

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

**DEPARTMENT:** City Manager's Office

**AGENDA DATE:** Introduction: May 29, 2012 and Public Hearing: June 5, 2012

**CONTACT PERSON/PHONE:** Deborah Hamlyn, Deputy City Manager, Community Services (541-4686)

**DISTRICT AFFECTED:** City Wide

**SUBJECT:**

An ordinance to amend the El Paso City Code to reflect departmental reorganization by amending Title 15 (Public Services) to amend various sections thereunder relating to duties which had been assigned to the Engineering and Construction Management Department and the Department of Transportation, and the staff; the penalty being as provided in sections 15.08.125 and 1.08.10-1.08.030 of the El Paso City Code.

**BACKGROUND / DISCUSSION:**

The proposed ordinance forms part of a series of code amendments that formalize the creation of the new City Development Department. These amendments align the appropriate roles and responsibilities that reflect the new departmental structure and address the necessary administrative provisions related thereto. The proposed changes will become effective on June 11, 2012.

**PRIOR COUNCIL ACTION:**

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

(N/A)

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

**DEPARTMENT HEAD:** \_\_\_\_\_



*Information copy to appropriate Deputy City Manager*

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE TO AMEND THE EL PASO CITY CODE TO REFLECT DEPARTMENTAL REORGANIZATION BY AMENDING TITLE 15 (PUBLIC SERVICES) TO AMEND VARIOUS SECTIONS THEREUNDER RELATING TO DUTIES WHICH HAD BEEN ASSIGNED TO THE ENGINEERING AND CONSTRUCTION MANAGEMENT DEPARTMENT AND THE DEPARTMENT OF TRANSPORTATION, AND THE STAFF; THE PENALTY BEING AS PROVIDED IN SECTIONS 15.08.125 AND 1.08.010 – 1.08.030 OF THE EL PASO CITY CODE.**

**WHEREAS**, the Planning and Economic Development Department and the Building Permits and Inspections Division are being combined into a new department named the City Development Department, which will include a function previously assigned to the Department of Transportation; and

**WHEREAS**, various provisions in the City Code need to be amended to reflect the changes.

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

Section 1. That Chapter 15.08 (Street Rentals), Section 15.08.120 (Special Privilege Licenses and Permits), Subsection B 8 of the El Paso City Code, is amended to read as follows:

**15.08.120, Subsection B 8, Special Privilege Licenses**

B. 8. Notice of proposed closure (required for events involving closure of city streets). The applicant shall provide the name, address and signature of each owner of real property abutting the boundaries of the area where the temporary event is proposed, on a form provided by the city development department.

Section 2. That Chapter 15.08 (Street Rentals), Section 15.08.120 (Special Privilege Licenses and Permits), Subsection G 10 of the El Paso City Code, is amended to read as follows:

**15.08.120, Subsection G 10, Special Privilege Licenses and permits**

G. 10. Memorial markers, provided that the placement of such markers are approved by the city and comply with the policies and procedures established by the traffic engineer; and

Section 3. That Chapter 15.08 (Street Rentals), Section 15.08.120 (Special Privilege Licenses and permits), Subsection I 2 g of the El Paso City Code, is amended to read as follows:

**15.08.120, Subsection I 2 g, Special Privilege Licenses and permits**

I. 2. g. The display location and installation has been inspected and has been found to have no technical, logistical, or safety problem by the utility company if utility poles or other utility fixtures are to be used, or the director of the city development department or other designee of the city manager if city fixtures are to be used,

Section 4. That Chapter 15.08 (Street Rentals), Section 15.08.120 (Special Privilege Licenses and Permits), Subsection K 1 a (1) of the El Paso City Code, is amended to read as follows:

**15.08.120, Subsection K 1 a (1), Special Privilege Licenses and permits**

K. 1. a. (1) An application for the use of city sidewalks and/or right-of-way that has been vacated to vehicular use for an outdoor patio cafe in the Union Plaza Entertainment Area shall be made in writing on a form prescribed by the traffic engineer or designee and submitted to the planning division for review and approval.

