



CITY COUNCIL

AGENDA REQUEST

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| AGENDA OF: | 07-27-10 | AGENDA REQUEST NO: | II-A |
| INITIATED BY: | KIMBERLY TERRELL, DEVELOPMENT MANAGER <i>KDT</i> | RESPONSIBLE DEPARTMENT: | PARKS & RECREATION DEPARTMENT |
| PRESENTED BY: | KIMBERLY TERRELL, DEVELOPMENT MANAGER | DEPARTMENT HEAD: | JIM BROWNE, DIRECTOR OF PARKS AND RECREATION <i>JB</i> |
| | | ADDITIONAL DEPARTMENT HEAD (S): | N/A |

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| SUBJECT / PROCEEDING: | DISCUSS GANNOWAY LAKE ESTATES NEIGHBORHOOD PARK DONATION REQUEST |
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| EXHIBITS: | CITY COUNCIL POLICY 7000-07, ACCEPTANCE OF NEIGHBORHOOD PARKS CITY COUNCIL POLICY 5000-08, JOINT CAPITAL IMPROVEMENT PROJECTS |
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| CLEARANCES | APPROVAL |
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| LEGAL: | N/A | EXECUTIVE DIRECTOR: | N/A |
| PURCHASING: | N/A | ASST. CITY MANAGER: | KAREN DALY <i>Kd</i> |
| BUDGET: | N/A | CITY MANAGER: | ALLEN BOGARD <i>Allen Bogard</i> |

| BUDGET |
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| EXPENDITURE REQUIRED: \$ | N/A |
| AMOUNT BUDGETED/REALLOCATION: \$ | N/A |
| ADDITIONAL APPROPRIATION: \$ | N/A |

| RECOMMENDED ACTION |
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Review and discuss Gannoway Lake Estates Neighborhood Park Donation Request.

EXECUTIVE SUMMARY

The Gannoway Lake Estates Homeowners Association has approached the City of Sugar Land Parks & Recreation Department and offered to donate to the City the HOA's .87 acre park at the intersection of Silver Lining Court and Gannoway Lake Drive. Park features include a concrete sidewalk, trees and landscaped areas, irrigation and several benches.



City Council Policy 7000-07 (attached), Acceptance of Neighborhood Parks, outlines the criteria for which the City may consider acquiring a neighborhood park.

A. The following criteria and guidelines apply to acceptance of Neighborhood Parks:

1. The Neighborhood Park must:
 - a. Be located within the City's corporate city limits;
 - b. Be a minimum of one acre in size and not exceed a maximum size of fifteen acres;

- c. Not include Capital Recreation Amenities or Water Amenities requiring significant ongoing operating or maintenance costs;
- d. Not require the expenditure of capital funds for two years following acceptance by the City; and
- e. Have no unusable or inoperable equipment, facilities or amenities and no unsafe conditions.

The park site conforms with items “a” “c” and “e”. The park site does not meet criteria “b” and “d.”

Item “b”: The park site is .87 acres. However, if the surrounding right-of-way is taken into consideration it would then meet the 1-acre minimum requirement.

Item “d”: The HOA has assessed a fee from their residents to install a playground, ornamental fencing, furnishings and additional concrete sidewalk. If the City accepts the donation of the park, the HOA intends to ask the City to participate in the Joint CIP project funded annually by the Sugar Land 4B Corporation with guidelines adopted by the City Council through Policy 5000-08 (attached). The addition of the playground and other amenities would fall within the guidelines dictated by the policy. In addition, the HOA would continue to maintain the park.

City Council Policy 7000-07, Acceptance of Neighborhood Parks, also outlines the steps the HOA must take in order to proceed with the donation of the property. In addition to legal documents, the HOA must provide evidence that they have the consent of 75% of residents within 200 feet of the park and that they have notified their members and voted on the donation of the park to the City. Under this policy, the vote passes if a majority of the Property Owners Association (POA) members who voted in the election approved the donation of the Neighborhood Park to the City. In the case of the Gannoway Lake Estates Home Owners Association, their own covenants require the approval of two-thirds of their membership in order to deed the property to the City. The HOA has not yet undertaken any of the steps required to proceed with accepting the donation at this time.

