>89</u>	_____
INDUSTRIAL	_____	_____	TOTAL (GROSS) ACREAGE	<u>17.353</u>	_____

3. WHAT IS THE EXISTING ZONING OF THE PROPERTY DESCRIBED ABOVE? N/A PROPOSED ZONING N/A

4. WILL THE RESIDENTIAL SITES, AS PROPOSED, PERMIT DEVELOPMENT IN FULL COMPLIANCE WITH ALL ZONING REQUIREMENTS OF THE EXISTING RESIDENTIAL ZONE(S)? YES  NO

5. WHAT TYPE OF UTILITY EASEMENTS ARE PROPOSED? UNDERGROUND  OVERHEAD  COMBINATION

6. WHAT TYPE OF DRAINAGE IS PROPOSED? (IF APPLICABLE LIST MORE THAN ONE) Underground storm sewer system to existing retention pond.

7. IF SINGLE-FAMILY OR DUPLEX DEVELOPMENT IS PROPOSED: AVERAGE FLOOR AREA OF HOUSES N/A

8. ARE SPECIAL IMPROVEMENTS PROPOSED IN CONNECTION WITH THE DEVELOPMENT? YES  NO

9. IS A MODIFICATION OF ANY PORTION OF THE SUBDIVISION ORDINANCE PROPOSED? YES  NO   
 IF ANSWER IS "YES", PLEASE EXPLAIN THE NATURE OF THE MODIFICATION N/A

10. WHAT TYPE OF LANDSCAPING IS PROPOSED? PARKWAY  MEDIANS  OTHER  N/A

11. REMARKS AND/OR EXPLANATION OF SPECIAL CIRCUMSTANCES: N/A

12. WILL PLAT BE RECORDED PRIOR TO SUBDIVISION IMPROVEMENTS BEING COMPLETED & APPROVED?  YES  NO  N/A INITIALS D.H.  
 IF YES, submit REQUIRED GUARANTEE (SECTION 4.10.3 & 8.1.7, Municode Chapter 10) OR Improvement Cost Estimates & Construction Agreement

13. WILL ANY RESTRICTIONS AND COVENANTS BE RECORDED WITH PLAT? YES  NO  INITIALS D.H. IF YES, PLEASE SUBMIT COPY.

14. OWNER OF RECORD Viva Land Ventures, LP 11427 Rojas Drive El Paso, TX 79936 greg@vivacf.net (915) 859-8900  
 (NAME & ADDRESS) (EMAIL) (PHONE)

15. DEVELOPER SDC Development, LTD 7910 Gateway Blvd. East Ste. 102 El Paso, TX 79915 jduran@desertviewhomes.com (915) 591-5319  
 (NAME & ADDRESS) (EMAIL) (PHONE)

16. ENGINEER TRE & Associates, LLC 110 Mesa Park Dr. Ste. 200 El Paso, TX 79912 DHernandez@tr-eng.com (915) 852-9093  
 (NAME & ADDRESS) (EMAIL) (PHONE)

17. APPLICANT TRE & Associates, LLC 110 Mesa Park Dr. Ste. 200 El Paso, TX 79912 DHernandez@tr-eng.com (915) 852-9093  
 (NAME & ADDRESS) (EMAIL) (PHONE)

18. REP/POINT OF CONTACT Denise Hernandez - TRE & Associates, LLC 110 Mesa Park Dr. Ste. 200 El Paso, TX 79912 DHernandez@tr-eng.com (915) 852-9093  
 (NAME & ADDRESS) (EMAIL) (PHONE)

**NOTE:**  
 Applicant is responsible for all expenses incurred by the City in connection with the Preliminary Plat approval request, including but not limited to attorney's fees, engineering fees and publication. Charges exceeding deposit will be invoiced separately. Initials D.H.  
 Applicant Signature Denise Hernandez EMAIL DHernandez@tr-eng.com

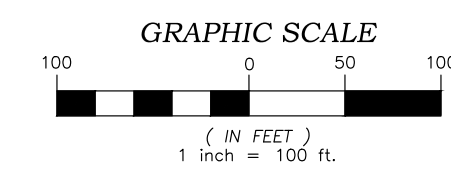
# RANCHO DESIERTO BELLO UNIT EIGHTEEN

A PORTION OF LEIGH CLARK SURVEY No. 297,  
TOWN OF HORIZON CITY, EL PASO COUNTY, TEXAS.  
CONTAINING 17.354 ACRES ±

**PROPOSED LAND USE**  
RESIDENTIAL

RESIDENTIAL LOTS = 89

**SCHOOL DISTRICT**  
CLINT INDEPENDENT SCHOOL  
DISTRICT



### LEGEND

- SUBDIVISION BOUNDARY LINE
- STREET RIGHT OF WAY
- STREET CENTERLINE
- EASEMENT LINE
- MB U.S. POSTAL SERVICE COLLECTION BOX UNITS
- 12 BLOCK NUMBER
- 14333 LOT NUMBER
- EXISTING GROUND CONTOUR LINES  
CONTOUR INTERVAL = 1.0 FOOT
- PROPOSED CITY MONUMENT
- R.A.E. RESTRICTIVE ACCESS EASEMENT
- U.E. UTILITY EASEMENT
- ↑ DRAINAGE FLOW ARROW



P.O.C.  
Section Corner  
Existing 2" Iron Pipe  
SEC. 43, BLK. 78, TSP. 3,  
T.&P.R.R. CO. SURVEYS

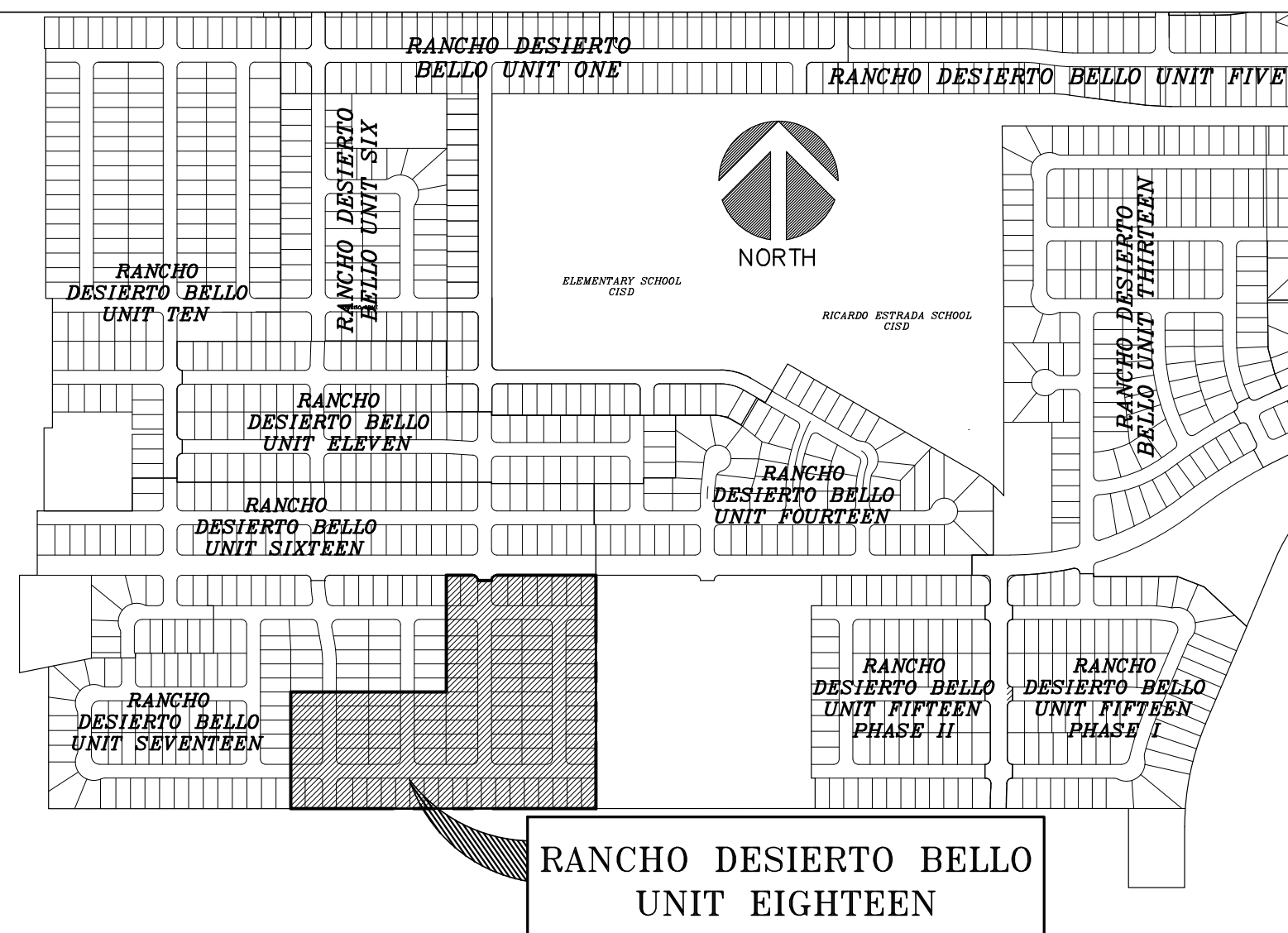
57°08'13"W  
3048.29'

LEIGH CLARK SURVEY  
No. 297

SEC. 5, BLK. 78,  
TSP. 4,  
T.&P. R.R. CO.  
SURVEYS

SEC. 44, BLK. 78,  
TSP. 3,  
T.&P. R.R. CO.  
SURVEYS

### LOCATION MAP SCALE: 1"=600'

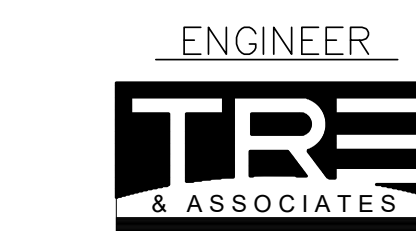


EGAN, MICHAEL S.  
Doc. # 20170017647

## PRELIMINARY

TO BE CONSIDERED BY THE  
CITY PLAN COMMISSION  
RECOMMENDATIONS CONCERNING  
THIS PLAT MUST BE FILED BY:

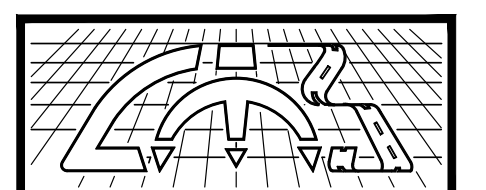
**OWNER**  
VIVA LAND VENTURES, LP  
11427 ROJAS DRIVE  
EL PASO, TEXAS 79936  
(915)859-8900  
CONTACT: GREG DIDONNA



110 Mesa Park Drive, Suite 200 El Paso, Texas 79912  
Office: (915) 853-8900 Fax: (915) 629-8506

6901 W. Courtyard Dr. Bldg. 1, Suite 100 Austin, Texas 78730  
Office: (512) 368-4049 Fax: (512) 366-5374

### SURVEYOR

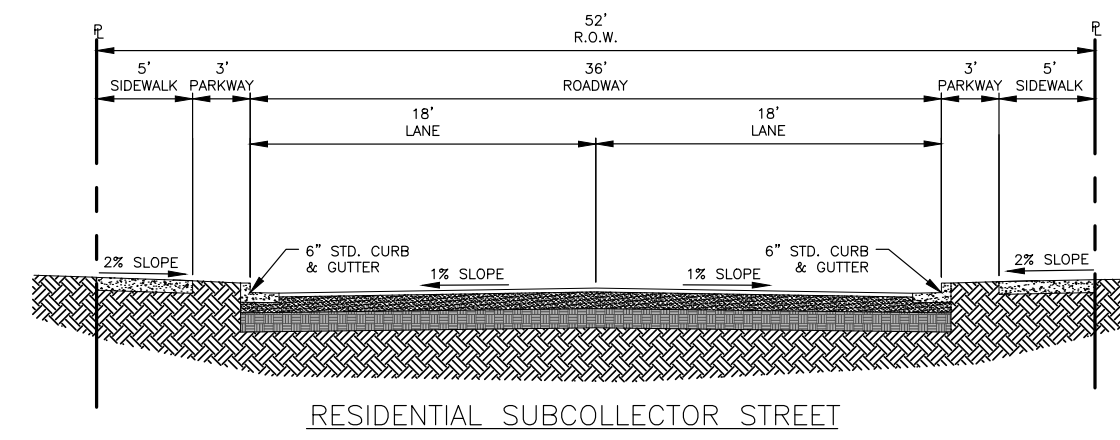
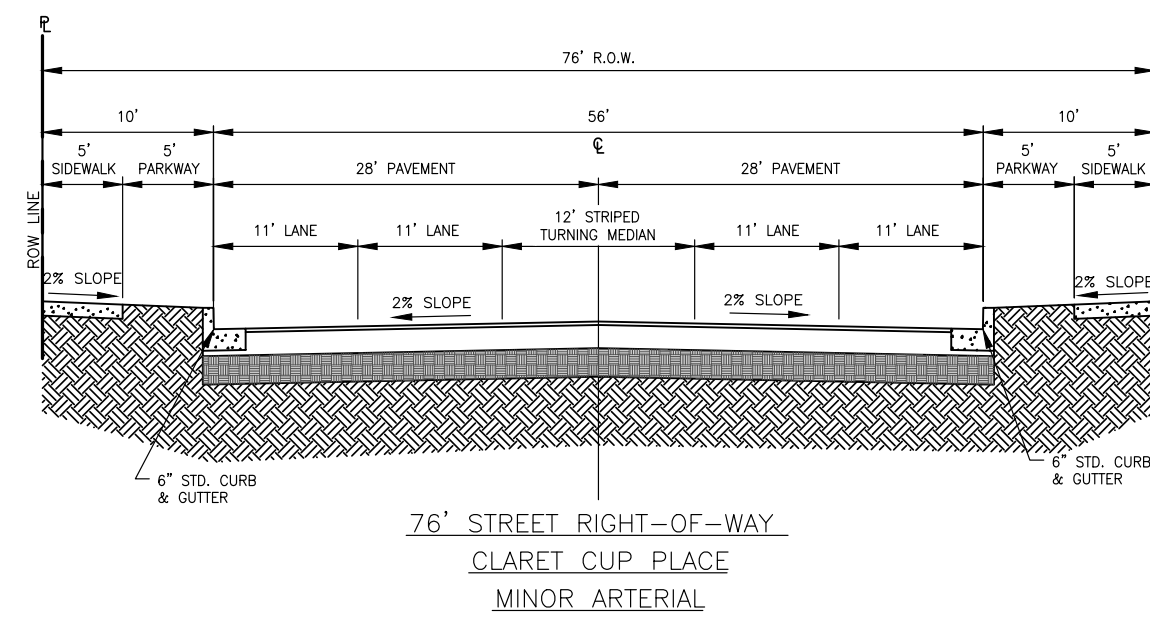


