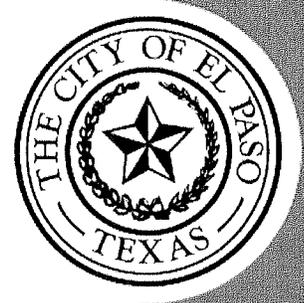


Dedicated to Outstanding Customer Service for a Better Community

S E R V I C E S O L U T I O N S S U C C E S S

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



**DEPARTMENT: ENGINEERING & CONSTRUCTION
 MANAGEMENT DEPARTMENT**

**AGENDA DATE: INTRODUCTION: April 3, 2012
 PUBLIC HEARING: April 17, 2012**

**CONTACT PERSON NAME AND PHONE NUMBER: R. ALAN
SHUBERT (915) 541-4423**

DISTRICT(S) AFFECTED: ALL

SUBJECT:

An ordinance amending Title 13 (Streets, Sidewalks and Public Places), Chapter 13.08 (Excavations). Section 13.08.040 (Fees, Bonds and Insurance), of the El Paso City Code, to lower the bond amount required for a permit to cut or excavate any street, alley, sidewalk, parkway or driveway within the City Right of Way from \$50,000 to \$10,000, the penalty being as provided in section 13.08.140 (Violation-Penalties) of the El Paso City Code.

BACKGROUND / DISCUSSION:

The proposed amendment is a precision change to make the bond language for a permit to cut or excavate within the right of way under 13.08.040 consistent with the direction received by City Council on October 18, 2011 to reduce the bond amount to \$10,000 for work specified under the exception section of 18.02.108.5.1.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

N/A

Enter appropriate comments or N/A

*Mayor
John F. Cook*

City Council

*District 1
Ann Morgan Lilly*

*District 2
Susie Byrd*

*District 3
Emma Acosta*

*District 4
Carl L. Robinson*

*District 5
Dr. Michiel R. Noe*

*District 6
Eddie Holguin Jr.*

*District 7
Steve Ortega*

*District 8
Cortney Carlisle Niland*

*City Manager
Joyce A. Wilson*

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SERVICE SOLUTIONS SUCCESS



*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD: _____

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

Information copy to appropriate Deputy City Manager

Mayor
John F. Cook

City Council

District 1
Ann Morgan Lilly

District 2
Susie Byrd

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Emma Acosta

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City Manager
Joyce A. Wilson

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 13 (STREETS, SIDEWALKS AND PUBLIC PLACES), CHAPTER 13.08 (EXCAVATIONS), SECTION 13.08.040 (FEES, BONDS AND INSURANCE), OF THE EL PASO CITY CODE, TO LOWER THE BOND AMOUNT REQUIRED FOR A PERMIT TO CUT OR EXCAVATE ANY STREET, ALLEY, SIDEWALK, PARKWAY OR DRIVEWAY WITHIN THE CITY RIGHT OF WAY FROM \$50,000 TO \$10,000, THE PENALTY BEING AS PROVIDED IN SECTION 13.08.140 (VIOLATION - PENALTIES) OF THE EL PASO CITY CODE.

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

Section 1. That Title 13 (Streets, Sidewalks and Public Places), Chapter 13.08 (Excavations), Section 13.08.040 (Fees, Bonds and Insurance), Paragraph B (Bond Requirements) of the El Paso City Code be deleted in its entirety and replaced with the following:

13.08.040 B. Bond Requirements.

No permit shall be issued under this Chapter to any person, firm or corporation applying for a permit until such applicant has filed with the Permit Official a bond in the minimum amount of Ten Thousand and No/100 Dollars (\$10,000.00), signed by a surety company authorized to do business in Texas. The Permit Official may require a bond in an amount in excess of ten thousand dollars in the event the permit application is for work in excess of ten thousand dollars. The City shall be named as the obligee under such bond. The bond shall provide that the principal and its agents, employees, and subcontractors shall comply with all provisions of this Chapter, that the principal shall pay all damages which are sustained by the City and which are caused by failure of the principal, its agents, employees or subcontractors to comply with the provisions of this Chapter, and that the principal shall indemnify the City against claims arising out of such failure to comply, including but not limited to the one-warranty period required in this Chapter. Bonds shall be issued for a duration sufficient to cover the one-year warranty period. The surety shall be acceptable to the City as to solvency and such surety shall be listed on the current Department of the Treasury's Listing of Approved Sureties, Department Circular 570, United States Department of the Treasury or its successor publication, ("Circular 570"). If the City becomes dissatisfied that the surety is solvent or the surety is no longer included in Circular 570, the Permit Official may require a bond from a surety listed in Circular 570. Permit applicants that have provided a bond to the City in the amount required by the Permit Official for a permit pursuant to the requirements of a Chapter of the City Code other than this Chapter that meets all of the requirements established in this Chapter shall not be required to obtain an additional bond but are required to provide a copy of such bond, provided that such bond specifically includes coverage for the permit or permits issued pursuant to this Chapter. Permittees who have multiple permits issued pursuant to this Chapter are required to provide only one current valid bond for all such permits but may be required to provide a copy of the

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current bond with each application for a permit. Contractors under contract with a government agency shall provide the bond required in this Section. No bond is required when all of the work performed pursuant to a permit issued under this Chapter to a government agency is performed entirely by the employees of that government agency. Public utility companies operating under a state or City franchise shall not be required to provide the bond required in this section when the work authorized in a permit will be performed solely by employees of such public utility. Any person or entity that is not an employee of the public utility performing work under a permit on behalf of a public utility shall provide the bond required under this section.

Section 2. Except as herein provided, Title 13 (Streets, Sidewalks and Public Places) shall remain in full force and effect.

PASSED AND APPROVED this _____ day of _____, 2012.

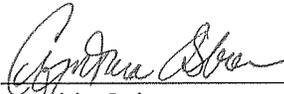
THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Cynthia Osborn
Assistant City Attorney

APPROVED AS TO CONTENT:



R. Alan Shubert, P.E.
City Engineer