Section 5. That Chapter 15.08 (Street Rentals), Section 15.08.120 (Special Privilege Licenses and Permits), Subsections K 1 a (3) (d) and K 1 a (3) (g) of the El Paso City Code, are amended to read as follows:

**15.08.120, Subsections K 1 a (3) (d) and K 1 a (3) (g), Special Privilege Licenses and permits**

K. 1. a. (3). (d). Permittee shall maintain said insurance with a solvent insurance company authorized to do business in Texas. The policy shall provide that the insurer will defend against all claims and lawsuits which arise and will pay any final judgment of a court of competent jurisdiction against the city, its officers, agents, servants or employees and Permittee, his officers, agents, servants or employees. All policies shall name the City of El Paso, its officers, agents, servants, and employees as additional insured to the full amount of the policy limits. No permit shall be granted until Permittee files a copy of the policy or certificate of liability insurance as herein set forth with the city development department. The policy shall contain a provision that it may not be canceled, revoked or annulled by the insurer without giving the city ten days' prior

written notice. The licensee shall not surrender or release such policy without filing in lieu thereof another policy complying with the requirements of this section, or surrendering the special privilege license. Failure to keep the policy in full force and effect throughout the term of the permit shall be grounds for revocation of the permit. Neither the city or any officer or employee thereof shall be liable for the financial responsibility of any insurer, or in any manner become liable for any claim, act or omission, relating the licensee's use of the public right-of-way. No special privilege license shall be granted to a self-insured grantee until the self-insured grantee has submitted to the city a sworn affidavit signed by a duly authorized representative identifying that the grantee is self-insured in accordance with the laws of Texas and stating that the grantee has sufficient funds to provide payment in the same amounts as are required to be maintained under a policy of insurance which is required of non-self-insured grantees to persons who suffer personal injury or property damage. The affidavit must be in a form and contain provisions which are acceptable to the city. The affidavit shall contain an affirmative recital identifying that the grantee shall meet, accept, perform and be bound by the same obligations and requirements of any grantee who is not self-insured as required by the provisions of this subsection. Where a self-insured grantee no longer meets the minimum levels of coverage required of non-self-insured grantees, the grantee shall be required to immediately provide the city with a certificate of insurance which demonstrates that the grantee has met the requirements of this subsection. The city may impose additional requirements upon a self-insured grantee in order to protect the public health, safety and welfare. The city reserves the right to require that a self-insured grantee provide a policy of insurance under this subsection as permitted by law.

K. 1. a. (3). (g). Notice to abutting property owners. The applicant shall provide the name, address and signature of each owner of real property abutting the boundaries of the area where the outdoor patio cafe is proposed, on a form provided by the planning division.

Section 6. That Chapter 15.08 (Street Rentals), Section 15.08.120 (Special Privilege Licenses and Permits), Subsections K 1 b (5) and K 1 b (22) of the El Paso City Code, are amended to read as follows:

**15.08.120, Subsection K 1 b (5) and K 1 b (22), Special Privilege Licenses and permits**

K. 1. b. (5) All construction shall comply with the Union Plaza Design Standards in reference to building materials, color, and design of the outdoor patio cafe. The Permittee(s) shall receive approval from the planning official prior to the issuance of any required building permits. All proposed improvements within city right-of-way shall be included in the permit application.

K. 1. b. (22). All relocation, removal, disposition and/or salvage of any City property shall be coordinated with the staff of the city development department or other designees

of the city manager. The designed staff shall follow the city's establish policy and procedure for disposal or salvage of such property.

Section 7. That Chapter 15.08 (Street Rentals), Section 15.08.120 (Special Privilege Licenses and Permits), Subsection J 2 g of the El Paso City Code, is amended to read as follows:

**15.08.120, Subsection J 2 g, Special Privilege Licenses and permits**

J. 2. g. Individual display locations have been inspected and found to have no technical, logistical, or safety problem by the utility company if utility poles or other utility fixtures are to be used, or the director of the city development department or other designee of the city manager if city fixtures are to be used.

Section 8. That Chapter 15.12 (Water and Sewer System), Sections 15.12.030 (Storm drain work – Permit required), 15.12.040 (Storm drain construction – Permit required), and 15.12.050 (Storm drain work or construction permit—Application—Contents—Fee—Issuance), are amended to change the phrase “city engineer” to “city engineer or other designee of the city manager”, as used within these sections.

Section 9. That Chapter 15.12 (Water and Sewer System), Section 15.12.055 (Discharge to storm sewer system from treatment of petroleum fuel contaminated waters), is amended to change the phrase “city engineer” to “city engineer or other designee of the city manager”, as used within this section.