Land-Mark Professional  
Surveying, Inc.  
1420 Bessemer Drive, Suite 'A',  
El Paso, Texas 79935  
(915) 598-1300  
email: Larry@land-marksurvey.com  
"Serving Texas, New Mexico and Arizona"

# RANCHO DESIERTO BELLO UNIT EIGHTEEN

A PORTION OF LEIGH CLARK SURVEY No. 297,  
TOWN OF HORIZON CITY, EL PASO COUNTY, TEXAS.  
CONTAINING 17.354 ACRES ±

**METES & BOUNDS DESCRIPTION**  
COMMENCING, for reference, at an existing 2-inch iron pipe located at the common east corner of Section 43, Block 78, Township 3, Texas and Pacific Railroad Company Surveys and Leigh Clark Survey No. 297;  
THENCE, South 70°06'13" West, a distance of 3048.29 feet to a point lying at the common southerly boundary corner of Rancho Desierto Bello Unit Fourteen and Rancho Desierto Bello Unit Sixteen, for a corner of this parcel and the POINT OF BEGINNING of this parcel description;  
THENCE, South 00°00'00" East, departing said southerly boundary line, a distance of 881.52 feet to a point lying in the northerly boundary line of a parcel of land recorded in Document No. 20170017647, Official Records of El Paso County, Texas; for a corner of this parcel;  
THENCE, South 89°59'37" West, with said northerly boundary line, a distance of 1152.77 feet to a point lying in the easterly boundary line of Rancho Desierto Bello Unit Seventeen, for a corner of this parcel;  
THENCE, North 00°00'00" East, departing said northerly boundary line and with said easterly boundary line of Rancho Desierto Bello Unit Seventeen, a distance of 440.64 feet to a point, for a corner of this parcel;  
THENCE, North 90°00'00" East, with said easterly boundary line a distance of 387.57 feet to a point, for a corner of this parcel;  
THENCE, North 00°00'00" East, continuing with said easterly boundary line, a distance of 441.00 feet to a point lying in said southerly boundary line of Rancho Desierto Bello Unit Sixteen, for a corner of this parcel;  
THENCE, North 90°00'00" East, with said southerly boundary line, a distance of 98.70 feet to a point, for a corner of this parcel;  
THENCE, Southeastly with the arc of a curve to the right, and continuing with said southerly boundary line, a distance of 31.42 feet to a point, for a corner of this parcel; Said curve having a radius of 20.00 feet, a central angle of 90°00'00", and a chord which bears South 45°00'00" East, a distance of 28.28 feet;  
THENCE, North 90°00'00" East, continuing with said southerly boundary line, a distance of 52.00 feet to a point, for a corner of this parcel;  
THENCE, Northeastly with the arc of a curve to the right, and continuing with said southerly boundary line, a distance of 31.42 feet to a point, for a corner of this parcel; Said curve having a radius of 20.00 feet, a central angle of 90°00'00", and a chord which bears North 45°00'00" East, a distance of 28.28 feet;  
THENCE, North 90°00'00" East, continuing with said southerly boundary line, a distance of 374.50 feet to the POINT OF BEGINNING.  
Said parcel contains 17.354 Acres (755,929 Square feet) more or less.



CURVE TABLE					
CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C1	20.00'	31.42'	28.28'	S45°00'00"E	90°00'00"
C2	20.00'	31.42'	28.28'	N45°00'00"E	90°00'00"
C3	20.00'	31.42'	28.28'	N45°00'00"E	90°00'00"
C4	20.00'	31.42'	28.28'	S45°00'00"E	90°00'00"
C5	20.00'	31.42'	28.28'	N45°00'00"W	90°00'00"
C6	20.00'	31.42'	28.28'	S45°00'00"W	90°00'00"
C7	20.00'	31.42'	28.28'	N45°00'00"W	90°00'00"
C8	20.00'	31.42'	28.28'	S45°00'00"W	90°00'00"
C9	20.00'	31.41'	28.28'	S44°59'46"E	89°59'32"
C10	20.00'	31.42'	28.29'	N45°00'14"E	90°00'28"
C11	20.00'	31.41'	28.28'	S44°59'46"E	89°59'32"
C12	20.00'	31.42'	28.29'	N45°00'14"E	90°00'28"
C13	20.00'	31.41'	28.28'	S44°59'46"E	89°59'32"
C14	20.00'	31.42'	28.29'	N45°00'14"E	90°00'28"
C15	20.00'	31.41'	28.28'	S44°59'46"E	89°59'32"
C16	20.00'	31.42'	28.29'	N45°00'14"E	90°00'28"
C17	20.00'	31.41'	28.28'	S44°59'46"E	89°59'32"
C18	20.00'	31.42'	28.29'	S45°00'14"W	90°00'28"

LINE TABLE		
LINE	BEARING	LENGTH
L1	N90°00'00"E	98.70'
L2	N90°00'00"E	52.00'
L3	N00°00'00"E	121.00'
L4	N90°00'00"E	144.70'
L5	N90°00'00"E	139.50'
L6	S89°59'32"E	146.00'
L7	N00°00'00"E	141.18'
L8	S89°59'32"E	139.50'

LOT AREA TABLE			
BLOCK & LOT #	SQ. FT.	ACRES	
Block 77, Lot 32	6,242	0.143	
Block 77, Lot 33	7,497	0.172	
Block 80, Lot 09	6,176	0.142	
Block 80, Lot 10	7,303	0.168	
Block 82, Lot 16	6,360	0.146	
Block 82, Lot 17	6,360	0.146	
Block 82, Lot 18	6,360	0.146	
Block 82, Lot 19	6,360	0.146	
Block 82, Lot 20	7,287	0.167	
Block 83, Lot 01	7,429	0.171	
Block 83, Lot 02	6,480	0.149	
Block 83, Lot 03	6,480	0.149	
Block 83, Lot 04	6,480	0.149	
Block 83, Lot 05	6,480	0.149	
Block 83, Lot 16	6,360	0.146	
Block 83, Lot 17	6,360	0.146	
Block 83, Lot 18	6,360	0.146	
Block 83, Lot 19	6,360	0.146	
Block 83, Lot 20	7,291	0.167	
Block 84, Lot 01	7,294	0.167	
Block 84, Lot 02	6,360	0.146	
Block 84, Lot 03	6,360	0.146	
Block 84, Lot 04	6,360	0.146	
Block 84, Lot 05	6,360	0.146	
Block 84, Lot 11	7,274	0.167	
Block 84, Lot 12	6,291	0.144	
Block 84, Lot 13	6,291	0.144	
Block 84, Lot 14	6,291	0.144	
Block 84, Lot 15	6,291	0.144	
Block 84, Lot 16	6,360	0.146	

LOT AREA TABLE			
BLOCK & LOT #	SQ. FT.	ACRES	
Block 84, Lot 17	6,360	0.146	
Block 84, Lot 18	6,360	0.146	
Block 84, Lot 19	6,360	0.146	
Block 84, Lot 20	7,296	0.167	
Block 85, Lot 01	6,991	0.160	
Block 85, Lot 02	6,095	0.140	
Block 85, Lot 03	6,095	0.140	
Block 85, Lot 04	6,095	0.140	
Block 85, Lot 05	6,095	0.140	
Block 85, Lot 06	6,095	0.140	
Block 85, Lot 07	6,095	0.140	
Block 85, Lot 08	6,095	0.140	
Block 85, Lot 09	6,095	0.140	
Block 85, Lot 10	7,044	0.162	
Block 85, Lot 11	6,982	0.160	
Block 85, Lot 12	6,042	0.139	
Block 85, Lot 13	6,042	0.139	
Block 85, Lot 14	6,042	0.139	
Block 85, Lot 15	6,042	0.139	
Block 85, Lot 16	6,042	0.139	
Block 85, Lot 17	6,042	0.139	
Block 85, Lot 18	6,042	0.139	
Block 85, Lot 19	6,042	0.139	
Block 85, Lot 20	6,931	0.159	
Block 86, Lot 01	6,903	0.158	
Block 86, Lot 02	6,016	0.138	
Block 86, Lot 03	6,016	0.138	
Block 86, Lot 04	6,016	0.138	
Block 86, Lot 05	6,016	0.138	
Block 86, Lot 06	6,016	0.138	

LOT AREA TABLE			
BLOCK & LOT #	SQ. FT.	ACRES	
Block 86, Lot 07	6,016	0.138	
Block 86, Lot 08	6,016	0.138	
Block 86, Lot 09	6,016	0.138	
Block 86, Lot 10	6,951	0.160	
Block 87, Lot 01	6,901	0.158	
Block 87, Lot 02	6,382	0.147	
Block 87, Lot 03	6,382	0.147	
Block 87, Lot 04	6,382	0.147	
Block 87, Lot 05	6,382	0.147	
Block 87, Lot 06	6,382	0.147	
Block 87, Lot 07	6,382	0.147	
Block 88, Lot 01	7,029	0.161	
Block 88, Lot 02	6,218	0.143	
Block 88, Lot 03	6,217	0.143	
Block 88, Lot 04	6,216	0.143	
Block 88, Lot 05	6,215	0.143	
Block 88, Lot 06	6,215	0.143	
Block 88, Lot 07	6,214	0.143	
Block 88, Lot 08	6,213	0.143	
Block 88, Lot 09	6,213	0.143	
Block 88, Lot 10	6,212	0.143	
Block 88, Lot 11	6,211	0.143	
Block 88, Lot 12	6,210	0.143	
Block 88, Lot 13	6,210	0.143	
Block 88, Lot 14	6,209	0.143	
Block 88, Lot 15	6,208	0.143	
Block 88, Lot 16	6,208	0.143	
Block 88, Lot 17	6,207	0.142	
Block 88, Lot 18	6,320	0.145	

**PLAT NOTES AND RESTRICTIONS**

- BEARINGS ARE BASED ON UNDERLYING DEEDS.
- = THIS SYMBOL REPRESENTS ALL PROPOSED STREET MONUMENTS LOCATIONS.
- ☐ = THIS SYMBOL REPRESENTS U.S. POSTAL SERVICE COLLECTION BOX UNITS. POSTAL SERVICE WITHIN THE SUBDIVISION WILL BE PROVIDED USING NEIGHBORHOOD DELIVERY AND COLLECTION BOX UNITS.
- ACCORDING TO THE FEDERAL EMERGENCY MAPPING AGENCY, FLOOD INSURANCE RATE MAP, PANEL NO. 480212 0250B, DATED SEPTEMBER 4, 1991, THIS PROPERTY APPEARS TO LIE WITHIN ZONE "X" WHICH BY DEFINITIONS IS NOT A SPECIAL FLOOD HAZARD ZONE.
- ALL UTILITY EASEMENTS ARE 10 FEET WIDE UNLESS OTHERWISE SPECIFIED.
- SET 5/8" REBAR WITH CAP STAMPED "LAND-MARK TX 4869 NM11402" AT ALL EXTERIOR BOUNDARY CORNERS UNLESS OTHERWISE NOTED.
- TAX CERTIFICATE(S) FOR THIS SUBDIVISION ARE FILED IN THE OFFICE OF THE COUNTY CLERK, DEED AND RECORDS SECTION.  
INSTRUMENT NO. \_\_\_\_\_ INSTRUMENT NO. \_\_\_\_\_
- RESTRICTIVE COVENANTS FOR THIS SUBDIVISION ARE FILED IN THE OFFICE OF THE COUNTY CLERK, DEED AND RECORDS SECTION.  
INSTRUMENT NO. \_\_\_\_\_
- THIS IS TO CERTIFY THAT WATER AND SEWER SERVICES WILL BE PROVIDED TO RANCHO DESIERTO BELLO UNIT EIGHTEEN BY THE HORIZON REGIONAL MUNICIPAL UTILITY DISTRICT IN ACCORDANCE WITH THEIR RULES AND REGULATIONS AND WITH SECTION 16.343 OF THE TEXAS WATER CODE. WATER AND SEWER SERVICES WILL BE EXTENDED TO THE SUBDIVISION FROM EXISTING FACILITIES AND WILL BE CONSTRUCTED TO SERVE THE SUBDIVISION WITHIN ONE YEAR OF THE DATE OF FILING THE FINAL SUBDIVISION PLAT.
- ACCESS TO LOTS 9 AND 10, BLOCK 80, AND LOTS 1-7, BLOCK 87, ABUTTING CLARET CUP PLACE, SHALL BE FROM OTHER DEDICATED STREETS ONLY.

**BENCHMARK**  
CITY MONUMENT AT THE CENTERLINE INTERSECTION OF ESCALERA DRIVE AND VALLEJO PLACE.  
ELEVATION 4016.99' (NAVD 88 DATUM)

AREA TABLE		
DESCRIPTION	ACRES	SQ. FT.
RESIDENTIAL	13.060	568,907
RIGHT-OF-WAY	4.293	187,022
TOTAL	17.354	755,929

STREET TABLE			
NORTH - SOUTH	LENGTH	EAST - WEST	LENGTH
MARAVILLAS STREET	440.63'	BANANA YUCCA AVENUE	565.20'
VINCA PLACE	299.49'	FAXON YUCCA AVENUE	1152.77'
BREZO STREET	720.53'		
DESERT PLANT PLACE	599.57'		



**OWNER**  
VIVA LAND VENTURES, LP  
11427 ROJAS DRIVE  
EL PASO, TEXAS 79936  
(915) 859-8900  
CONTACT: GREG DIDONNA

**SURVEYOR**



Engineering Solutions  
TBPE FIRM No. 13987  
110 Mesa Park Drive, Suite 200 El Paso, Texas 79912  
Office: (915) 852-9003 Fax: (915) 629-8006

6101 W. Courtyard Dr. Bldg. 1, Suite 100 Austin, Texas 78738  
Office: (512) 358-4049 Fax: (512) 368-5374

Land-Mark Professional Surveying, Inc.  
1420 Bessmer Drive, Suite 'A', El Paso, Texas 79935  
(915) 598-1300  
email: Larry@land-marksurvey.com

"Serving Texas, New Mexico and Arizona"



**TOWN OF HORIZON CITY  
Planning and Zoning Commission Staff Report**

**Case No.:** SDV24-0003  
**Application Type:** Right-of-Way Vacation  
**P&Z Hearing Date:** February 17, 2025  
**Staff Contact:** Art Rubio, Chief Planner  
 915-852-1046 ext.407; arubio@horizoncity.org  
**Address/Location:** Emigrant Rd., located East of Darrington Rd. and North of Horizon Blvd.  
**Property ID No.:** N/A  
**Legal Description:** A portion of Horizon Country Club Estates Unit 3, According to the Plat Thereof Recorded in Volume 27, Page 53, Real Property Records of El Paso County, Texas.  
**Existing Use:** Vacant  
**Owner:** Town of Horizon City  
**Applicant/Rep.:** Town of Horizon City  
**Nearest Park:** Corky Park  
**Nearest School:** Horizon Middle School

<b>SURROUNDING PROPERTIES:</b>		
	<b>Zoning</b>	<b>Land Use</b>
<b>N</b>	R-4	Residential (Vacant)
<b>E</b>	R-4	Residential (Vacant)
<b>S</b>	C-1 (General Commercial)	Commercial
<b>W</b>	A-1	Vacant
<b>LAND USE AND ZONING:</b>		
	<b>Existing</b>	<b>Proposed</b>
<b>Land Use</b>	Unimproved Street	To Be Developed
<b>Zoning</b>	C-1	C-1

**Application Description:**

On the **Vacation** application request (**Case No. SDV24-0003**), to vacate a portion of a 60'-foot Right-of-Way and 10' ft Utility Easements on a portion of Lots 1-10, Block 19 and Lots 1-11, Block 22. Horizon Country Club Estates Unit 3, Town of Horizon City, El Paso County, Texas, to incorporate and make full use of the property. City initiated vacation.