Parks & Recreation Department staff has determined that the donation and subsequent improvements meet the intent of the policies attached. Pending the outcome of this workshop, City staff will return to the City Council for consideration and action on the park donation after the Homeowners Association has received the required votes and the required documents.

RESOLUTION NO. 07-07

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, ADOPTING A POLICY ON ACCEPTING NEIGHBORHOOD PARKS FROM PROPERTY OWNERS' ASSOCIATIONS.

WHEREAS, the City desires to balance land uses, preserve and protect open space, and protect against the decline of older, threatened areas within the City; and

WHEREAS, the City acknowledges that there is a public benefit in accepting neighborhood parks from property owners' associations to enhance the quality and pride of Sugar Land; NOW, THEREFORE,

**BE IT RESOLVED BY THE CITY COUNCIL
OF THE CITY OF SUGAR LAND, TEXAS:**

Section 1. That the City Council adopts the following policy:

**City Council Policy
Acceptance of Neighborhood Parks**

PURPOSE

To establish criteria and guidelines for accepting neighborhood parks from property owners' associations

POLICY

Section 1. Definitions.

Capital Recreation Amenities: Conference centers, meeting rooms, aquatic facilities, and athletic courts for basketball, tennis, racquetball, or other sports.

City: City of Sugar Land, Texas.

Neighborhood Park: a generally unlighted one- to fifteen-acre neighborhood park with limited to no on-site parking facilities actively used for recreational purposes by a variety of POA member age groups residing within a ¼ to ½ mile radius of the park.

POA: a property owners' association created under restrictive covenants recorded in the Real Property Records of Fort Bend County that apply to the Neighborhood Park.

Water Amenities: lakes, ponds, rivers, detention facilities, and all other natural or man-made bodies of water, including related dams, piping, bulkheads, equipment and facilities for controlling, protecting or maintaining the bodies of water or surrounding land areas.

Section 2. General Criteria and Guidelines.

A. The following criteria and guidelines apply to acceptance of Neighborhood Parks:

1. The Neighborhood Park must:

- a. Be located within the City's corporate city limits;
- b. Be a minimum of one acre in size and not exceed a maximum size of fifteen acres;
- c. Not include Capital Recreation Amenities or Water Amenities requiring significant ongoing operating or maintenance costs;
- d. Not require the expenditure of capital funds for two years following acceptance by the City; and
- e. Have no unusable or inoperable equipment, facilities or amenities and no unsafe conditions.

2. The POA must submit:

- a. A written request that the City accept the Neighborhood Park.
- b. A legal opinion stating that:
 - i. The request complies with the POA by-laws,
 - ii. The POA is the owner of the Neighborhood Park, and
 - iii. There are no restrictions, covenants, or conditions affecting the Neighborhood Park that would prevent it from being used as a public park, or alternatively that the restrictions, covenants or conditions that would prevent the Neighborhood Park from being used as a public park have been removed with a copy of the appropriate document reflecting the removal attached to the opinion.
- c. A copy of the recorded deed showing ownership of the Neighborhood Park.
- d. A copy of the letter sent to all the POA members explaining:
 - (1) that the Neighborhood Park will be open to the public, and
 - (2) the rules, regulations, and service level standards for City-owned neighborhood parks.
- e. A petition signed by 75% of the POA property owners residing within 200 feet of the Neighborhood Park requesting that the City accept the Neighborhood Park.
- f. A copy of the letter sent to all POA property owners stating that the POA will conduct an election similar to that for election of directors that will provide an opportunity for the POA property owners to vote on whether they approve donation of the Neighborhood Park to the City. The letter must state the date, time and place of the election.

g. A written statement that the letters required by subsections d. and f. were sent to all POA property owners with the list of names and addresses of the POA property owners attached to the statement.

h. A copy of the results of the election that show that a majority of the POA members who voted in the election approved the donation of the Neighborhood Park to the City.

i. If there is an abutting Water Amenity that the City will not be accepting as part of the Neighborhood Park, the POA must provide sufficient information, assurances, or a written agreement, as required by the City, to insure that the abutting Water Amenity will be maintained and operated so as to not be a detriment or a safety or health hazard to the public use of the Neighborhood Park.