Section 10. That Chapter 15.20 (Stormwater Management), Section 15.20.100 (Release reporting and cleanup), is amended to change the phrase “city engineer” to “city engineer or other designee of the city manager”, as used within this section.

Section 11. That Chapter 15.20 (Stormwater Management), Section 15.20.110, Subsection C 2 f, (Stormwater discharge from construction activities), is amended to read as follows:

**15.20.110, Subsection C 2 f, Stormwater discharge from construction activities.**

C. 2. f. Upon the review by the director of the city development department or other designee of the city manager of the SDPCP or any site inspection that the director of the city development department or other designee of the city manager may conduct, the director of the city development department or other designee of the city manager may deny approval of any building permit, grading permit, subdivision plat, site development

plan, or any other city approval necessary to commence or continue construction, or to assume occupancy, on the grounds that the SDPCP does not comply with the requirements of the construction general permit, any individual or group NPDES permit issued for stormwater discharge from the construction site or any additional requirement imposed by or under this chapter. Also, if at any time the city engineer or other designee of the city manager determines that the SDPCP is not being fully implemented, the city may similarly deny approval of any building permit, grading permit, subdivision plat, site development plan or any other city approval necessary to commence or continue construction, or to assume occupancy, at the site.

Section 12. This ordinance shall take effect on June 11, 2012.

Section 13. Except as herein amended, Title 15 of the El Paso City Code shall remain in full force and effect.

ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_ 2012.

CITY OF EL PASO

ATTEST:

\_\_\_\_\_  
John F. Cook, Mayor

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:



\_\_\_\_\_  
Marie A. Taylor  
Assistant City Attorney



\_\_\_\_\_  
Deborah G. Hamlyn  
Deputy City Manager

ORDINANCE NO. \_\_\_\_\_

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department of transportation. The policy shall contain a provision that it may not be canceled, revoked or annulled by the insurer without giving the city ten days' prior written notice. The licensee shall not surrender or release such policy without filing in lieu thereof another policy complying with the requirements of this section, or surrendering the special privilege license. Failure to keep the policy in full force and effect throughout the term of the permit shall be grounds for revocation of the permit. Neither the city or any officer or employee thereof shall be liable for the financial responsibility of any insurer, or in any manner become liable for any claim, act or omission, relating the licensee's use of the public right-of-way. No special privilege license shall be granted to a self-insured grantee until the self-insured grantee has submitted to the city a sworn affidavit signed by a duly authorized representative identifying that the grantee is self-insured in accordance with the laws of Texas and stating that the grantee has sufficient funds to provide payment in the same amounts as are required to be maintained under a policy of insurance which is required of non-self-insured grantees to persons who suffer personal injury or property damage. The affidavit must be in a form and contain provisions which are acceptable to the city. The affidavit shall contain an affirmative recital identifying that the grantee shall meet, accept, perform and be bound by the same obligations and requirements of any grantee who is not self-insured as required by the provisions of this subsection. Where a self-insured grantee no longer meets the minimum levels of coverage required of non-self-insured grantees, the grantee shall be required to immediately provide the city with a certificate of insurance which demonstrates that the grantee has met the requirements of this subsection. The city may impose additional requirements upon a self-insured grantee in order to protect the public health, safety and welfare. The city reserves the right to require that a self-insured grantee provide a policy of insurance under this subsection as permitted by law.

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that the ~~city-engineer~~ director of the city development department or other designee of the city manager may conduct, the ~~city-engineer~~ director of the city development department or other designee of the city manager may deny approval of any building permit, grading permit, subdivision plat, site development plan, or any other city approval necessary to commence or continue construction, or to assume occupancy, on the grounds that the SDPCP does not comply with the requirements of the construction general permit, any individual or group NPDES permit issued for stormwater discharge from the construction site or any additional requirement imposed by or under this chapter. Also, if at any time the city engineer or other designee of the city manager determines that the SDPCP is not being fully implemented, the city may similarly deny approval of any building permit, grading permit, subdivision plat, site development plan or any other city approval necessary to commence or continue construction, or to assume occupancy, at the site.

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ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_ 2012.

CITY OF EL PASO

ATTEST:

\_\_\_\_\_  
John F. Cook, Mayor

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Marie A. Taylor  
Assistant City Attorney

\_\_\_\_\_  
Deborah G. Hamlyn  
Deputy City Manager