

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

DEPARTMENT: Engineering Department

AGENDA DATE: Introduction – August 17, 2010
Public Hearing – August 24, 2010

CONTACT PERSON NAME AND PHONE NUMBER: R. Alan Shubert,
Engineering, (915) 541-4428

DISTRICT(S) AFFECTED: All

SUBJECT:

An ordinance to amend the 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 Development Services Department, the Engineering Department, and the Street Department, 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.

BACKGROUND / DISCUSSION:

The City Manager proposed through the Budget for FY 2011 and the City Council has decided to re-organize the Engineering Department, the Street Department, the Environmental Services Department and to delete the Development Services Department. This action necessitates this ordinance and others to make changes to the City Code to reflect the organizational changes. No substantive changes are being made to the code in this ordinance--only the changes necessary to achieve reorganization and to make appropriate cross references to other code provisions.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

N/A

*****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

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE 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 DEVELOPMENT SERVICES DEPARTMENT, THE ENGINEERING DEPARTMENT, AND THE STREET DEPARTMENT, 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 Division is being moved to be a division of the Planning and Economic Development Department, which is being reorganized and renamed, the building permits and inspections division is being moved to the Engineering and Construction Management Department, which is being reorganized and renamed, and the Street Department is being reorganized and renamed as the Department of Transportation; and

WHEREAS, various provisions in the City Code need to be amended to reflect these 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), is amended to change the phrase “engineering department” to “engineering and construction management department”, as used within this section.

Section 2. That Chapter 15.08 (Street Rentals), Section 15.08.120 (Special Privilege Licenses), 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

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 city engineer or director of the department of transportation if city fixtures are to be used,

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

15.08.120, Subsection J 3 d, Special Privilege Licenses

J.3.d. The design of individual banners located within a banner district shall not require a certificate of appropriateness from the Historic Landmark Commission yet shall be reviewed by the historic preservation officer, as defined in chapter 3.04 of this code, or other designee of the city manager, as to compatibility with adjacent properties with historic zoning. Upon completion of review, reviewer shall provide a recommendation to city council regarding such compatibility.

Section 4. That Chapter 15.08 (Street Rentals), Section 15.08.012 (Application for franchise) is amended to change the phrase “department of public works” to “the designees of the city manager” as used in this section.

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

15.08.120, Subsection K 1 b (6), Special Privilege Licenses

K. 1. b. (6). A building permit for all construction applicable to the outdoor patio cafe shall be obtained in accordance with the City Code to include any structural, electrical, mechanical, or plumbing work done within the portions of city rights-of-way utilized by the Permittee. A pavement cut permit shall be required for any work on City right-of-way.

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

15.08.120, Subsection K 1 b (22), Special Privilege Licenses

K. 1. b. (22). All relocation, removal, disposition and/or salvage of any City property shall be coordinated with the Department of Transportation. The Department of Transportation shall follow the city's establish policy and procedure for disposal or salvage of such property.

Section 7. 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 “deputy director for engineering” to “city engineer”, as used within these sections.

Section 8. 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 “land development and flood control section of the city engineering department” to “city engineer”, as used within this section.

Section 9. That Chapter 15.13 (Water Conservation), Section 15.08.120 (Nonessential Water Use Restrictions), Subsections B and C, of the El Paso City Code, is amended to read as follows:

15.13.030, Subsections B and C, Nonessential water use restrictions

B. The following uses of water are defined as "wasting water" and are absolutely prohibited:

1. Irrigating any turf grass, tree, plant, or other vegetation, or otherwise utilizing the city water supply system to permit or cause water to pond, or to flow, spray or otherwise move or be discharged from the premises of any person responsible for any property within the corporate limits of the city, or which receives water from the public service board to or upon any street, alley, gutter or ditch, or other public right-of-way, or into a storm water drainage system or facility;
2. Failing to repair a leak within five working days of the discovery of same;
3. Washing sidewalks, driveways, parking areas, tennis courts, patios or other impervious surface areas with a hose, except in emergencies to remove spills of hazardous materials or to eliminate dangerous conditions which threaten the public health, safety, or welfare. "Impervious surface area" means any structure, street, driveway, sidewalk, patio or other surface area covered with brick, paving, tile or other impervious or nonporous material.

