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

DEPARTMENT: **Department of Transportation**

AGENDA DATE: **October 12, 2010, Consent**

CONTACT PERSON/PHONE: **Mirian Spencer (915) 541-4482, spencermd2@elpasotexas.gov**

DISTRICT(S) AFFECTED: All

SUBJECT:
A resolution that Schedule C, attached to the FY2011 Budget Resolution and effective September 1, 2010, shall be amended to create the annual fees that shall be charged by the City for special privilege licenses/permits for (1) aerial encroachments for the downtown improvement area, (2) for aerial encroachments for all other areas of the City other than those aerial encroachments specifically listed in Schedule C and (3) for subsurface cables (ALL DISTRICTS).

BACKGROUND / DISCUSSION:
To simplify and update the fee assessment process the fees are being recommended for adjustment to flat fees rather than based on market value per square foot.

The aerial encroachment fee is being recommended at $500.00 within the Downtown Improvement area as defined in the Downtown 2015 plan adopted by City Council on October 31, 2006. The aerial encroachment fee is being recommended at $1,000.00 for all other areas of the City.

The subsurface cable rate is being recommended at $3,500.00 for up to 2000 linear feet of cable, and a rate of $2.00 for each additional foot thereafter.

PRIOR COUNCIL ACTION:
The present fees were approved as a part of the Schedule C of the FY2011 Budget Resolution on August 24, 2010.

AMOUNT AND SOURCE OF FUNDING:
N/A

BOARD / COMMISSION ACTION:
The Development Coordinating Committee approved the recommended fees on September 29, 2010.

**********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

RESOLUTION AMENDING SCHEDULE C FOR THE CITY OF EL PASO FY 2011 BUDGET RESOLUTION

WHEREAS, the City Council adopted the Budget Resolution for FY2011 on August 24, 2010; and

WHEREAS, paragraph 44 of the Budget Resolution provides that revisions or additions to the fees set forth in Schedule C, attached to the Budget Resolution, may be approved by simple resolution of the City Council; and

WHEREAS, the Council desires to establish the fees for aerial encroachments other than those aerial encroachments specified elsewhere in Schedule C.

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

That Schedule C, attached to the FY2011 Budget Resolution and effective September 1, 2010, shall be amended as set forth in Attachment "A" to create the annual fees listed therein that shall be charged by the City for special privilege licenses/permits for (1) aerial encroachments for the downtown improvement area, (2) for aerial encroachments for all other areas of the City other than those aerial encroachments specifically listed in schedule C and (3) for subsurface cables.

Passed and approved this _____ day of _____ 2010.

CITY OF EL PASO

_____
John F. Cook, Mayor

ATTEST:

_____
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Mark Shoesmith
Mark Shoesmith
Assistant City Attorney

APPROVED AS TO CONTENT:

for Darryl W. Cole, Director
El Paso Department of Transportation

Attachment A

Department of Transportation: Fees for special privilege license/permits for aerial encroachments other than those listed elsewhere in Schedule C for the downtown improvement area as defined in the Downtown 2015 Plan adopted by City Council on October 31, 2006 and for all other areas of the City.

Delete from Schedule C, attached to the FY2011 Budget Resolution:

Department of Transportation Account 404051 Special Privilege- annual fee- aerial encroachments other than those listed- area in square feet x market value per square foot x ten percent x seventy-five percent; minimum fee of $1,000.

Department of Transportation Account 404051 Special privilege – Annual Fee. Cables – subsurface: Average value per square foot of land on date of application, x area in square feet of encroachment x 10% x 55%; minimum fee of $3,500.00.

Add to Schedule C, attached to the FY2011 Budget Resolution:

Department	Fee Description	Detail	City Code Section	Fee
Department of Transportation Account 404051	special privilege	aerial encroachments other than those listed elsewhere in this Schedule; downtown Improvement area-annual fee:	15.08.120	$500.00
Department of Transportation Account 404051	special privilege	aerial encroachments other than those listed elsewhere in this Schedule, all areas other than the downtown improvement area: annual fee:	15.08.120	$1,000.00
Department of Transportation Account 404051	special privilege annual fee	cables – subsurface	15.08.120	$3,500.00 for 2,000 linear feet or less and $2.00 per linear foot thereafter