B. The City will:

1. Convey to the POA the service level standards, rules and regulations of City-owned Neighborhood Parks prior to the POA submission required by Section A.2.

2. Determine whether the POA has complied with the requirements in Section A.2.

3. Review the request and inspect the Neighborhood Park to determine compliance with this Policy.

4. Consider the POA request during the City's annual budget process.

Section 3. Acceptance. The City Council has discretion whether to accept a Neighborhood Park and is the final authority on the matter. In accepting a Neighborhood Park, the City Council may impose additional conditions as it deems necessary to serve or protect the City's interest.

APPROVED on February 27, 2007.

David G. Wallace, Mayor

Reviewed for Legal Compliance:

ATTEST:

Glenda Gundermann, City Secretary

POLICY NUMBER 5000-08

Date of adoption 06-18-02

Effective date 06-18-02

RESOLUTION NO. 02-29-A

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, ADOPTING A CITY COUNCIL POLICY ESTABLISHING GUIDELINES FOR CITY PARTICIPATION IN JOINT CAPITAL IMPROVEMENT PROJECTS WITH COMMUNITY-BASED ORGANIZATIONS

WHEREAS, the City Council wishes to adopt a policy that establishes guidelines for City participation in joint capital improvement projects with community-based organizations; NOW, THEREFORE,

**BE IT RESOLVED BY THE CITY COUNCIL
OF THE CITY OF SUGAR LAND, TEXAS:**

Section 1. That the City Council adopts the following policy:

**CITY COUNCIL POLICY
CITY PARTICIPATION WITH COMMUNITY-BASED ORGANIZATIONS IN
JOINT CAPITAL IMPROVEMENT PROJECTS**

PURPOSE

To establish guidelines for City participation in joint Capital Improvement Projects with community- based organizations that would either add to or enhance the City's Five-Year Capital Improvement Program. This policy will facilitate opportunistic partnerships that will have both private and public benefit.

SCOPE

This policy and procedure shall apply to all departments.

AUTHORITY

Resolution No.02-29-A.

Projects approved and implemented though the annual adopted budget.

POLICY

The City Manager is charged with recommending a Capital Improvement Program to City Council. Projects submitted through this policy will be reviewed and prioritized in conjunction with the entire capital improvement program and submitted to City Council for final consideration.

PROCEDURES

A. PROCESSING THE REQUEST

1. Requests can be submitted to the City, on the approved form, either by person, fax, e-mail, or Internet.
2. Requests will be forwarded to the Director of Public Works Department.
3. All requests will be reviewed annually as part of the budget process. Any requests received after the budget planning period will be incorporated in the following year's request, unless an emergency.
4. Requests must meet **all** criteria, as established, for consideration (see below.)
5. Through the budget process, staff will bring forward a list of all requests with recommendations to the City Manager.
6. Projects will be reviewed and prioritized in conjunction with the entire capital improvement program.
7. City Manager will recommend Capital Improvement Program to City Council for final consideration and approval.
8. For those projects included and funded in year-one of the Capital Improvement Program, a contract will be developed between parties that set forth terms and conditions that may include: construction management, transfer of dollars, access issues, liability, ownership, and future maintenance costs.

B. CRITERIA

The following are criteria that will need to be met in order for projects to be considered by the City. All criteria must be met.

1. Project must benefit the general public.
2. Addresses health, public safety, or is opportunistic for the City.
3. Must be on public property, right-of-way, easement and/or enhances or protects public property.
4. Financial participation by the community-based organization is required.
5. Annual operating expenses, not on or in public right of way or City property, is the community-based organization's responsibility.
6. City participation must be within the financial constraints described in the long-range projections for general government or sales-tax funded projects.

FORMS

Joint Capital Improvement Project Request Form

ENFORCEMENT

The enforcement of this policy shall be implied by its approval in the annual budget approved by City Council.