**Notice:**

In accordance with Horizon City Code of Ordinance, *Chapter 1 General Provisions, Article 1.08 Vacation of Public Easement or Right-of-Way, Section 1.08.003 Procedure; Notice of Public Hearings (b) (2) Public Easement Vacation*, notice of the planning and zoning commission and the city council hearing shall not be required personally to abutting property owners when the application is for vacation of a public easement. Any responses received by staff will be presented to the Commission at the meeting.

**Staff Recommendation:**

No comments.

**HRMUD**

No comments.

**El Paso Electric**

We have no comments for the vacation of ROW for Emigrant Rd.

**Texas Gas Service**

Texas Gas Service does not have any comments.

**El Paso Natural Gas – Kinder Morgan**

This project area is clear of El Paso Natural Gas a Company of Kinder Morgan's Pipelines and Facilities.

**Spectrum**

No comments.

**AT&T**

No comments.

**Attachments:**

**Attachment 1 – Aerial Map**

**Attachment 2 – Zoning Map**

**Attachment 3 – Survey and M&B**

**Attachment 4 – Application**

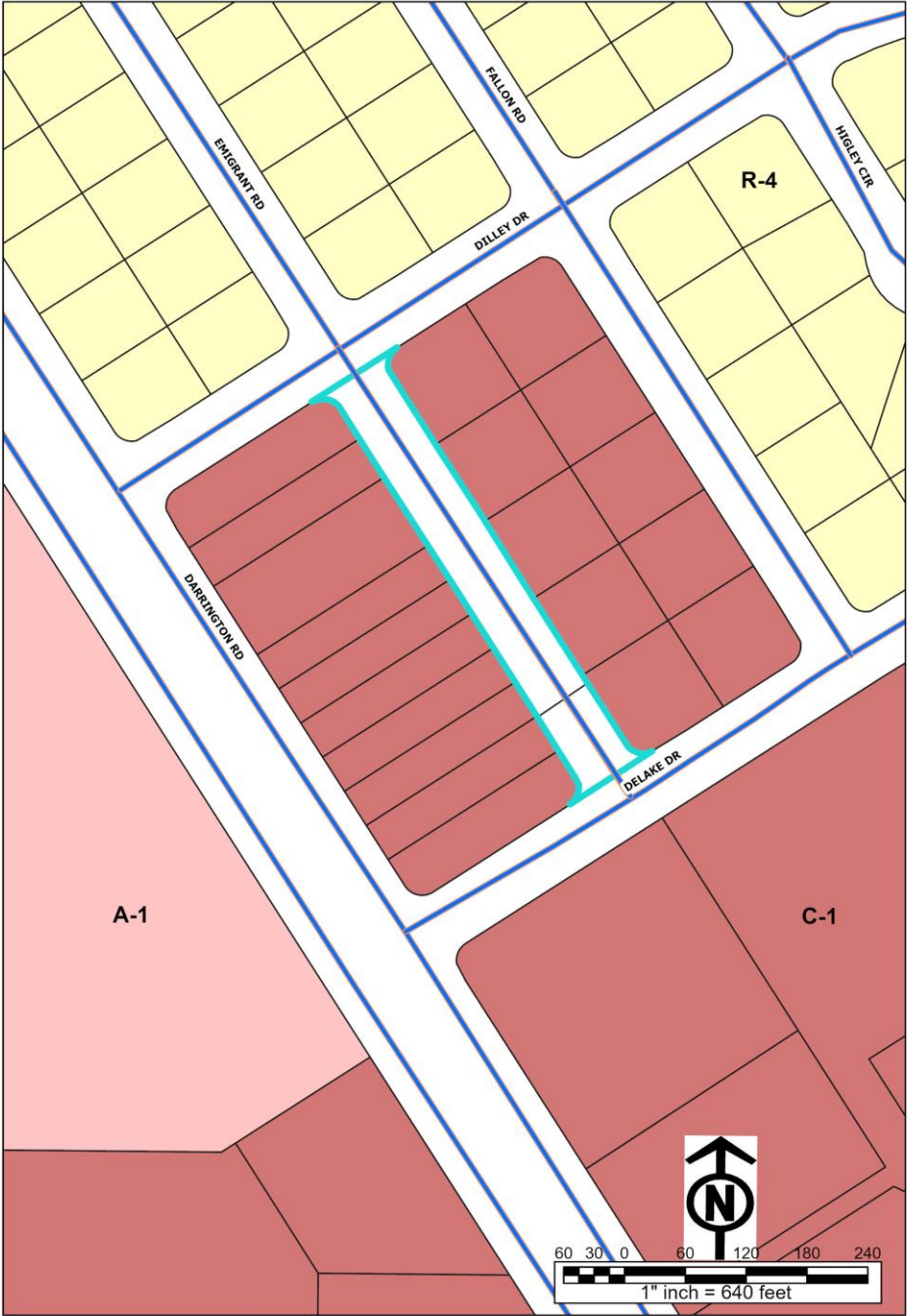
Attachment 1: Aerial Map

**Planning & Zoning Commission  
Vacation of Right-of-Way  
Case No. SDV24-0003**



**Attachment 2: Zoning Map**

**Planning & Zoning Commission  
Vacation of Right-of-Way  
Case No. SDV24-0003**





**Attachment 3: Survey & M&B**

Prepared for:  
January 8, 2025  
(Emigrant Road)

METES AND BOUNDS DESCRIPTION

Description of a 60 foot right of way of Emigrant Road out of Horizon Country Club Estates Unit Three as recorded in Volume 27, Page 20, Plat Records of El Paso County, Texas and being more particularly described by Metes and Bounds as follows:

The “**TRUE POINT OF BEGINNING**” being a found 5/8” rebar with a cap marked Landmark TX. 5586 on the intersection of the westerly right of way line of Emigrant Road with the common line of Lots 10 and 11, Block 22, Horizon Country Club Estates Unit Two from which a found 5/8” rebar with a cap marked Landmark TX. 5586 on the intersection of the westerly right of way line of Emigrant Road with the common line of Lots 2 and 3, Block 22, Horizon Country Club Estates Unit Two bears South 33°04’20” East a distance of 325.00 feet;

Thence along the westerly right of way line of Emigrant Road, North 33°04’20” West a distance of 36.00 feet to a point of curve from which a found ½” rebar bears South 09°27’08” West a distance of 0.67 feet;

Thence, 31.42 feet along the arc of a curve to the left, having a radius of 20.00 feet, a central angle of 90°00’00” and a chord which bears North 78°04’20” West a distance of 28.28 feet to a set ½” rebar with cap marked TX 5152 on the southerly right of way line of Dilley Drive;

Thence along said right of way line, North 56°55’40” East a distance of 100.00 feet to a set ½” rebar with cap marked TX 5152;

Thence leaving said right of way line, 31.42 feet along the arc of a curve to the left, having a radius of 20.00 feet, a central angle of 90°00’00” and a chord which bears South 11°55’40” West a distance of 28.28 feet to a found ½” rebar with cap marked TX 5152 on the easterly right of way line of Emigrant Road;

Thence long said right of way line, South 33°04’20” East a distance of 432.00 feet to a point of curve from which a found ½” rebar with cap marked TX 6223 bears, South 79°44’10” East a distance of 0.24 feet and a 1/2” rebar bears South 18°37’30” East a distance of 0.43 feet;

---

CONDE INC  
ENGINEERING / LAND SURVEYING / PLANNING  
6080 SURETY DRIVE / SUITE 100 / EL PASO, TEXAS 79905  
(915) 592-0283 FAX (915) 592-0286 FIRM# 10078100

Thence, 31.42 feet along the arc of a curve to the left, having a radius of 20.00 feet, a central angle of 90°00'00" and a chord which bears South 78°04'20" East a distance of 28.28 feet to a point on the southerly right of way line of Delake Drive from which a found ½" rebar with cap marked TX 6233 bears, South 70°39'36" West a distance of 0.31 feet;

Thence along the southerly right of way line of Delake Drive, South 56°55'40" West a distance of 100.00 feet to a point from which a found ½" rebar with cap marked TX 6233 bears, North 76°41'22" East a distance of 0.31 feet;

Thence, 31.42 feet along the arc of a curve to the left, having a radius of 20.00 feet, a central angle of 90°00'00" and a chord which bears North 11°55'40" East a distance of 28.28 feet to a point on the westerly right of way line of Emigrant Road from which a found ½" rebar with cap marked TX 6233 bears, North 70°53'38" East a distance of 0.31 feet;

Thence along said right of way line of Emigrant Road, North 33°04'20" West a distance of 396.00 feet to the **TRUE POINT OF BEGINNING** and containing 28,663 Square Feet or 0.6580 Acres of land more or less.

Note: A drawing of even date accompanies this description.

  
Ron R. Conde  
R.P.L.S. No. 5152



**CONDE, INC.**  
**ENGINEERING / LAND SURVEYING / PLANNING**  
**6080 SURETY DRIVE SUITE 100 / EL PASO, TEXAS 79905**  
**(915) 592-0283 FAX (915) 592-0286 FIRM# 10078100**

**Attachment 4: Application**



**Town of Horizon City, TX**

**Town of Horizon City Hall**

14999 Darrington Road  
Horizon City, TX 79928  
915-852-1046  
<https://www.horizoncity.org/>

**PERMIT**

<b>SDV24-0003</b>	<b>VACATION (PLAT/ROW/EASEMENT)</b>
<b>SITE ADDRESS:</b> 14999 DARRINGTON RD HORIZON CITY	<b>ISSUED:</b>
<b>PRIMARY PARCEL:</b> X32500000000675	<b>EXPIRES:</b>
<b>PROJECT NAME:</b> EMIGRANT RD. ROW VACATION	

**APPLICANT:** TOWN OF HORIZON CITY  
14999 DARRINGTON RD  
HORIZON CITY, TX 79928-7441

**OWNER:** TOWN OF HORIZON CITY  
14999 DARRINGTON RD  
HORIZON CITY, TX 79928-7441

Detail Name  
RELATED APPLICATIONS WHICH ARE PENDING

Detail Value  
N

Prepared for:  
January 8, 2025  
(Emigrant Road)

### METES AND BOUNDS DESCRIPTION

Description of a 60 foot right of way of Emigrant Road out of Horizon Country Club Estates Unit Three as recorded in Volume 27, Page 20, Plat Records of El Paso County, Texas and being more particularly described by Metes and Bounds as follows:

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Thence along the westerly right of way line of Emigrant Road, North 33°04’20” West a distance of 36.00 feet to a point of curve from which a found ½” rebar bears South 09°27’08” West a distance of 0.67 feet;

Thence, 31.42 feet along the arc of a curve to the left, having a radius of 20.00 feet, a central angle of 90°00’00” and a chord which bears North 78°04’20” West a distance of 28.28 feet to a set ½” rebar with cap marked TX 5152 on the southerly right of way line of Dilley Drive;

Thence along said right of way line, North 56°55’40” East a distance of 100.00 feet to a set ½” rebar with cap marked TX 5152;

Thence leaving said right of way line, 31.42 feet along the arc of a curve to the left, having a radius of 20.00 feet, a central angle of 90°00’00” and a chord which bears South 11°55’40” West a distance of 28.28 feet to a found ½” rebar with cap marked TX 5152 on the easterly right of way line of Emigrant Road;

Thence long said right of way line, South 33°04’20” East a distance of 432.00 feet to a point of curve from which a found ½” rebar with cap marked TX 6223 bears, South 79°44’10” East a distance of 0.24 feet and a 1/2” rebar bears South 18°37’30” East a distance of 0.43 feet;

Thence, 31.42 feet along the arc of a curve to the left, having a radius of 20.00 feet, a central angle of 90°00'00" and a chord which bears South 78°04'20" East a distance of 28.28 feet to a point on the southerly right of way line of Delake Drive from which a found ½" rebar with cap marked TX 6233 bears, South 70°39'36" West a distance of 0.31 feet;

Thence along the southerly right of way line of Delake Drive, South 56°55'40" West a distance of 100.00 feet to a point from which a found ½" rebar with cap marked TX 6233 bears, North 76°41'22" East a distance of 0.31 feet;

Thence, 31.42 feet along the arc of a curve to the left, having a radius of 20.00 feet, a central angle of 90°00'00" and a chord which bears North 11°55'40" East a distance of 28.28 feet to a point on the westerly right of way line of Emigrant Road from which a found ½" rebar with cap marked TX 6233 bears, North 70°53'38" East a distance of 0.31 feet;

Thence along said right of way line of Emigrant Road, North 33°04'20" West a distance of 396.00 feet to the **TRUE POINT OF BEGINNING** and containing 28,663 Square Feet or 0.6580 Acres of land more or less.

Note: A drawing of even date accompanies this description.



Ron R. Conde  
R.P.L.S. No. 5152



**CONDE, INC.**  
**ENGINEERING / LAND SURVEYING / PLANNING**  
**6080 SURETY DRIVE SUITE 100 / EL PASO, TEXAS 79905**  
**(915) 592-0283 FAX (915) 592-0286 FIRM# 10078100**

NOTES:

SCHEDULE B ITEMS LISTED BELOW PER FIRST AMERICAN TITLE GUARANTY COMPANY COMMITMENT FOR TITLE INSURANCE GF NO. 242187-COM WITH EFFECTIVE DATE OF NOVEMBER 21, 2024, ISSUED DECEMBER 4, 2024 AND GF FILE NO. 242188-COM, ISSUED NOVEMBER 21, 2024, ISSUED DECEMBER 4, 2024.

