

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

CITY CLERK DEPT.
08 AUG 13 PM 3:35

DEPARTMENT: Financial Services

AGENDA DATE: Introduction - August 19, 2008; Public Hearing - August 26, 2008

CONTACT PERSON/PHONE: Carmen Arrieta-Candelaria (541-4293)

DISTRICT(S) AFFECTED: All Districts

SUBJECT:

An Ordinance to amend Title 13 (Streets, Sidewalks, and Public Places), Chapter 13.36 (Parades and Public Assemblies); to amend Sections 13.36.030 C (Permit Application) and 13.36.050 C (Costs and Fees) to clarify the provisions for refunding overpayments; the penalty being as provided in Sections 1.08.010 - 1.08.030 of the El Paso City Code. (All Districts)

BACKGROUND / DISCUSSION:

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?

Title 13.36.050 requires that prior to the issuance of a parade permit, the applicant shall deposit an amount that is equal to half of the estimated amount of the applicant's portion of the costs of providing law enforcement officers and any other traffic control costs. Since the funds deposited are based on an estimated amount, there is usually a difference between the amounts deposited and the actual calculated costs.

In those cases where the deposited funds exceed the applicant's total costs, City staff is requesting that City Council approve an amendment to Title 13. If the deposited funds exceed the applicant's total cost by \$25.00, the City will automatically process a refund and sent it to the applicant. If the deposited funds exceed the applicant's total cost by \$25.00 or less, the ordinance would require the applicant's to REQUEST a refund prior to the refund being processed. This request must be submitted within ninety (90) days after the conclusion of the event. This would reduce the administrative burden of processing the associated voucher, establishing a new vendor ID, printing out the associated check and following the check through the reconciliation process.

PRIOR COUNCIL ACTION

Has the Council previously considered this item or a closely related one?

Council has approved amendments to Title 13 in the past.

AMOUNT AND SOURCE OF FUNDING:

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

No additional cost to City.

BOARD / COMMISSION ACTION:

Enter appropriate comments or N/A

N/A

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

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD: Carmen Arrieta-Candelaria
(Example: if RCA is initiated by Purchasing, client department should sign also)

Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

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ORDINANCE NO. _____

AN ORDINANCE TO AMEND TITLE 13 (STREETS, SIDEWALKS AND PUBLIC PLACES), CHAPTER 13.36 (PARADES AND PUBLIC ASSEMBLIES); TO AMEND SECTIONS 13.36.030 C (PERMIT APPLICATION) AND 13.36.050 C (COSTS AND FEES) TO CLARIFY THE PROVISIONS FOR REFUNDING OVERPAYMENTS; THE PENALTY BEING AS PROVIDED IN SECTIONS 1.08.010 - 1.08.030 OF THE EL PASO CITY CODE.

WHEREAS, on occasion a parade applicant deposits more funds that are necessary to cover his or her parade costs; and

WHEREAS, the City incurs significant costs in processing some of these small refunds, the return of which may not be significant to the parade applicant; and

WHEREAS, establishing a process whereby applicants may forego the return of very small amounts of overage will result in cost savings to the City.

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

Section 1. That Section 13.36.030, Subsection C (Permit application) of the El Paso City Code is amended as follows:

13.36.030, Subsection C. Permit application.

C. Application Form.

1. The application must contain the following:
 - a. The name, address, and telephone number for the person in charge of the proposed event and the name of the organization with which that person is affiliated or on whose behalf the person is applying (collectively "applicant");
 - b. The name, address, and telephone number for an individual who shall be designated as the responsible planner and on-site manager for the event;
 - c. The date, time, place, and route of the proposed event, including the location and time that the event will begin to assemble and disband, and any requested roadway closings;
 - d. The anticipated number of persons and vehicles, and the basis on which this estimate is made;
 - e. A list of the number and type of animals that will be at the event;
 - f. Such other information, attachments, and submissions that are requested on the application form as reasonably necessary for a fair determination as to whether the permit should be issued; and

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g. A notice to the applicant that if he will be due a refund from the City in an amount over \$25.00, the refund will be automatically processed and sent to the applicant, but if the amount is \$25.00 or less, the applicant must submit a request to receive such refund within ninety days after the conclusion of the event before the refund will be processed and paid.

Section 2. That Section 13.36.050, Subsection C (Costs and fees) of the El Paso City Code is amended as follows:

13.36.050, Subsection C. Costs and fees.

C. Prior to the issuance of the permit, the applicant shall deposit with the city, an amount that is equal to half of the estimated amount of the applicant's portion of the costs of providing law enforcement officers and any other traffic control costs. The remainder of the applicant's portion of these costs will be due and paid in accordance with Section 13.36.080(H) of this chapter. If the applicant cancels the event and notifies the permit official at least twenty-four hours in advance of the commencement of the event, the amount deposited with the city under this section shall be refunded, provided however, the applicant will be charged a thirty dollars administrative fee for the city's costs related to the cancellation of the event and issuing the refund. If for reason other than cancellation of the event, the applicant deposits funds that exceed the applicant's total costs and such amount is over \$25.00, the City will automatically process a refund and send it to the applicant. However, if such amount is \$25.00 or less, the applicant must submit a request to receive such refund within ninety days after the conclusion of the event before such refund will be processed and paid.

Section 3. This ordinance shall take effect on September 1, 2008 and shall apply to applications submitted on and after September 1, 2008.

Section 4. Except as herein amended, Title 13 of the El Paso City Code shall remain in full force and effect.

ADOPTED THIS 26th day of August 2008.

(signatures appear on the following page)

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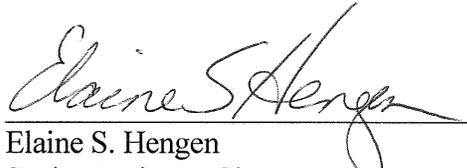
CITY OF EL PASO

John F. Cook, Mayor

ATTEST:

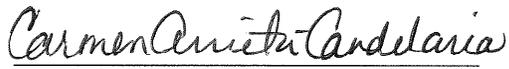
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Elaine S. Hengen
Senior Assistant City Attorney

APPROVED AS TO CONTENT:



Carmen Arrieta-Candelaria
Chief Financial Officer

APPROVED AS TO CONTENT:



Victor Q. Torres, Director
Development Services Department

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