

CITY OF EL PASO, TEXAS
DEPARTMENT HEAD'S SUMMARY REQUEST FOR COUNCIL ACTION (RCA)

DEPARTMENT: DEVELOPMENT SERVICES

AGENDA DATE: INTRODUCTION: AUGUST 19, 2008
 PUBLIC HEARING: AUGUST 26, 2008

CONTACT PERSON/PHONE: VICTOR Q. TORRES, DEVELOPMENT SERVICES, (915) 541-4975

DISTRICT(S) AFFECTED: ALL

SUBJECT:

An Ordinance to amend Title 13 (Streets, Sidewalks and Public Places) to amend various sections thereunder pertaining to the duties and structure of the Development Services Department, and the duties of the staff; the penalty being as provided in Sections 13.08.180, 13.12.260, 13.20.040, and 1.08.010 – 1.08.030 of the El Paso City Code.

BACKGROUND / DISCUSSION:

This ordinance would amend several sections of Title 13 relating to the existing duties of the building permits and inspections director with respect to sidewalk construction and monitoring wells. This ordinance would change terms within the title assigning duties to the building services director, the director of building permits and inspections and that department, and change them to the development services department and the director of that department, as appropriate. These revisions are needed in conjunction with the reorganization of the Development Services Department. In 2005, the City changed to the Council Manager form of government and also created the Development Services Department as an oversight department for the Planning and Building Permits and Inspections Departments. The Charter amendments approved in 2007 gave the City Manager greater delegation authority, and as a result it is no longer necessary to maintain these departments as separate departments, and Planning and Building Permits and Inspections are being designated as divisions within the Development Services Department. Accordingly, it is necessary to amend all of the Code provisions, such as these provisions, which specifically refer to the Building Permits and Inspections Department.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

N/A

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

CITY CLERK DEPT.
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LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD: *Victor Q. Torres*
Victor Q. Torres, Development Services Director

OTHER: _____
(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:** _____

AN ORDINANCE TO AMEND TITLE 13 (STREETS, SIDEWALKS AND PUBLIC PLACES) TO AMEND VARIOUS SECTIONS THEREUNDER PERTAINING TO THE DUTIES AND STRUCTURE OF THE DEVELOPMENT SERVICES DEPARTMENT, AND THE DUTIES OF THE STAFF; THE PENALTY BEING AS PROVIDED IN SECTIONS 13.08.180, 13.12.260, 13.20.040, AND 1.08.010 – 1.08.030 OF THE EL PASO CITY CODE.

WHEREAS, the structure of the bureaus of the Planning Department and the Building Permits and Inspections Department is being changed to make these units divisions of the Development Services Department; and

WHEREAS, various provisions in the City Code relating to the Planning Department, the Building Permits and Inspections Department, the building official and the department directors need to be amended to reflect the change in structure and titles.

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

Section 1. That Chapter 13.04 (Street and Sidewalk Construction and Maintenance), Section 13.04.010 (Permit required), of the El Paso City Code, is amended as follows:

13.04.010 Permit required.

- A. Except as otherwise provided in this code, no person shall construct any sidewalk within the right-of-way of any public street, or damage or alter any sidewalk or street, or change the grade thereof, without the permission of the director of the development services department or the city engineer or their designees as hereinafter provided.
- B. No person shall cut or alter any sidewalk or curb, whether for the purpose of vehicular access to property or otherwise without permission of the traffic engineer, and in accordance with specifications prescribed by him. In granting or refusing such permission the traffic engineer shall consider and be guided by the need for the proposed cut or alteration, the amount of traffic at the location in question, and the hazards likely to be created. Any person aggrieved by the decision of the traffic engineer may appeal to the city council.
- C. The director of the development services department or his designee will issue sidewalk permits and will enforce the requirements of this chapter for all properties. The director of the development services department and his designees will enforce the requirements of this chapter for streets, alleys and other paved portions of street rights-of-way.

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08 AUG 11 10:05 AM Section 3. That Chapter 13.04 (Street and Sidewalk Construction and Maintenance), Section 13.04.015, Subsection A, (Sidewalk permits and fees), of the El Paso City Code, is amended as follows:

13.04.015, Subsection A, Sidewalk permits and fees.

A. No person shall construct a sidewalk within the city limits without first obtaining a sidewalk construction permit issued by the department of development services for residential occupancies or the city engineer for commercial occupancies in accordance with Section 13.04.010 C of this chapter. No permit is required if the sidewalk is covered by a valid building permit or is part of a street improvement plan.

Section 3. That Chapter 13.04 (Street and Sidewalk Construction and Maintenance), sections 13.04.045 (Sidewalks in new development), 13.04.050 (Maintenance of sidewalks, curbs and gutters-Abutting property owner's duty) and 13.04.070 (Installation of sidewalk on property on which building permit issued), of the El Paso City Code, are amended to change the phrase "deputy director for building services" as amended by ordinance nos. 15189 and 16135, to "director of the development services department or his designee", as used within these sections.

Section 4. That Chapter 13.08 (Excavations), Section 13.08.175, Subsections B and D, (Monitoring wells), of the El Paso City Code, is amended as follows

13.08.175, Subsections B and D, Monitoring wells.

B. Permit Fee. An excavation permit application shall be accompanied with a fifty-dollar application fee. Such fee shall be to defray the costs of processing such applications and shall be paid to the city cashier through the office of the city engineer. If any person commences construction work on public right-of-way or city-owned property prior to the issuance of an excavation permit as provided within this section, an excavation permit shall be required subject to a double permit fee of one hundred dollars; provided, however, that a double permit fee shall not be required for construction work commenced prior to issuance of an excavation permit in cases of an emergency. For purposes of this subsection, the Texas Commission on Environmental Quality or the director of the department of environmental services may declare an emergency; provided, that the city is properly notified through a facsimile to the development services department and marked to the attention of the deputy director - building permits and inspections.

D. Permit Contents. The excavation permit application shall be submitted to the development services department and shall include the following information.

1. A site map of the proposed monitoring well(s);
2. A narrative describing the need for the well(s), the extent of interruption of traffic, and the proposed drilling schedule of the monitoring well(s);

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ADOPTED THIS 26th day of August 2008.

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:



Victor Q. Torres, Director
Development Services Department