10a. MATTERS SET FORTH ON THE SUBDIVISION PLAT, INCLUDING BUT NOT LIMITED TO BUILDING SET BACK LINES, EASEMENTS FOR PUBLIC UTILITIES, AND EASEMENTS FOR BURIED SERVICE WIRES, CONDUITS, ETC., WITH THE RIGHT TO INGRESS AND EGRESS FOR SERVICE, SHOWN ON THE RECORDED PLAT OF SAID ADDITION IN VOLUME 27, PAGE 20, REAL PROPERTY RECORDS, EL PASO COUNTY, TEXAS. SAID EASEMENTS BEING A 5 FEET IN WIDTH EASEMENT ALONG THE REAR PROPERTY LINE OF ALL LOTS; A 5 FEET UTILITY EASEMENT ALONG THE NORTHERLY PROPERTY LINE OF LOTS 1, 4, 7, AND 10; AND A 5 FEET UTILITY EASEMENT ALONG THE SOUTHERLY PROPERTY LINE OF LOTS 2, 5, 6, AND 9.

10f. THIS PROPERTY LIES WITHIN THE TAXING JURISDICTION AND AUTHORITY OF THE HORIZON REGIONAL MUNICIPAL UTILITY DISTRICT F/K/A/ EL PASO COUNTY WATER AUTHORITY (M.U.D.) AS REFERRED TO UNDER CLERK'S FILE NO. 20090069802 AND CLERK'S FILE NO. 20120103988, REAL PROPERTY RECORDS, EL PASO COUNTY, TEXAS.

10s. RESERVATION OF MINERAL INTEREST IS RESERVED AS A FREE ROYALTY TO THE STATE OF TEXAS IN PATENT RECORDED IN VOLUME 934, PAGE 284, REAL PROPERTY RECORDS, EL PASO COUNTY, TEXAS. (Vol. 934, Pg 284 covers Lot 6, Block 2, Rosedale Farms Subdivision No. 3)

10t. RESERVATION OF ROYALTY WHICH MAY BE RESERVED IN ANY OIL, GAS AND MINERAL TO R.C. SPARKS, ETAL, OF RECORD IN VOLUME 1294, PAGE 441, REAL PROPERTY RECORDS, EL PASO COUNTY, TEXAS; AND TRANSFERRED TO WILNA RUTH SPARKS, ETAL, IN VOLUME 325, PAGE 86, REAL PROPERTY RECORDS, EL PASO COUNTY, TEXAS. (Not Applicable)

10u. TITLE TO ALL, OIL, GAS AND MINERALS OF EVERY KIND AND CHARACTER NOT PREVIOUSLY CONVEYED IN, ON AND UNDER THE INSURED PREMISES, TOGETHER WITH ALL RIGHTS, PRIVILEGES AND IMMUNITIES RELATING THERETO, HERETOFORE RESERVED, OR CONVEYED BY PREDECESSORS IN TITLE TO HORIZON PROPERTIES CORPORATION, 1 VOLUME 1141, PAGE 1729, REAL PROPERTY RECORDS, EL PASO COUNTY, TEXAS. (Not Applicable)

10v. TERMS, CONDITIONS, EASEMENTS, RESTRICTIONS AND PROVISIONS OF THAT CERTAIN DEVELOPMENT AGREEMENT DATED DECEMBER 16, 1961, BY AND BETWEEN HORIZON PROPERTIES CORPORATION AND SOUTHER GULF UTILITIES, INC., IN VOLUME 1687, PAGE 506, REAL PROPERTY RECORD, EL PASO COUNTY, TEXAS. (Affects Property)

ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY PANELS NO 480212-250B and 237B, DATED SEPTEMBER 4, 1991 PROPERTY IS IN FLOOD HAZARD ZONE X.

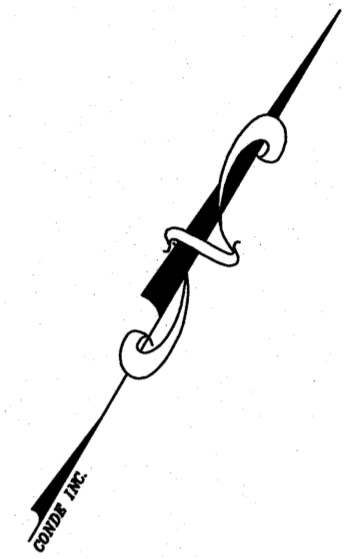
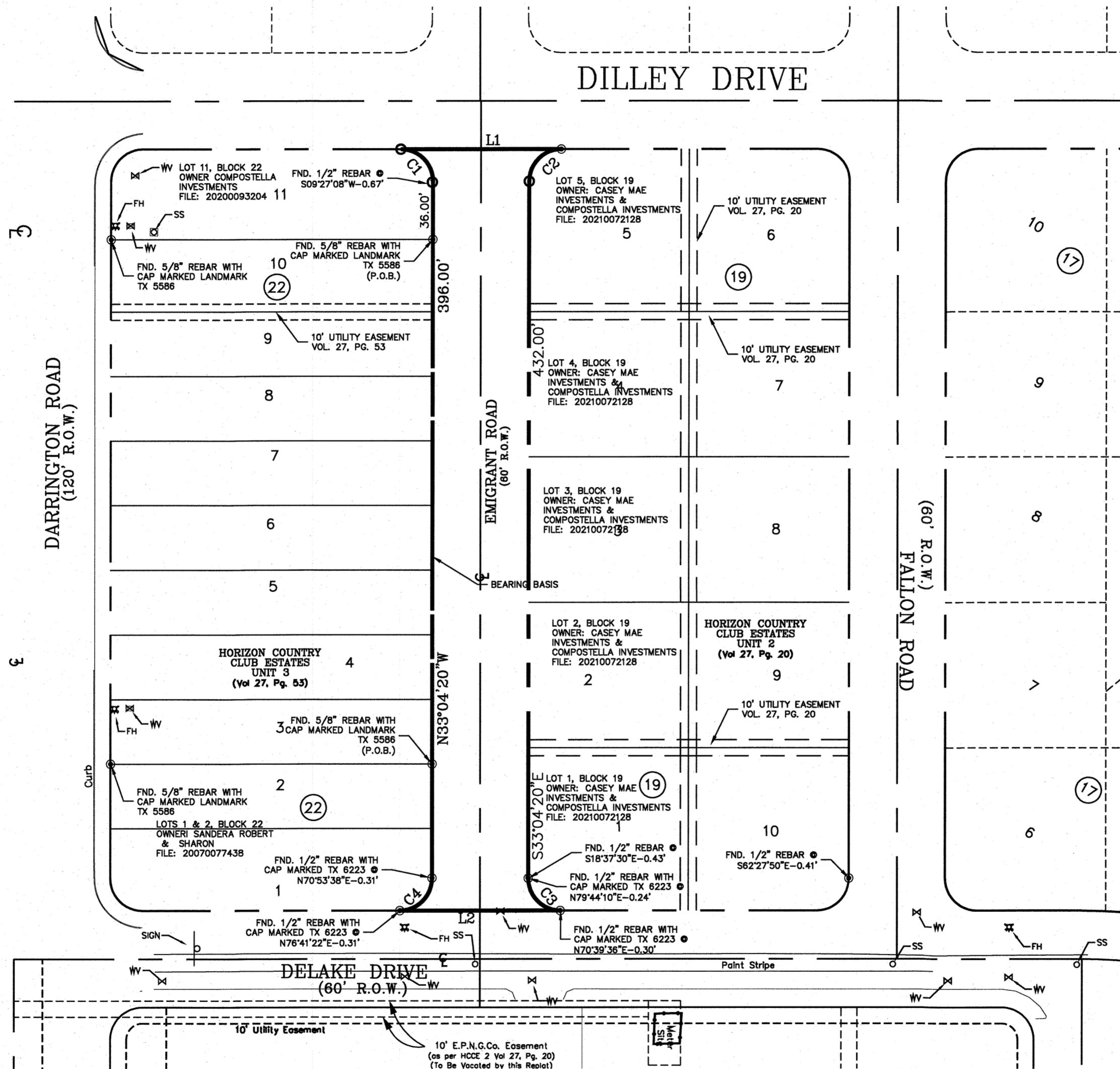
A METES AND BOUNDS DESCRIPTION OF EVEN DATE ACCOMPANY THIS DRAWING.

CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	20.00'	31.42'	20.00'	28.28'	N78°04'20"W	90°00'00"
C2	20.00'	31.42'	20.00'	28.28'	S11°55'40"W	90°00'00"
C3	20.00'	31.42'	20.00'	28.28'	S78°04'20"E	90°00'00"
C4	20.00'	31.42'	20.00'	28.28'	N11°55'40"E	90°00'00"

LINE TABLE		
LINE	LENGTH	BEARING
L1	100.00	N66°55'40"E
L2	100.00	S66°55'40"W

# PLAT OF SURVEY

A PORTION OF HORIZON COUNTRY CLUB ESTATES UNIT 3, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 27, PAGE 53, REAL PROPERTY RECORDS OF EL PASO COUNTY, TEXAS CONTAINING 28,663 SQUARE FEET OR 0.6580 ACRES



SCALE: 1" = 60'

SYMBOL LEGEND	
●	FOUND CONTROL POINT
⊕	FOUND CITY MONUMENT
○	SET 1/2" REBAR W/CAP 5152
⊗	FIRE HYDRANT
⊙	SANITARY SEWER
⊕	WATER VALVE
⊖	TRAFFIC SIGN

**CONDE INC.**  
 ENGINEERING / PLANNING / LAND SURVEYING / CADD  
 6080 SURETY DRIVE-SUITE 100-EL PASO, TEXAS 79905  
 PHONE (915) 592-0283, FAX (915) 592-0286, FIRM# 10078100



**CERTIFICATION**  
 THIS PLAT REPRESENTS A SURVEY MADE ON THE GROUND BY ME OR UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF BASED ON THE FACTS EXISTING AT TIME OF THIS SURVEY.

RON R. CONDE  
 REGISTERED PROFESSIONAL LAND SURVEYOR  
 TEXAS LICENSE NO. 5152

# Town of Horizon City



## CITY CHARTER

**Including Amendments**

Dated: November 2017

**Proposed Preamble and Dedication**

The citizens of the Town of Horizon City, Texas, believing that, to the greatest extent possible, governmental decisions affecting local interests should be made locally rather than by the state, and,

to form a basic structure of government accountable to all citizens of the City, and,

to provide for the open, efficient, and honest conduct of the affairs of the City, and,

to secure the safety, health, and well-being of ourselves and the future residents of the City, and,

in order to bring to the Town of Horizon City the full home rule benefits afforded by the Constitution of the State of Texas, do ordain and establish this Home Rule Charter for the Town of Horizon City, Texas.

We, the Charter Commission of the Town of Horizon City, Texas, in reverence to the dignity and stature of our departed colleague, Oz Glaze, do hereby humbly dedicate our efforts in his honor.

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## **ARTICLE I. INCORPORATION AND FORM OF GOVERNMENT**

### **Section 1.01 Incorporation**

The inhabitants of The Town of Horizon City, El Paso County, Texas, residing within the corporate limits as now established or as hereafter established, shall continue to be a municipal body, politic and corporate in perpetuity under the name "Town of Horizon City," hereinafter referred to as the City.

### **Section 1.02 Form of Government**

The municipal government provided by this Charter is the "Mayor-Council" form of government. All powers of the City shall be vested in an elective body, hereinafter referred to as the "City Council" or "Council," and further described in Article III of this Charter. The City Council shall exercise the powers described herein, subject only to the limitations imposed by the Constitution and laws of the State of Texas.

### **Section 1.03 Boundaries**

The boundaries of the City at the time this Charter is adopted are those that have previously been legally established. The boundaries may be changed either through annexation or de-annexation as described in Article II, Sections 2.03 through 2.05 of this Charter.

## **ARTICLE II POWERS OF THE CITY**

### **Section 2.01 General Powers**

- (A) The City shall have all powers, except as limited by this Charter, granted to municipal corporations and to cities under a home-rule Charter by the Constitution and laws of the State of Texas, together with all the implied powers necessary to carry into execution all the powers granted.
- (B) The following particular powers are examples of the powers possessed by the City:
  - (1) to acquire property by purchase, gift, devise, lease, condemnation, or annexation;
  - (2) to sell, lease, mortgage, and control such property as its interests may require;
  - (3) to sue and be sued;
  - (4) to regulate, develop, and improve streets and public property;
  - (5) to provide, by ordinance, land use and development regulations to include but not limited to: zoning and subdivision regulations, alleviation or prevention of slums and other conditions of deterioration, and achievement of the most appropriate use of land resources.
- (C) The enumeration of particular powers by this Charter shall not be judged to be exclusive, and, in addition to any powers enumerated or implied herein, it is intended that the City shall have and may exercise all the powers which it would be competent for this Charter to enumerate specifically.

### **Section 2.02 Eminent Domain**

The City shall have the full power to exercise the right of eminent domain, when shown to be necessary to the conduct of public affairs, within the authority and scope conferred by this Charter or by the Constitution and laws of the State of Texas. Such authority shall include the obligation to pay adequate compensation and the right to take the fee in land so condemned and to institute-condemnation proceedings for municipal or public purposes even though not specifically enumerated herein.

**Section 2.03 Alteration and Extensions of Boundaries**

The City shall have the power to provide for the alteration and extension of its boundaries, and to annex or detach territories pursuant to the authority conferred by the Constitution and laws of the State of Texas. Annexation is restricted to the area adjacent to the City and within the City's extra-territorial jurisdiction, except where the City owns the area to be annexed. Annexation may be initiated by either of the following methods:

- (A) by petition of a majority of the qualified voters who are inhabitants of an area defined by the City Council, or if there are no qualified voters who are inhabitants of the area, by petitions of persons owning a majority of the land in the area; or
- (B) by action of the City Council, with or without the consent of the inhabitants or owners of the territory to be annexed.

**Section 2.04 Annexation Procedures**

- (A) When annexation is by petition as described in Paragraph 2.03 (A), the City must prepare a service plan for providing for the extension of City services to the area to be annexed. The City Council may accept the petition and proceed with annexation proceedings as described below, or they may reject the petition. (Amended 5/07/05: Amendment #3)
- (B) When annexation is by action of the City Council as described in Paragraph 2.03 (B), the City must prepare a service plan providing for extension of City services to the area to be annexed. The service plan must include a program to provide the following services within thirty (30) days after the effective date of the annexation:
  - (1) police protection;
  - (2) maintenance of existing roads and streets;
  - (3) maintenance of any other existing publicly owned facilities.
- (C) The City Council may conduct at least two (2) public hearings, one of which must be held in the area proposed for annexation, in conformance with State law.

**Section 2.05 De-Annexation**

- (A) If the City fails to provide the services specified in the service plan within the time period specified in the service plan or required by State law, a majority of the qualified voters residing within the annexed area may petition the Council to be de-annexed.
- (B) If the petition is refused by the Council or not acted upon within sixty (60) days the petitioners may file suit for de-annexation in the District Court.
- (C) The City Council may, by ordinance, de-annex territory within the City. Any territory so detached shall be liable for its prorated share of any debts incurred while it was part of the City, and the City shall continue to levy and collect taxes on the property until such indebtedness has been discharged. De-Annexation actions are subject only to such procedural rules as may be prescribed by State law.

