



City of Saginaw

City of Saginaw

Meeting Date: 8/07/2018

Staff Contact: Alora Wachholz
Director of Economic Development

Agenda Item: 4f
(CC-0818-06)

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SUBJECT: Action regarding Ordinance No. 2018-10, making findings pursuant to the requirements of the Texas Parks and Wildlife Code Chapter 26, that there is no feasible and prudent alternative to the change in use of approximately 1.25 acres of Willow Creek Park from public park use to use as a food truck court open to the public, and the program or project includes all reasonable planning to minimize harm to the land, as a park, resulting from the use as a food truck court

BACKGROUND/DISCUSSION

On July 17, 2018 a public hearing was held regarding a proposed project within Willow Creek Park owned and operated by the City of Saginaw and located immediately north of a 1.5 acre tract on the hard northwest corner of Longhorn Road and South Knowles Drive. There was no public input. The next step in the process is for the Council to take action on its findings regarding the proposed use as addressed in Ordinance No. 2018-10.

FINANCIAL IMPACT:

N/A

RECOMMENDATION:

Staff recommends approval of Ordinance No. 2018-10, making findings pursuant to the requirements of the Texas Parks and Wildlife Code Chapter 26, that there is no feasible and prudent alternative to the change in use of approximately 1.25 acres of Willow Creek Park from public park use to use as a food truck court open to the public, and the program or project includes all reasonable planning to minimize harm to the land, as a park, resulting from the use as a food truck court

Attachments

Proposed Ordinance

ORDINANCE NO. 2018-10

AN ORDINANCE OF THE CITY OF SAGINAW, TEXAS, MAKING FINDINGS, PURSUANT TO THE REQUIREMENTS OF TEXAS PARKS AND WILDLIFE CODE CHAPTER 26, THAT THERE IS NO FEASIBLE AND PRUDENT ALTERNATIVE TO THE CHANGE IN USE OF APPROXIMATELY 1.25 ACRES OF WILLOW CREEK PARK FROM PUBLIC PARK USE TO USE AS A FOOD TRUCK COURT OPEN TO THE PUBLIC, AND THE PROGRAM OR PROJECT INCLUDES ALL REASONABLE PLANNING TO MINIMIZE HARM TO THE LAND, AS A PARK, RESULTING FROM THE USE AS A FOOD TRUCK COURT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Saginaw, Texas, is a home rule city acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City of Saginaw proposed a project within Willow Creek Park, a public park owned and operated by the City of Saginaw, Texas and located immediately north of a 1.5 acre tract on the hard northwest corner of Longhorn Road and South Knowles Drive; and

WHEREAS, such project consisted of utilizing approximately 1.25 acres within Willow Creek Park as a food truck court that will be open to the public and is expected to include basic infrastructure for such use; and

WHEREAS, Chapter 26 of the Texas Parks and Wildlife Code requires that when a public park is put to a use other than public park use, the governing body must make findings, after notice and a hearing, that there is no feasible and prudent alternative to the proposed change in use, and that the program or project includes all reasonable planning to minimize harm to the land, as a park, resulting from the use; and

WHEREAS, the City of Saginaw provided proper notice and conducted a public hearing on July 24, 2018, in accordance with the requirements of Chapter 26 of the Texas Parks and Wildlife Code regarding this proposed project; and

WHEREAS, the City Council has determined that this there is no feasible and prudent alternative to the change in use, and that the project includes all reasonable planning to minimize harm to the land, as a park, resulting from the use.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAGINAW, TEXAS THAT:

SECTION 1.

In accordance with Chapter 26 of the Texas Parks and Wildlife Code, the City Council hereby finds that there is no feasible and prudent alternative to the change in use of approximately 1.25 acres within Willow Creek Park from use as a public park to use as a food truck court open to the public, and that the project includes all reasonable planning to minimize harm to the land, as a park, resulting from the use.

SECTION 2.

This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the laws of the State of Texas.

PASSED AND APPROVED ON this the _____ day of _____, 2018.

TODD FLIPPO, MAYOR

ATTEST:

JANICE ENGLAND, CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:

BRYN MEREDITH, CITY ATTORNEY