C. When referred to in this subsection, "swimming pool" shall mean any portable or permanent structure containing a body of water twenty-four inches or more in depth and containing one thousand one hundred twenty-two gallons or more of water and intended for recreational purposes, including a wading pool and as more fully defined under Sections 20.02.1064 and 20.02.1066 of the city code. All swimming pools, which are constructed after the effective date of the ordinance codified in this chapter, must be equipped with filtration, pumping and recirculation systems. All existing swimming pools not equipped with such shall, within five years of April 1, 1991, be converted to filtration, pumping and recirculation systems, unless the review board, upon application of the pool owner or operator for a variance under Section 15.13.060 of this chapter, grants such a variance or extension of time. It is unlawful to drain swimming pools into the street, alley, gutter or other public right-of-way, ditch, or storm water drainage system or facility. Swimming pools may be drained into the sanitary sewer system only in coordination with El Paso water utilities' wastewater system division manager.

Section 10. That Chapter 15.13 (Water Conservation), Section 15.08.130 (Declaring of nuisance of exist), of the El Paso City Code, is amended to read as follows:

15.13.040 Declaring of nuisance of exist.

The flow of produced water from property into streets, alleys, gutters, and other public rights-of-way, ditches, or into a storm water drainage system or facility is contrary to the public health, safety and welfare of the citizens of El Paso and is therefore declared to be a nuisance. "Produced water" shall have the same meaning as set forth in Section 15.12.005 (A) of the city code. Both the city attorney's office and the attorney for the public service board are authorized to take legal action to abate such a nuisance, including but not limited to seeking injunctive relief. This authorization to seek injunctive relief, or other legal action to abate such a nuisance shall not preclude prosecution for a violation of this chapter.

Section 11. That Chapter 15.20 (Stormwater Management), Section 15.20.030 (Administration), is amended to read as follows:

15.20.030 Administration.

The city manager shall, to the extent that the duties and responsibilities established in Section 15.20.040 have not been delegated or assumed by another person, agency, department or entity pursuant to other ordinances adopted by the City, designate the storm-water administrator who shall then undertake the duties and responsibilities established in Section 15.20.040, and administer and coordinate the implementation and enforcement of all provisions of this chapter.

Section 12. That Chapter 15.20 (Stormwater Management), Section 15.20.050 (Duties and responsibilities of the director of the department of transportation), is re-titled and amended to read as follows:

15.20.050 Duties and responsibilities of the director of the department of transportation.

The director of the department of transportation shall, to the extent that the following duties and responsibilities have not been delegated or assumed by another person, agency, department or entity pursuant to other ordinances adopted by the City:

- A. Maintain and repair the MS4 to ensure its safety and operational capability;
- B. Participate in the annual inspection of the MS4 conducted by the stormwater administrator and advise the stormwater administrator of any required maintenance, repairs or alterations to the system;

- C. Prepare and submit to the stormwater administrator an annual schedule of maintenance and repair to the MS4;
- D. Carry out the annual schedule of maintenance repair as approved by the stormwater administrator;
- E. Immediately notify the stormwater administrator of any illicit discharges to the MS4.

Section 13. That Chapter 15.20 (Stormwater Management), Section 15.20.100 (Release reporting and cleanup), is amended to change the phrase “city engineering department’s land and flood control division” to “city engineer”, as used within this section.

Section 14. That Chapter 15.20 (Stormwater Management), Section 15.20.110 (Stormwater discharge from construction activities), is amended to change the phrase “city engineering” to “the city engineer”, and to change the phrase “city engineering’s” to “the city engineer’s”, as used within this section.

Section 15. This ordinance shall take effect on September 1, 2010.

Section 16. Except as herein amended, Title 15 of the El Paso City Code shall remain in full force and effect.

ADOPTED THIS 24th day of August 2010.

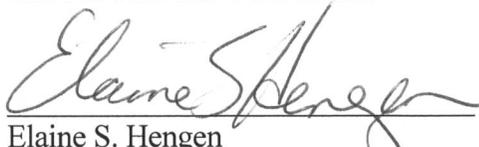
CITY OF EL PASO

ATTEST:

John F. Cook, Mayor

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Elaine S. Hengen
Senior Assistant City Attorney

APPROVED AS TO CONTENT:



Patricia D. Adauto
Deputy City Manager