**ARTICLE III THE CITY COUNCIL****Section 3.01 Number, Selection, and Terms of Office**

- (A) The legislative and governing body of the City shall consist of a mayor and seven (7) council members and shall be known as the "City Council of the Town of Horizon City." However, regarding consecutive terms in office, the office of the mayor shall be considered separate from the offices of council members for the purposes of any term limitations set out in this charter.

- (B) Council Members shall be elected at large.
- (C) The Mayor shall be elected from the City at large, as referenced in Article VI, Sec. 6.05.
- (D) Council Members for places 1, 2, 4 and 6 elected in 2012 shall serve two-year terms. The Mayor and Council Members for places 3, 5 and 7 elected in 2013 shall serve two-year terms.

Beginning in 2014, the terms of office for the Mayor and Council Members shall be adjusted and lengthened to allow extension of the terms of office from two-year terms to four-year terms, and the regular elections shall be moved from annual elections held on the election uniform date established in the Texas Election Code during the month of November to the uniform date established during the month of May in odd numbered years, according the following schedule. The regular City elections held in 2014 and 2015 shall be held on the uniform election date established in the Texas Election Code during the month of November. Council Members for places 1, 2, 4 and 6 elected in 2014 shall be elected to terms greater than two years but less than three years such that the ending date of the term shall coincide with an election on the uniform date established during the month of May in 2017, and they shall thereafter be elected to four-year terms. The Mayor and Council Members for places 3, 5 and 7 elected in 2015 shall be elected to terms greater than three years but less than four years such that the ending date of the term shall coincide with an election on the uniform election date established during the month of May in 2019, and they shall thereafter be elected to four-year terms. Beginning in 2017, the regular City elections shall be held on the uniform election date established in the Texas Election Code during the month of May with a run-off election to be held on the earliest date practicable in accordance with the law.

(Amended 11/5/2013: Amendment #1)

- (E) Any person who has served on the City Council for eight (8) consecutive years will be ineligible to occupy any position on the council for a period of two (2) years, provided however, the Mayor and Council Members elected in 2015 shall be eligible to serve for nine (9) consecutive years. Service of a period of time of less than one (1) year, regardless of whether the service was to fill a vacancy or was part of a term that was lengthened for the purpose of moving the regular election date or lengthening terms of office, will not count in determining the number of consecutive years of service. Any person who has not served on the Council during the previous two (2) consecutive years shall be eligible to serve under the same conditions as and with no more restrictions than a person who has never served on the Council. The time periods under this provision are measured based on the corresponding uniform election dates in the applicable years, regardless of the fact that the date falls a number of days over or short of the requisite period. (Amended 11/5/2013: Amendment #1)

### **Section 3.02 Qualifications**

- (A) Each member of the City Council and the Mayor, in addition to other qualifications prescribed by the laws of the State of Texas, shall:
  - (1) be a qualified voter of the City;
  - (2) reside within the corporate limits of the City; and
  - (3) not hold any other office or employment under the City government nor be a elected member of any agency, board or district, which is directly involved in taxing, providing services, or establishing schools within the Town of Horizon City.

(Amended 5/07/05: Amendment #11)

- (4) No person shall be eligible for an elective office of the city unless at the time of their election they have resided in the city during the twelve months immediately preceding the election. (Amended 5/07/05: Amendment #5)
- (B) If the Mayor or member of the City Council shall cease to possess any of these qualifications or shall cease to reside in the City or shall be convicted of a felony or is absent from three (3) consecutive regular Council meetings without being excused by the Council, he or she automatically and immediately forfeit the office and will not be allowed to participate in any meetings or actions taken by City Council. (Amended 5/07/05: Amendment #11)
- (C) The Council is to be sole judge of its members' qualifications. A majority vote of the elected members of the full Council in regular session is required to declare the office forfeited.

### **Section 3.03 Mayor and Mayor Pro Tem**

- (A) The Mayor shall preside at meetings of the Council and shall be recognized as the head of the City government for all ceremonial purposes and be the Governor for purposes of military law, and as emergency manager/director for the City.
- (B) The Council shall elect from among its members a Mayor Pro Tem who shall act as Mayor during the absence or disability of the Mayor.
- (C) The Mayor, or the Mayor Pro Tem while presiding over the Council in the absence of the Mayor, shall vote only in the case of a tie. A quorum of four (4) from the seven (7) member Council must be present to conduct a meeting. A vote of four (4), in favor, shall be required to pass any ordinance, mandate, resolution or any other Council business. The Mayor only shall have the power of veto. Any veto must be brought before Council for reconsideration within thirty one (31) days of a veto by the Mayor and shall require a vote of five (5) Council Members to override. (Original language, 1997)
- (D) The Mayor, or the Mayor Pro Tem while presiding over the Council in the absence of the Mayor, shall vote only in the case of a tie. A quorum of four (4) from the seven (7) member Council must be present to conduct a meeting. A vote of four (4), in favor, shall be required to pass any ordinance as per Section 3.14 (B) (4). A vote of Four (4) in favor shall be required to pass any mandate, resolution or any other council business. The Mayor shall have the power to veto. Any veto may be reconsidered on a written request of any member of the City Council within thirty one (31) days of a veto by the Mayor and shall require a vote of five (5) Council Members to override the Mayor's veto. (Amended 5/13/06: Amendment #1)

### **Section 3.04 General Powers and Duties**

All powers of the City shall be vested in the Mayor and Council except as otherwise provided by law or this Charter. The Council shall provide for the exercise of such powers and for the performance of all duties and obligations imposed on the City by law.

### **Section 3.05 Compensation**

- (A) Commencing on January 1, 2014, each member of the City Council, with the exception of the Mayor, shall receive as a stipend, the sum of one hundred twenty five (\$125.00) dollars for each regular or special City Council meeting attended during each fiscal year, not to exceed a total annual stipend of three thousand (\$3,000.00) dollars.

- (B) Commencing on January 1, 2014, the Mayor shall receive a salary of \$18,000.00 per year.
- (C) In addition to the above, the Mayor and Council Members shall receive reimbursement for actual and necessary expenses incurred in the performance of their duties, as approved by City Council.
- (D) Nothing herein shall prohibit the Mayor or a member of the City Council from waiving the right to all or any part of such compensation or payment of expenses.  
(Amended 11/5/2013: Amendment #5)

### **Section 3.06 Vacancies**

A vacancy occurring in the Council shall be filled in the manner prescribed by the Texas Constitution and state law. (Amended 11/7/17: Amendment #A)

### **Section 3.07 Meetings**

- (A) The City Council shall hold one (1) regular meeting in each month at a time to be fixed by it for such regular meetings, and may hold as many additional meetings as may be necessary for the transaction of the business of the City and its citizens.
- (B) The Mayor shall, with four (4) of the remaining Council Members, constitute a quorum. In the absence of the Mayor, any five (5) of the Council Members shall constitute a quorum. If, because of one (1) or more vacancies, the Council comprises less than seven (7) members, sixty (60) percent of the membership, excluding the Mayor, shall constitute a quorum. At any meeting at which both the Mayor and Mayor Pro Tem are absent, the quorum may appoint any Council member to preside as acting Mayor.
- (C) All meetings of the Council and all committees thereof shall be open to the public, except as provided by law. The rules of the Council shall provide that citizens of the city shall have a reasonable opportunity to be heard at any such meetings, in regard to any matter there considered.
- (D) All meetings of the Council shall be held at the City Hall, except that the Council may designate another place for such meeting by specifying the location on the notice of such meeting, posted in conformance with the Texas Open Meetings Act and any other applicable State law(s).
- (E) Special meetings of the Council shall be called by the City Clerk upon the written request of the Mayor and/or any four (4) members of the Council.

### **Section 3.08 Rules of Procedures**

The City Council shall determine by ordinance its own rules of procedure and order of business. Minutes of all meetings of the Council, including the results of all votes, shall be taken and recorded. Such minutes shall constitute a permanent record to which any citizen may have access at all reasonable times.

### **Section 3.09 Official Bonds for City Employees**

The Council shall be required to maintain fidelity bonds on all municipal officers and employees of the City. The amount of such bonds and types of coverage shall be determined by the Council and the cost shall be borne by the City.

### **Section 3.10 Interference with Administration**

Neither the Council nor any of its members thereof shall instruct or request the Mayor or any of the Mayor's subordinates to appoint to or remove from office or employment any person except with respect to those offices which are to be filled by appointment by the Council under the provisions of this Charter. Except for the purpose of inquiry and investigation or as otherwise expressly provided in this Charter, the Council shall deal with the administrative services of the City solely through the Mayor and shall not give orders to any of the Mayor's subordinates either publicly or privately, except with the Mayor's specific written approval.

### **Section 3.11 Investigation by the City Council**

The City Council shall have power to inquire into the official conduct of any office, department, agency officer, or employee of the City and to make investigations as to municipal affairs.

### **Section 3.12 Audit and Examination of City Books and Accounts**

- (A) The City Council shall cause an annual audit to be made of the books and accounts of each department of the City. At the close of each fiscal year, a complete audit shall be made by a certified public accountant or a firm of certified public accountants who shall be selected by the Council not more than sixty (60) nor less than thirty (30) days prior to the end of the fiscal year, and who shall have no personal interest, direct or indirect, in the fiscal affairs of the City government or any of its officers.
- (B) Such audit shall include a recapitulation of all internal audits made during the course of the fiscal year.
- (C) All audit reports shall be filed with the City Council and shall be made a part of the archives of the City.
- (D) All audits so authorized by the City Council shall be performed in accordance with written audit contracts. Such contracts shall state the period to be covered, the funds involved, the purpose of the audit, the fee to be charged, and the authority to be used in determining presentation and accounting standards.

### **Section 3.13 Action Requiring an Ordinance**

In addition to other acts required by law or by specific provisions of this Charter to be enacted by ordinance, those acts of the Council shall be by ordinance which:

- (A) adopt or amend any code of technical regulations or establish, alter, or abolish any City departments, office, or agency;
- (B) provide for a fine or other penalty or establish a rule of regulation for violation of which a fine or other penalty is imposed;
- (C) levy taxes except as otherwise provided in Article V with respect to the property tax levied by adoption of the budget;
- (D) grant, renew, or extend a franchise;
- (E) [Deleted] (Amended 11/7/17: Amendment #B)
- (F) convey or lease or authorize the conveyance or lease of any lands of the City;
- (G) are proposed under the initiative power as provided in Article VII; and
- (H) amend or repair any ordinance previously adopted except as otherwise provided in Article VII with respect to the repeal of ordinances reconsidered under the referendum power.

**Section 3.14 Ordinances in General****(A) Form**

- (1) every proposed ordinance shall be introduced in writing and in the form required for final adoption.
- (2) every ordinance shall concern only one subject which shall be clearly expressed in its title.
- (3) the enacting clause shall be "Be it ordained by the City Council of the Town of Horizon City that."
- (4) Any ordinance which repeals or amends an existing ordinance or a part of a City code shall summarize the ordinance, sections or subsections to be repealed or amended. When requested by the Council, a copy of the ordinance indicating the matter to be omitted by enclosing it in brackets or by strikeout type and indicating new matter by underscoring or by italics shall be prepared and be made available.

**(B) Procedure**

- (1) An ordinance may be introduced by any member of the Council at any regular or special meeting of the Council, provided it is an agenda item.
- (2) upon introduction of any ordinance, the City clerk shall:
  - (a) distribute a copy of the ordinance to each member of the Council and to the Mayor;
  - (b) file a reasonable number of copies in the office of the Town Clerk and such other public places as the Council may designate, and
  - (c) publish the ordinance together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council.
- (3) The public hearing shall follow the publication by at least three (3) days, may be held separately or in connection with a regular or special Council meeting, and may be adjourned from time to time, all persons interested shall have an opportunity to be heard.
- (4) After the hearing, the Council may adopt the ordinance with or without amendments or reject it. Adoption of an ordinance requires that a least four (4) members vote in favor of the ordinance. If the ordinance is amended as to any matter not included in the caption or published summary of the ordinance, or as to any matter of substance if the entire ordinance was published in a newspaper, the Council may not adopt it until the ordinance or its amended section have been subjected to all the procedures required in the case of a newly introduced ordinance. In any event, the publication must be written so as to be understood by an average person.
- (5) As soon as practicable after adoption of any ordinance, the City shall publish a notice of its adoption.

**(C) Effective Date**

- (1) Every ordinance shall become effective when approved and passed by the City Council on a second reading or at any later date specified therein.

**(D) Publish Defined**

- (1) as used in this Section, the term "publish" means to give notice by any contemporary means of information sharing, including but not limited to, publication in a newspaper of general circulation in the City or placement on a web site;

- (2) the ordinance or the caption of an adopted ordinance that summarizes the purpose of the ordinance and any penalty for violating the ordinance;
- (3) the places where copies of it have been filed and the times when they are available for public inspection. (Amended 11/5/2013: Amendment #3)

### **Section 3.15 Code of Technical Regulations**

- (A) The Council may adopt any standard of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such an adopting ordinance shall be as prescribed for ordinances generally except that:
  - (1) a copy of each adopted code of technical regulations as well as or the adopting ordinance shall be authenticated and recorded by the City Clerk pursuant to Section 3.16 of this Article. (Amended 11/5/2013: Amendment #3)
- (B) Copies of any adopted code of technical regulations shall be made available by the City Clerk for distribution or for purchase at a reasonable price.

### **Section 3.16 Authentication and Recording**

- (A) The Mayor and the City Clerk shall authenticate by signature and have recorded in full in a properly indexed book kept for that purpose, all ordinances and resolutions adopted by the Council.
- (B) The Council may provide for the preparation of a general codification of this Charter and its amendments, and of those ordinances selected by the Council. Such a codification will be known and officially cited as the **Horizon City Municipal Code**. Copies of such a Code will be produced as required by State law and the City Clerk shall make such Code available to the public by any contemporary means of information sharing for free public reference. (Amended 11/5/2013: Amendment #3)

### **Section 3.17 Emergency Ordinances**

- (A) To meet a public emergency affecting life, health, property, or the public peace, the Council may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, authorize a conveyance of real property, or authorize the borrowing of money.
- (B) An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it may be introduced on two hours' public notice, and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing the emergency in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the unanimous vote of the Representatives present, and the consent of the Mayor, shall be required for adoption.
- (C) Adoption, Re-enactment, Repeal. After its adoption the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon adoption or at such later time as the ordinance may specify. Every emergency ordinance shall stand repealed automatically as of the 31st day following the date on which it was adopted, but this shall not prevent the re-enactment of the ordinance, in the manner specified in this section, if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance, in the same manner specified in this section for adoption of emergency ordinances. (Added 11/7/17: Amendment #B)

## ARTICLE IV CITY ADMINISTRATION

### Section 4.01 Duties of the Mayor

The Mayor shall:

- (A) make certain that all laws and ordinances are enforced;
- (B) exercise control over all departments and subdivisions thereafter created by the Charter, or created by the Council hereafter;
- (C) appoint the Chief of Police with the consent of the City Council
- (D) attend all meetings of the Council with the right to take part in the discussion;
- (E) keep the council at all times fully advised as to the financial conditions and needs of the City;
- (F) prepare or cause to be prepared and submitted to the Council the annual budget;
- (G) make certain that the City operates within its budget;
- (H) execute deeds and to make and execute all contracts on behalf of the City when authorized by ordinance, resolution or motion of the City Council;
- (I) perform such other duties as may be prescribed by this Charter, or by ordinance or resolution of the City Council.

### Section 4.02 City Clerk

- (A) The Council shall appoint a City Clerk who shall report administratively to the Mayor, but may be removed from office only with the consent of the Council.
- (B) the duties of the City Clerk shall be to:
  - (1) prepare and post notice of Council meetings;
  - (2) keep the minutes of proceedings of Council meetings;
  - (3) authenticate by signature and record in full, in a book kept and indexed for that purpose, all ordinances and resolutions passed by the Council;
  - (4) hold and maintain the City Seal and affix the Seal to all instruments requiring it; and
  - (5) perform such other duties, as may be specified by the Council, Mayor, this Charter, or the laws of the State of Texas.

### Section 4.03 City Attorney

- (A) The City Council shall appoint an attorney, licensed to practice law in the State of Texas, as City Attorney. The City Attorney shall serve at the will of and be entitled to compensation as established by the Council.
- (B) The duties of the City Attorney shall be to:
  - (1) serve as legal advisor to the Council, to all offices, departments, and agencies of the City, and to all officers and employees of the City in matters relating to their official duties;
  - (2) represent the City in all legal proceedings;
  - (3) perform all services incident to his or her position as may be required by statute, this Charter, ordinance, or as directed by the Council.
- (C) The Council may retain special counsel at any time it deems such action appropriate is necessary.

### Section 4.04 Municipal Court

- (A) There is hereby established a court designated the Municipal Court of the Town of Horizon City.

- (B) The Municipal Court shall have jurisdiction within the territorial limits of the City for the trial of misdemeanor offenses with all powers and duties granted by the laws of the State of Texas.
- (C) Nominees for the Judge of the Municipal Court shall be presented by the Mayor and approved by the City Council for a term of two (2) years to run concurrently with the Council general elections held in odd numbered years. Compensation shall be set by the Council and may not be reduced during the term of office for which the Judge was appointed. (Amended 11/7/17: Amendment #C)
- (D) In the absence or disability of the Judge, the Mayor shall appoint an interim judge to preside over the Municipal Court until the next regular meeting for review of the City Council.
- (E) All costs and fines collected by the Municipal Court shall be paid to the City Treasurer unless otherwise directed by Texas Law.
- (F) The City Council shall appoint the Clerk of the Court and the Clerk should qualify as a Notary Public and shall have the power to administer oaths and affidavits, make certificates, affix the seal of the Court, and do and perform all acts usually necessary by the Court.

#### **Section 4.05 Police Department**

- (A) There is hereby established a Police Department designated as the City Police Department of the Town of Horizon City.
- (B) The Police Department shall have jurisdiction over law enforcement within the territorial limits of the City in accordance with requirements established by the Laws of the State of Texas.
- (C) The Police Chief will be appointed by the Mayor with the consent of City Council. The appointment shall be formalized by a written contract which shall include the term of office, salary agreement and the duties, responsibilities and authority of the Police Chief.
- (D) The Police Chief shall administer all actions of the Police Department in accordance with this Charter and the Laws of the State of Texas and shall be responsible to the Council through the Mayor for all Police Department activities.
- (E) Police Department personnel policies shall be administered in accordance with City Ordinances pertaining to all City employees.

## **ARTICLE V FINANCIAL PROCEDURES**

#### **Section 5.01 Fiscal Year**

The fiscal year of the City shall be established by ordinance.

#### **Section 5.02 Submission of Budget and Budget Message**

No later than forty-five (45) days prior to the close of the fiscal year, the Mayor shall submit to the City Council a budget for the ensuing fiscal year and an accompanying message.

#### **Section 5.03 Budget Message**

The Mayor's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall:

- (A) outline the proposed financial policies of the City for the ensuing fiscal year;
- (B) describe the important features of the budget;

- (C) indicate any major changes from the current year in financial policies, expenditures, and revenues, and the reasons for such changes;
- (D) summarize the City's debt position; and
- (E) include such other material as the Mayor deems desirable.

#### 5.04 Budget

- (A) The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the Mayor deems desirable or the Council may require.
- (B) In organizing the budget, the Mayor shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. It shall begin with a clear general summary of its contents and shall show in detail:
  - (1) all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year;
  - (2) comparative figures for actual and estimated income and expenditures of the current fiscal year;
  - (3) actual income and expenditures of the preceding fiscal year;
  - (4) any other item(s) required by State law to be included in the budget.
- (C) The budget shall indicate in separate sections:
  - (1) estimated revenues for operations during the ensuing fiscal year, detailed by source;
  - (2) proposed expenditures for current operations during the ensuing fiscal year, detailed by offices, departments, and agencies in terms of their respective work programs;
  - (3) proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments, and agencies when practicable, and the proposed method of financing each capital expenditure, and
  - (4) anticipated net surplus or deficits for the ensuing fiscal year of each enterprise owned or operated by the City and the proposed method of its disposition.
- (D) Subsidiary budgets for each enterprise, giving detailed income and expenditure information, shall be attached as appendices to the budget.
- (E) The total of proposed expenditures shall not exceed the total of estimated incomes plus any accumulated surplus.
- (F) [Deleted] (Amended 11/5/2013: Amendment #4; 11/7/17: Amendment #D)
- (G) The budget may not include funding for the direct costs of providing insurance coverage for persons other than City employees who may be eligible to obtain coverage under any insurance policy offered in whole or in part to City employees as a benefit of employment, unless the payment of such costs is part of (1) a negotiated employment contract with an employee or (2) at no cost to the City, a part of a negotiated contract with another political subdivision or related City entity previously authorized by the qualified voters of the City. (Amended 11/5/2013: Amendment #4; 11/7/17: Amendment #D)

**Section 5.05 City Council Action on the Budget**

- (A) The City Council shall publish in one or more newspapers of general circulation in the City, the general summary of the budget and a notice stating:
  - (1) the times and places where copies of the message and budget are available for inspection by the public, and
  - (2) the time and place for a public hearing on the budget.
- (B) After the public hearing, the Council may adopt the budget with or without amending the budget, it may add or increase programs or amounts and may delete or decrease any program or amounts, except expenditures required by law or for debt service, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated income plus any accumulated surplus.
- (C) The Council shall adopt the budget on or before the fifteenth day of the twelfth month of the fiscal year currently ending. If it fails to adopt the budget by this date, the amounts appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items in it prorated accordingly, until at such time as the Council adopts a budget for the ensuing fiscal year.
- (D) Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the fund indicated and shall constitute a levy of the property tax therein proposed, provided that in no event shall such levy exceed the legal limit provided by the laws and Constitution of the State of Texas.

**Section 5.06 Budget Amendments After Adoption**

- (A) All amendments to the budget shall be by ordinance and become an attachment to the original budget.
- (B) If during the fiscal year the Mayor certifies that there are available for appropriation revenues in excess of those estimated in the budget, the Council by ordinance may make supplemental appropriations for the year up to the amount of the excess.
- (C) To meet a public emergency, as defined by State law, the Council may make emergency appropriations. To the extent that there are no unappropriated revenues to meet such appropriations, the Council may by emergency ordinance authorize the issuance of emergency notes which may be renewed from time to time. The emergency notes and renewal of those notes during any fiscal year shall be paid not later than the last day of the current fiscal year.
- (D) If at any time during the fiscal year it appears probable to the Mayor that the revenues available during the current fiscal year will be insufficient to meet the amount appropriated, he shall report to the Council without delay, indicating the estimated amount of the deficit, any remedial action taken, and recommendations as to any other steps to be taken. The Council shall then take such further action as it deems necessary to prevent or minimize any deficit and for the purpose it may by ordinance reduce one or more appropriations.
- (E) At any time during the fiscal year the Mayor may transfer part of all of any unencumbered appropriation balance among programs within a department, office, of agency, but no funds may be transferred to increase a salary appropriation without the approval of the Council. Upon written request by the Mayor, the Council may by ordinance transfer part or all of any unencumbered appropriation balance from one department, office, or agency to another.

- (F) No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this Section may be made effective immediately upon adoption.

### **Section 5.07 Lapse of Appropriations**

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue until the purpose of any such appropriation shall be deemed abandoned if three years pass without any disbursement from or encumbrance of the appropriation.

### **Section 5.08 Capital Program**

- (A) The Mayor shall prepare, or cause to be prepared, and submit to the Council a three (3) year capital program at least three months prior to the final date for submission of the annual budget.
- (B) The capital program shall include:
- (1) a clear general summary of its contents;
  - (2) a projection of revenues and expenditures together with a list of all capital projects which are proposed to be undertaken during the three (3) fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements.
  - (3) cost estimates, methods of financing, and recommended time schedules for each such improvements; and
  - (4) the estimated annual cost of operating and maintaining the facilities to be constructed or acquired.
- (C) The capital program shall be revised and extended each year with regard to capital projects still pending or in process or construction or acquisition.

### **Section 5.09 City Council Action on Capital Projects**

- (A) The Council shall publish by any contemporary means of information sharing, the general summary of the capital budget and a notice stating:
- (1) the times and places where copies of the capital program plan are available for inspection by the public; and
  - (2) the time and place, not less than two weeks after such publication, for a public hearing on the capital program plan.
- (B) The Council by resolution shall consider the adoption of the capital program plan with or without amendment after the public hearing and on or before the fifteenth (15) day of the twelfth (12) month of the current fiscal year. (Amended 11/5/2013: Amendment #3)

### **Section 5.10 Public Records**

Copies of the budget and the capital program as adopted shall be public records and shall be available to the public at suitable places in the City.

**Section 5.11 Purchase Procedures**

- (A) No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the Mayor or the Mayor's designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds are or will be available to cover the claim or meet the obligation when it becomes due and payable.
- (B) Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made shall be illegal. Such action shall be cause for removal of any elected or appointed officer who knowingly authorized or made such payment or incurred such obligation, and he or she shall also be liable to the City for any amount so paid.
- (C) All purchases made and contracts executed by the City shall be in accordance with the requirements of the Constitution and laws of the State of Texas.

**Section 5.12 Accounting and Reporting Procedures**

The City shall adopt an accounting manual prepared by competent authority which shall provide procedures to be followed in the detail recording and reporting of financial transactions. Changes in such accounting manual may be made, as may from time to time be necessary, by the Mayor, providing such changes are approved in writing by the independent auditor. Accounting controls shall be adequate to protect the assets of the City, but shall not be restrictive beyond the value of the assets being controlled. The Council shall provide for an independent annual audit of the City accounts. Such audits shall be made by a CPA who has no personal interest in the City. The annual audit shall be submitted and reported to the Council.

**Section 5.13 Authority to Issue Bonds**

The City Council shall have the power and authority to issue all tax bonds, revenue bonds, funding bonds, funding and refunding bonds, warrants, time warrants, certificates of obligation, notes, and other evidence of obligation as may be authorized by the Constitution and laws of the State of Texas.

**Section 5.14 Authority to Levy Taxes**

- (A) The City has the authority to levy taxes unless otherwise prohibited by the Constitution and the laws of the State of Texas.
- (B) Error or defect in the form or preparation of the budget or the failure to perform any procedural requirements shall not nullify the tax levy or the tax rate.

**Section 5.15 Collection of Taxes**

- (A) The Mayor may, subject to approval by a majority of the full City Council, appoint an individual as City Tax Collector to collect taxes. The Tax Collector shall be given a fidelity bond, the cost to be borne by the City. The amount of such bond shall be set by the Council, but shall not be less than the amount of tax collections under his or her control at any one time.
- (B) As an alternative to appointing a City Tax Collector, the City Council may contract with the City of El Paso Tax Assessor-Collector to collect taxes for the City.
- (C) All taxes due the City shall be payable at the office of the designated Tax Collector or Assessor-Collector.

- (D) Due date for the taxes to be paid without penalty and the penalty and interest charged for late payment shall be in accordance with the Texas Property Tax Code and any other applicable laws of the State of Texas.

#### **Section 5.16 Cash Reserve Fund**

A cash reserve fund in the general operating fund of the City shall be maintained in an amount no less than eight percent (8%) of the prior year's adopted general fund operating expenditure budget. The cash reserve fund shall be maintained and reported as restricted under applicable Governmental Accounting Standards Board rules and must be invested in accordance with the laws of Texas. Short term borrowing from the cash reserve fund shall be for a period of no more than one calendar year and must be approved by the Council. (Amended 11/5/2013: Amendment #4)

#### **Section 5.17 Lease and Lease Purchase.**

The City may execute, perform, and make payments under a contract with any person for the use, purchase or other acquisition of any real or personal property, or the financing thereof, including a lease, a lease with an option or option to purchase, an installment purchase or other form considered appropriate by the Council. (Amended 11/5/2013: Amendment #4)

## **ARTICLE VI ELECTIONS**

#### **Section 6.01 Regular Elections**

City general elections shall be held on the uniform election date in May in odd numbered years in accordance with the laws of the State of Texas. (Amended 11/7/2017: Amendment #A)

#### **Section 6.02 Qualified Voters**

All citizens residing in the City and otherwise qualified by the Constitution and laws of the State of Texas to vote in the City shall be qualified voters of the City.

#### **Section 6.03 Regulation of Elections**

All municipal elections shall be held in accordance with the provisions of the general laws of Texas regulation the holding of elections. The City Council shall have the power to make rules and regulations consistent with this Charter or the general laws of this State for the conduct of elections or for the prevention of frauds in elections.

#### **Section 6.04 Filing for Office**

- (A) Any qualified citizen who desires to become a candidate for City office shall file with the City Clerk a signed application for his or her name to appear on the ballot. This application must be filled in accordance with the laws of the State of Texas.
- (B) In addition to all General Requirements for Application for a place on the ballot as specified in the Texas Election Code, or any other requirements specified in the Constitution and the laws of the State of Texas, a candidate must possess the qualifications specified in Section 3.02, paragraph (A) of this Charter.
- (C) Any elected City official who applies to become a candidate for an elected office, for an agency, board or district which is directly involved in taxing, providing services, or establishing schools within the Town of Horizon City or any elected City official which becomes a candidate for a place other than the one currently held automatically resigns in accordance with the Texas Constitution and state law. Any vacancy created by such resignation shall be filled in accordance with the Texas Constitution and state laws. (Amended 5/07/05: Amendment #9; 11/7/17: Amendment #A)

**Section 6.05 Election by Majority**

At any regular or special election for the City Council, including the office of Mayor, the candidate for each position or place who shall receive the majority vote of the qualified voters voting at an election in accordance with the Texas Constitution and state laws shall be declared elected. (Amended 11/7/17: Amendment #A)

**ARTICLE VII INITIATIVE, REFERENDUM, AND RECALL****Section 7.01 Initiative**

- (A) The voters of this City shall have the power to propose any ordinance, except an ordinance appropriating money or authorizing the levy of taxes, or one repealing such an ordinance, and to adopt or reject the same at the polls.
- (B) Any initiated ordinance may be submitted to the Council by a petition signed by registered and qualified voters of the City equal in number to at least twenty-five (25) percent of the number of votes cast at the last regular City election, or two hundred fifty (250), whichever is greater.
- (C) Initiative petitions shall contain the full text of the proposed ordinance.
- (D) Such ordinances may be passed by the Council without change, or must be submitted to the voters at an election called for that purpose and held in compliance with the Texas Election Code.

**Section 7.02 Referendum by Voters**

- (A) The voters of this City shall have the power to approve or reject at the polls any ordinance passed by the Council except an ordinance appropriating money, authorizing the levy of taxes, or authorizing the issuance of either tax or revenue bonds, whether original or refunding.
- (B) The petition for referendum shall require the same number and qualification of signers as required by the Charter for an initiative petition.
- (C) A referendum petition must contain sufficient description of the ordinance to positively identify it.
- (D) A referendum petition must be filed with the City Clerk within thirty (30) days after the final passage of the ordinance which is the subject of the referendum, or the petition shall be barred by the lapse of time.
- (E) When such petition has been certified as sufficient by the City Clerk, the ordinance shall not go into effect, or, if it has gone into effect, further enforcement or action thereunder shall be suspended unless and until such ordinance is approved by the voters as herein provided.

**Section 7.03 Consideration by Council**

- (A) Whenever the Council receives a certified initiative or referendum petition from the City Secretary, it shall proceed at once to consider such petition. The Council shall take final action on such ordinance not later than thirty (30) days after the date on which it was submitted to the Council by the City Clerk.
- (B) A referred ordinance shall be reconsidered by the Council and Council's final vote upon such consideration shall be on the proposal to repeal.

**Section 7.04 Referendum by City Council**

- (A) In the absence of a petition, the Council shall have the authority to submit a proposed ordinance to the voters.
- (B) If the Council specifies that the election is binding, and if the voters approve the proposed ordinance, then the ordinance is adopted.
- (C) If the Council specifies that the election is non-binding, then the results of the election are only to supply information and guidance to the Council, and the proposed ordinance is neither approved nor disapproved.

**Section 7.05 Submission to Voters**

- (A) If the Council shall fail to pass an ordinance proposed by initiative petition in the exact form proposed, or fail to repeal an ordinance referred by petition, or in the case of an ordinance proposed by the Council, the proposed or referred ordinance shall be submitted to the voters.
- (B) An initiative or referendum election shall be held on the next uniform election date thereafter permitted by the Texas Election Code or the date of the next election that will be conducted by the County Elections Administrator, as directed by the Council. (Amended 11/5/2013: Amendment #2)
- (C) Any number of ordinances may be voted on at the same election.

**Section 7.06 Results of Elections**

- (A) A majority vote in favor of a proposed initiative ordinance shall constitute its adoption as a City ordinance.
- (B) If two or more ordinances with conflicting provisions are approved by the voters, the ordinance receiving the greater number of votes shall be adopted and the conflicting ordinance or ordinances shall be rejected.
- (C) An ordinance referred by petition and voted on in a referendum election that does not receive a majority of the vote shall be deemed repealed.
- (D) No ordinance adopted at the polls under initiative or referendum shall be amended or repealed by the Council within one hundred eighty (180) days of adoption.
- (E) No ordinance repealed at the polls in a referendum election shall be reenacted within six (6) months.

**Section 7.07 Publication of Initiative and Referendum Ordinances**

Initiative and referendum ordinances shall be published in the same manner as those adopted by the Council.

**Section 7.08 Recall Procedure**

- (A) Any member of the City Council, including the Mayor, may be recalled and removed from office by the electors qualified to vote. A petition demanding the recall shall be filed with the City Clerk, provided that such petition shall contain the name of the officer whose removal is sought and a statement of the grounds for removal.
- (B) The recall petition must be signed by qualified voters equal in number to at least ten (10) percent of the entire number of persons entitled to vote in the City, as appears on the City Clerk's roll.
- (C) The total signatures required must be secured and the petition filed with the City Clerk within thirty (30) days after the filing of the petition request.

- (D) The City Clerk shall immediately notify by hand-delivery or by certified mail the officer whose removal is sought. (Amended 11/5/2013: Amendment #1)
- (E) The signatures to the petition need not all be appended to one (1) paper. For a petition signature to be valid a petition must contain, in addition to the signature:
- (1) the signer's printed name,
  - (2) residence address,
  - (3) county residence,
  - (4) date of signing, and
  - (5) compliance with any other applicable requirements required by law.
- One of the signers to each of such papers shall make oath before an officer competent to administer oaths that each signature is that of the person whose name it purports to be and was signed by such person on the date indicated.
- (F) Within ten (10) days from filing of such petition, the City Clerk shall examine the same and form the list of qualified voters ascertain whether or not said petition is signed by the requisite number of qualified voters. The City Clerk shall attach to said petition a certificate showing the result of such examination.
- (G) If by the City Clerk's certificate the petition is shown to be insufficient, the Clerk shall set forth the particulars in which it is defective, and shall notify the person who filed it. The petition may be amended within ten (10) days from the date of said certificate. The Clerk shall, within ten (10) days after such amendment is filed, in the event one is filed, make like examination of the said amended petition, and if the certificate shall show the petition to be insufficient, it shall be returned to the person filing same, without prejudice to the filing of a completely new petition upon new and different grounds, but not upon the same grounds.
- (H) If the petition is found to be sufficient, the City Clerk shall submit it and the certificate declaring the petition to be sufficient to the City Council within thirty (30) days.

#### **Section 7.09 Public Hearing on Recall Petition**

The officer whose removal is sought by a recall petition may, within five days after such recall petition has been presented to the Council, request that a public hearing to be held to permit him or her to present facts pertinent to the charges specified in the recall petition. In this event, the Council shall order such public hearing to be held not less than five (5) days nor more than fifteen (15) days after receiving such request for a public hearing.

#### **Section 7.10 Recall Election**

- (A) If the officer whose removal is sought does not resign, the City Council shall order and set an election to determine whether the officer shall be recalled.
- (B) The recall election shall be held on the next uniform election date thereafter permitted by the Texas Election Code or the date of the next election that will be conducted by the County Elections Administrator, as directed by the Council.  
(Amended 11/5/2013: Amendment #2)
- (C) If the majority of the legal votes at the recall election are cast for the recall of the officer named on the ballot, the Council shall immediately declare that office vacant. Such vacancy shall be filled in accordance with the provisions of this Charter.

**Section 7.11 Recall Limitation**

No recall petition shall be filed against an elected official within six (6) months of the end of the term of office for the elected official. (Amended 11/5/2013: Amendment #2)

**Section 7.12 Appeal**

Should the City Council fail or refuse to order an election as herein provided for the recall of an elected official, when all requirements for such election have been complied with by the petitioning citizens, in conformity with this article of the Charter, then a District Judge in El Paso County, Texas shall order such election and enforce the procedures required for the election.

**ARTICLE VIII FRANCHISES AND PUBLIC UTILITIES****Section 8.01 Power to Grant Franchise**

The City Council may, by ordinance, grant, amend, renew, cancel for cause, and extend franchises of all public utilities, including cable television, operating in the City. No franchise may be granted for an indefinite term.

**Section 8.02 Franchise Extensions**

All extensions of public utilities within the City limits shall become a part of the aggregate property of the public utility, shall be operated as such, and shall be subject to all the obligations and reserved rights contained in this Charter and in any original grant hereafter made. The right to use and maintain any extension shall terminate with the original grant.

**Section 8.03 Transfer of Franchise**

No public utility franchise may be transferred or assigned by the holder except with the approval of the City Council.

**Section 8.04 Regulations of Franchise**

All grants, renewals, extensions, or amendments of public-utility franchises whether it be so provided in the ordinance or not, shall be subject to the right of the City to:

- (A) repeal the same by ordinance at any time for failure to begin construction or operation within the time prescribed or for failure otherwise to comply with the terms of the franchise, such power to be exercised only after due notice and hearing;
- (B) require an adequate and reasonable extension of plant and service, and the maintenance of plant and fixtures at the standard necessary to render the highest reasonable quality of utility service to the public;
- (C) establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates;
- (D) prescribe, for each franchised utility, the form of accounts to be kept, or that the system of accounts conform to those prescribed by the appropriate State and/or federal utility-regulator agencies;
- (E) impose such reasonable regulations and restrictions as may be deemed desirable or conducive to the safety, welfare, and accommodation of the public.
- (F) require franchise holders to furnish the City, without cost to the City, full information regarding the location and precise description of all facilities of the franchise holder in, over, or under the City, and to regulate and control the location, relocation, and removal of the facilities;

- (G) examine and audit at any time during normal business hours the accounts and records of the franchise holder; and
- (H) require, at any time, such compensation and rental as may be permitted by the laws of the State of Texas.

**Section 8.05 Franchise Records**

The City shall compile and maintain a public record of all franchises granted by the City, including any extensions or amendments to such franchise grants.

**Section 8.06 Commissions**

The City Council may, at its discretion, create a Commission to review the performance of any and every franchise holder and/or public utility conducting business within the territorial and extra-territorial jurisdiction of the City.

- (A) The membership of any such commission will be constituted by appointment.
  - (1) Each Council Member shall appoint one Commissioner and the Mayor shall appoint two Commissioners.
  - (2) Each Commission Member must be a resident of Horizon City or the area designated as extra-territorial jurisdiction.
- (B) Every Commission shall oversee the day to day operations of the franchise with respect to fulfillment of the terms of the contract.
- (C) Every Commission shall seek input from the residents of the City and its environs concerning access to and the level and quality of service.
- (D) The Chief Executive Officer of each franchise or his/her designee will be permitted to attend every session of the Commission. Participation of said attendee shall be at the request and sole discretion of the Commission.
- (E) Said Commission shall compile reports of the operation of the franchise and the quality of service to the residents and present these reports to the City Council, monthly.
- (F) The Commission may also make recommendations based upon its information.

**ARTICLE IX GENERAL PROVISIONS**

**Section 9.01 Conflict of Interest/Nepotism**

The Mayor and Council shall be bound by the State laws the address Conflict of Interest and Nepotism.

**Section 9.02 Prohibitions**

- (A) The following activities are prohibited:
  - (1) No person shall be appointed to, removed from, or in any way favored or discriminated against with respect to any City position or appointive City administrative office because of race, gender, age, handicap, religion, country or origin, or political affiliation.
  - (2) No person who seeks appointment or promotion with respect to any City position or appointive City administrative office shall directly or indirectly give, render, or pay any money, service, or other valuable thing to any person for or in connection with his or her test, appointment, promotion, or proposed promotion.

- (B) Any person convicted of a violation of this Section shall be ineligible for a period of five (5) years following such conviction to hold any City office or position and, if an officer or employee of the City, shall immediately forfeit his or her office or position. The City Council shall establish by ordinance such further penalties as it may deem appropriate.

### **Section 9.03 Public Records**

All records and accounts of every office, department, or agency of the City shall be open to inspection by any citizen or by any representative of the press at all reasonable times and under such reasonable regulations as may be established by the Council, except records and documents the disclosure of which are protected by law.

### **Section 9.04 Claims Against the City**

Before the City shall be liable to damage claim, suit for personal injury, or damage to property, the person who is injured or whose property has been damaged or someone on behalf of that person shall give the Mayor or the City Clerk notice in writing, duly verified, within one hundred eighty (180) days after the date of the alleged injury or damage. The notice shall state specifically when, where, and how the injury or damage was sustained, setting forth the extent of the injury or damage as accurately as possible, and giving the names and addresses of all witnesses known to claimant upon whose testimony claimant is relying to establish the injury or damage. In case of injury resulting in death, the person or persons claiming damage shall within one hundred eighty (180) days after the death of the injured person give notice as required above. Nothing in this Section shall be construed to mean the City waives any rights, privileges, or immunities in tort action which are provided under the common law, the laws of the State of Texas, and the State Constitution.

### **Section 9.05 Liens, Assignments, Execution, and Garnishment**

The real and personal property belonging to the City shall not be liable for sale or appropriation under any writ or execution or cost bill, and no lien of any kind shall ever exist against any such property owned by the City except that lien be created or authorized by this Charter or State law. The funds belonging to the City in the hand of any person, firm, or corporation shall not be liable to garnishment attachment, or sequestration. The City shall not be liable to garnishment on account of any debt it may owe or funds or property it may have on hand or owing to any person. Neither the City nor any of its officers or agents shall be required to answer any such writ or garnishment on any account whatever. The City shall not be obligated to recognize any assignment of wages or funds by its employees, agents, or contractors except by court order.

### **Section 9.06 Separability**

If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstances is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

### **Section 9.07 Ethics Commission**

The City Council may establish an Ethics Commission.

## **ARTICLE X      TRANSITIONAL PROVISIONS**

### **Section 10.01 Officers and Employees**

Nothing in this Charter except as otherwise specifically provided shall affect or impair the rights or provisions of persons who are City officers or employees at the time of its adoption.

### **Section 10.02 Pending Matters**

All rights, claims, actions, orders, contracts, and legal administrative proceedings shall continue except as modified pursuant to the provisions of this Charter.

### **Section 10.03 Effect on Existing Law**

- (A) All City ordinances, rules, and regulations in force on adoption of this Charter and not in conflict with it shall remain in force until altered, amended or repealed by the Council. All rights of the City under existing franchises and contracts are preserved in full force and effect.
- (B) Any ordinances, rules or regulations inconsistent with this Charter are repealed as of the date of adoption of the Charter.
- (C) Any laws, ordinances, rules, or regulations applicable to Type A General Law municipalities and not also applicable to Home-Rule Municipalities in the State of Texas shall be superseded upon adoption of this Charter. Any such ordinances, rules, or regulations are repealed as of the date of adoption of this Charter.

## **ARTICLE XI      SUBMISSION OF CHARTER TO VOTERS**

The Charter Commission in preparing this Charter has decided that it is impracticable to segregate subjects so as to permit voting on individual subjects separately. Accordingly, the Charter Commission directs that this Charter be submitted to the qualified voters of the City to be voted on as a whole at the General City Election in November 1997.

*Town of Horizon City, TX  
Tuesday, March 11, 2025*

## Chapter 1. General Provisions

### ARTICLE 1.03. BOARDS, COMMITTEES AND COMMISSIONS

#### Division 2. Planning and Zoning Commission

##### § 1.03.031. Created.

Pursuant to section 211.007 of the Texas Local Government Code, the city planning and zoning commission is hereby created for the purpose of researching and establishing building codes, zoning codes, subdivision planning, and all other relevant building standards for construction and reconstruction within the city limits.

(Ordinance 0009, sec. I, adopted 3/8/94; Ordinance 0009, sec. I, adopted 5/19/00)

##### § 1.03.032. Membership; appointment and term of members.

- (a) The planning and zoning commission shall consist of nine (9) members who shall serve for terms of two (2) years. No members of the city council may serve on the planning and zoning commission.
- (b) The terms of appointment and initial terms of the members of the planning and zoning commission shall be as follows:
  - (1) The city representatives Places 1, 2, 3, 4, 5, 6 and 7 shall each have one appointment and the mayor shall have two (2) appointments (mayor "A" and "B").
  - (2) It is the intent of this division to provide for staggered terms of service for commission members. Therefore, during the initial term of the members, those members appointed by city representatives Places 1, 3, 5, and 7 and mayor appointment "A" shall serve for a period of two (2) years. Those members appointed by city representatives Places 2, 4, and 6 and the mayor appointment "B" shall serve for a term of one (1) year, during the initial term only.
  - (3) Appointed members shall not be eligible to appointment or transfer to fill another planning commission place until the term of their originally appointed place expires.
  - (4) At the end of each initial term, all future members shall be appointed for two-year terms.
  - (5) The initial terms shall begin on September 1, 2000. Also, the current terms of the planning commission shall expire August 31, 2000. The beginning of each new term will be the 1st day of September of each appropriate calendar year and shall end on the 31st day of August of each appropriate calendar year.
  - (6) Further, each member appointed to the planning and zoning commission shall continue to serve on the commission beyond the expiration of his or her term until that member is reappointed or a new member appointed by the city representatives.

- (c) The appointing authority may remove a commission member for cause on a written charge after a public hearing which shall include, but is not limited to:
- (1) Three consecutive absences by a commission member which absences are unexcused by a commission vote; and/or
  - (2) The council shall consider removal upon proper recommendation by the majority of the commission members.

(Ordinance 0009, sec. II, adopted 3/8/94; Ordinance 0009, sec. II, adopted 5/19/00)

### § 1.03.033. Recommendations regarding zoning, building codes and subdivision planning.

In accordance with chapter 211 of the Texas Local Government Code, such commission known as the city planning and zoning commission shall have such power to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein, in addition to recommending building codes and subdivision planning for all construction and reconstruction within the city limits while acting in the capacity of the city planning and zoning commission.

(Ordinance 0009, sec. III, adopted 3/8/94; Ordinance 0009, sec. III, adopted 5/19/00)

### § 1.03.034. Expenditure of public funds.

Furthermore, in exercising its powers as conferred by chapter 211 of the Texas Local Government Code and by the city council, the city council does hereby authorize the expenditure of public funds from the municipal treasury for the compiling of statistics, conducting studies and formulating plans relative to the future growth and development of such codes and plans by such planning and zoning commission when such funds become available.

(Ordinance 0009, sec. IV, adopted 3/8/94; Ordinance 0009, sec. IV, adopted 5/19/00)

### § 1.03.035. Powers and duties generally.

The duties, powers and authorities of the planning and zoning commission so appointed by the city council shall be as follows:

- (1) To recommend the employment of engineers, clerks, secretaries, field personnel, and administrative personnel as are necessary to formulate, prepare and design an organized master plan and building codes for the areas designated and the construction and reconstruction occurring therein.
- (2) To prepare, formulate and design an organized master plan and building codes for the area which such members represent, including but not limited to highway design, street layout, park layout, schooling areas, residential areas, business areas, commercial areas, industrial areas and water reservoir areas, for the orderly growth of the areas, with such plan and codes to be approved by the city council only after public hearing.
- (3) To make aerial photographs, land surveys, and topography studies to facilitate such planning.
- (4) To keep and maintain a complete record of all activities, meetings, expenditures, and plans.
- (5) To make regular reports of income, expenditures, accounts, and progress reports to the city council.
- (6) To make all records, minutes, books, accounts<sup>55</sup> and meetings open to the public for attendance and/or examination.

- (7) To prepare and submit to the city council an annual audit of all accounts, expenditures, funds and moneys coming into the hands of the planning and zoning commission.
- (8) To make all reports, accounts and records as may be required by the city council with such reports being due and coming on the second Tuesday of each month as the city council convenes in regular or on called special meetings.
- (9) To perform any other duties or provide any other reports to the city council which the city council may request by resolution or ordinance.

(Ordinance 0009, sec. V, adopted 3/8/94; Ordinance 0009, sec. V, adopted 5/19/00)

### § 1.03.036. Hearings; reports.

Such commission shall make preliminary reports and hold public hearings thereon before submitting its final report to the city council. The city council shall not hold its public hearings or take action until it has received the final written report of such commission; provided, however, the city council and the planning and zoning commission may hold joint public hearings after public notice is given by publication, but in no instance may the city council take action until it has received the final written report from the planning and zoning commission.

(Ordinance 0009, sec. VI, adopted 3/8/94; Ordinance 0009, sec. VI, adopted 5/19/00)

### § 1.03.037. Authority of council to reduce or expand powers.

The city council reserves the power to reduce or expand such planning and zoning commission's powers, by ordinance duly enacted, whenever the need or situation requires.

(Ordinance 0009, sec. VII, adopted 3/8/94; Ordinance 0009, sec. VII, adopted 5/19/00)

### § 1.03.038. through § 1.03.060. (Reserved)

*Town of Horizon City, TX  
Tuesday, March 11, 2025*

## Chapter 1. General Provisions

### ARTICLE 1.03. BOARDS, COMMITTEES AND COMMISSIONS

#### Division 3. Board of Adjustment

##### § 1.03.061. Created.

Pursuant to section 211.008 of the Texas Local Government Code, the board of adjustment for the city is hereby created.

(Ordinance 0022, sec. I, adopted 3/8/94; Ordinance 0022, sec. I, adopted 5/9/00; Ordinance 0022, sec. I, adopted 11/11/03; Ordinance 0022, sec. I, adopted 1/11/05)

##### § 1.03.062. Membership; appointment and term of members.

- (a) The board of adjustment shall consist of five (5) members who shall serve for two (2) year terms. No members of the city council may serve on the board of adjustment. The mayor and city council shall also appoint four (4) alternate members who may serve in the absence of a regular member of the board of adjustment, who shall also serve a term of two (2) years. Alternate board members shall serve in the absence of one or more regular members when requested to do so by the mayor.
- (b) The terms of appointment and initial terms of the members are as follows:
  - (1) The mayor and city council shall appoint, by nomination and vote, the five regular members of the board.
  - (2) Staggered terms of membership shall be abolished effective September 1, 2004 and conclude August 31, 2006. Existing members shall serve until the end of their appointed term unless they choose to resign or are removed for cause. In September of 2005 the positions of 1, 3, 5, 7, and mayor's appointment "B" will not be renewed and one position shall be nominated and filled to serve until August 31, 2006. All five board members shall be selected for a two-year term beginning September 1, 2006.
  - (3) Alternate board members shall be appointed by the mayor and city council for a two (2) year term beginning September 1, 2003. The fourth position for alternate shall be appointed effective with approval of this amendment [Ordinance 0022 adopted 1/11/05], and shall serve until September 1, 2005.
  - (4) The terms of office shall be the 1st day of September and shall end two years later on the 31st day of August.
  - (5) Further, each member appointed to the board of adjustment shall serve on the board beyond the term until that member is reappointed or a new member has been appointed by the mayor and city council.

- (c) The city council may remove a board member for cause on a written charge after a public hearing.
- (d) A vacancy on the board shall be filled for the unexpired term only.

(Ordinance 0022, sec. II, adopted 3/8/94; Ordinance 0022, sec. II, adopted 5/9/00; Ordinance 0022, sec. II, adopted 11/11/03; Ordinance 0022, sec. II, adopted 1/11/05)

### § 1.03.063. Authority.

- (a) All cases presented to the board of adjustment shall be heard by at least four (4) members. The concurring vote of 75 percent of the five members of the board shall be necessary to reverse any order, requirement, decision, or determination of an administrative official of the city or to decide in favor of any applicant on any matter on which the board is required to pass under a zoning ordinance, or to authorize a variance from the terms of the zoning ordinance.
- (b) The board of adjustment may:
  - (1) Hear and decide an appeal that alleges error in an order, requirement, decision, or determination made by an administrative official in the enforcement of the zoning ordinance;
  - (2) Hear and decide special exceptions to the terms of the zoning ordinance when the ordinance requires the board to do so and apply each of the following standards to special exceptions to the zoning ordinance:
    - (A) The exceptions will be in harmony with the spirit and purpose of all planning and zoning ordinances.
    - (B) The variance is not contrary to public interest and welfare.
    - (C) The variance is due to special conditions.
    - (D) The use of neighboring property will not be substantially injured.
    - (E) The board will include any conditions or safeguards which they deem appropriate, such as site arrangements, landscaping, or hours of operation.
    - (F) Building permits and inspections shall only be issued for twelve (12) months after board authorization unless otherwise directed by the board at the time the authorization is approved.
    - (G) Extension of the time may be requested from the board during the one-year period. The request for an extension shall be exempt from all fees, and no notice and hearing shall be required. If a board authorization expires, a new appeal accompanied by new fees is required.
    - (H) Appeals for special exceptions may be granted, denied or granted with conditions by the board.
    - (I) The board will not consider an appeal or application that is the same or very similar to one that has been denied by the board for a period of one (1) year.
    - (J) The board of adjustment shall have authority to revoke a variance or special exception if it finds development and/or operation which is not in accordance with the conditions under which a variance or special exception was permitted. If such action is taken by the board, any fees paid by the applicant under this division shall not be refunded.
  - (3) Authorize in specific cases a variance from the terms of the zoning ordinance if the variance is not contrary to the public interest and due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done.

- (c) In exercising its authority, the board of adjustment may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision or determination, and for that purpose the board has the same authority as the administrative official.

(Ordinance 0022, sec. III, adopted 3/8/94; Ordinance 0022, sec. III, adopted 5/9/00; Ordinance 0022, sec. III, adopted 11/11/03; Ordinance 0022, sec. III, adopted 1/11/05)

## § 1.03.064. Appeals.

- (a) Appeals from the decision of an administrative official to the board of adjustment may be taken by any person aggrieved by, or by an officer, department, board, or bureau of the city affected by, the decision of the administrative officer.
- (b) Appeals shall be filed within thirty (30) days, as provided by the rules of the board, by filing with the administrative officer from whom the appeal is taken and with the board of adjustment a notice of appeal specifying the grounds thereof.
- (c) The administrative officer from whom the appeal is taken shall immediately transmit to the board all documents constituting the record upon which the action appealed was taken from.
- (d) An appeal stays all proceedings in furtherance of the action that is appealed unless the official from whom the appeal is taken certifies in writing to the board facts supporting the official's opinion that a stay would cause imminent peril to life or property. In that case, the proceedings may be stayed only by a restraining order granted by the board or a court of record on application, after notice to the official, if due cause is shown.
- (e) The board of adjustment shall set a reasonable time for the appeal hearing and shall give public notice of the hearing and due notice to the parties in interest. A party may appear at the appeal hearing in person or by agent or attorney.
- (f) The board of adjustment shall decide the appeal within fifteen (15) working days.
- (g) Fees under section **1.03.065** also apply to convening the board of adjustment for appeals.

(Ordinance 0022, sec. IV, adopted 3/8/94; Ordinance 0022, sec. IV, adopted 5/9/00; Ordinance 0022, sec. IV, adopted 11/11/03; Ordinance 0022, sec. IV, adopted 1/11/05)

## § 1.03.065. Fees.

All applicants shall be required to pay the following fees:

- (1) Residential fees: In the amount set forth in the fee schedule adopted by the city council. The applicant will also be responsible for all fees incurred by the city in connection with their appeal, which could include but is not limited to attorney's fees, engineering fees, and any publication of the variance, if granted.
- (2) Commercial and manufacturing fees: In the amount set forth in the fee schedule adopted by the city council. Any and all publication fees or cost for notice of the variance requests. The applicant will be responsible for all fees incurred by the city in connection with their appeal, which could include but are not limited to attorney's fees and engineering fees incurred by the city.

(Ordinance 0022, sec. V, adopted 11/11/03; Ordinance 0022, sec. V, adopted 1/11/05)

## § 1.03.066. Rules.

The following rules are hereby established for the board of adjustment but it is expressly understood that the board shall establish its own rules or modify these rules as required. Until such time that new rules are adopted by the board it shall be presumed that these rules are those agreed to and adopted by the board.

- (1) Meetings of the board shall be held as necessary to comply with the requirements of this section at the call of the chairperson and at other times as determined by the board. The board or chairperson may call special meetings, and the chairperson may establish a regular schedule each year for meetings and move meetings when they conflict with holidays or member or staff schedules and cancel meetings where there are no matters to hear.
- (2) All meetings of the board shall be open to the public and shall be in compliance with the Texas Open Meetings Act.
- (3) A chairperson shall be selected from among the board membership.
- (4) The board shall designate a secretary to keep records and minutes, to prepare and post notices of meetings, and to keep appropriate forms for persons to bring an appeal to the board.
- (5) The board shall keep minutes of its proceedings to indicate the vote of each member on each question or the fact that a member is absent or fails to vote.
- (6) The board shall keep records of its examination and other official actions.
- (7) The minutes and records shall be filed with the city clerk and are public records.
- (8) The board must set a reasonable time for each appeal hearing, and in addition to the public notice of the hearing, must give written notice to the parties in interest.
- (9) The chairperson or acting chairperson may compel the attendance of witnesses by establishing a procedure to subpoena witnesses as authorized by law.
- (10) All witnesses shall testify under oath administered by the chairperson or acting chairperson and are subject to cross-examination.
- (11) All appeals shall be decided within fifteen (15) working days.

(Ordinance 0022, sec. V, adopted 3/8/94; Ordinance 0022, sec. V, adopted 5/9/00; Ordinance 0022, sec. VI, adopted 11/11/03; Ordinance 0022, sec. VI, adopted 1/11/05; Ordinance 0196 adopted 11/27/12)

§ 1.03.067. through § 1.03.090. (Reserved)