CITY OF EL PASO, TEXAS
PLANNING, RESEARCH & DEVELOPMENT DEPARTMENT

MEMORANDUM

TO: The Honorable Mayor and City Council
Jim Martinez, Chief Administrative Officer
Patricia D. Adauto, Deputy Chief Administrative Officer
Laura Uribarri, Executive Assistant to the Mayor
Adrian Ocegueda, Executive Assistant to the Mayor

FROM: Raymond Bonilla, Plan Reviewer I

SUBJECT: Council Agenda Item
Introduction: April 27, 2004
Public Hearing: May 11, 2004

DATE: April 22, 2004

The following item has been scheduled for City Council action as noted above. If you have any questions, I may be contacted at 541-4767.

AN ORDINANCE GRANTING A SPECIAL PRIVILEGE TO "RX" SIN RECETA LLC, TO PERMIT THE TEMPORARY USE AND CLOSURE OF A PORTION OF THE TWO EASTERN LANES OF THE ZARAGOSA INTERNATIONAL BRIDGE; AND PUBLIC RIGHTS-OF-WAY ALONG THE ALLEY BETWEEN OREGON STREET AND EL PASO STREET AND BETWEEN THIRD AVENUE AND SIXTH AVENUE; AND THE NORTHEAST CORNER OF FATHER RAHM AVENUE AND EL PASO STREET. FOR THE PURPOSE OF FILMING A MOTION PICTURE ON MAY 20, 21, 24, 25, 26, 27, 2004 *(Fee: $375.00, SP-04007,* ***District 6 &8)***

The Special Privilege License will permit representatives of "RX" Sin Receta LLC, the use and closure of a portion of the Zaragosa International Bridge to film a portion of a motion picture. And Temporary use and closure of public rights-of-way along the alley between Oregon Street and El Paso Street and Between Third Avenue and Sixth Avenue; and the north east corner of Father Rahm and El Paso Street.

Office Use Only			
Mayor (5 copy):	*date:* _____	*time:* _____	*by:* _____
Representative District 1:	*date:* _____	*time:* _____	*by:* _____
Representative District 2:	*date:* _____	*time:* _____	*by:* _____
Representative District 3:	*date:* _____	*time:* _____	*by:* _____
Representative District 4:	*date:* _____	*time:* _____	*by:* _____
Representative District 5:	*date:* _____	*time:* _____	*by:* _____
Representative District 6:	*date:* _____	*time:* _____	*by:* _____
Representative District 7:	*date:* _____	*time:* _____	*by:* _____
Representative District 8:	*date:* _____	*time:* _____	*by:* _____

- The applicants are requesting to film on the following dates: May 20, 21, 24, 25, 26, 27, 2004, between the hours of 5:30 a.m. and 8:00 p.m. and to use only a portion of the two eastern lanes of the Zaragosa International Bridge. The six days request is in case of unforeseen conditions such as bad weather, film shoot delays or Bridge closures. Traffic control will be provided during the date and time of filming.

- Coordination with City, State and Federal agencies as well as the Mexican government is ongoing and being coordinated by the representatives of the film company to obtain all necessary permits and approvals.

- Submittal of a detailed traffic control plan and proposed use diagram on or before May 5, 2004 and distribution of the approved plans to the Building Permits and Inspection Department for review and distribution;

- Providing liability insurance

- The Development Coordinating Committee (DCC), on April 14, 2004 recommended approval of this Special Privilege License request.

c: R. Alan Shubert, Director of Building Permits and Inspections
Terry Cullen-Garney, First Asst. City Attorney
Teresa Garcia, Asst. City Attorney

ORDINANCE NO._____

AN ORDINANCE GRANTING A SPECIAL PRIVILEGE TO "RX" SIN RECETA LLC, TO PERMIT THE TEMPORARY USE AND CLOSURE OF A PORTION OF THE TWO WESTERN LANES OF THE ZARAGOSA INTERNATIONAL BRIDGE; AND TO INTERMITTENTLY CONTROL PUBLIC RIGHTS-OF-WAY IN THE ALLEY BETWEEN OREGON STREET AND EL PASO STREET AND THE ALLEY BETWEEN THIRD AVENUE AND SIXTH AVENUE; AND TO INTERMITTENTLY CONTROL THE INTERSECTION OF FATHER RAHM AVENUE AND EL PASO STREET FOR THE PURPOSE OF FILMING A MOTION PICTURE ON MAY 21, 22, 24, 25, 26, 27, 2004.

WHEREAS, ""RX" Sin Receta LLC, is requesting permission to temporarily use public rights-of-way for the purpose of filming a motion picture; and

WHEREAS, the City Council finds that holding of such an event is of social and economic benefit to the citizens of the City of El Paso; and

WHEREAS, the City Council finds that the grant of a Special Privilege upon the terms and conditions hereinafter set forth is not inconsistent with and will not unreasonably impair the public use of the right-of-way.

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth, the City and ""RX" Sin Receta LLC, agree as follows:

That ""RX" Sin Receta LLC, hereinafter referred to as "Grantee", is hereby granted a Special Privilege to temporarily use the two western lanes of the Zaragosa International Bridge, and the alley between Oregon Street and El Paso Street and the alley between Third Avenue and Sixth Avenue and as more particularly shown within Exhibit "A" attached hereto and incorporated herein for all purposes, and hereinafter referred to as "Premises". Between 5:30 a.m. to 8:00 p.m. May 21, 22,24, 26, 27, 2004. The Special Privilege shall be subject to the following:

1. Grantee shall provide for directional signage, barricades, and other traffic control devices necessary to adequately direct traffic. In addition, Grantee shall provide for personnel necessary to secure and direct traffic at the sole cost of the Grantee. Grantee agrees to reimburse the City for its costs in performing any of these services should they be provided by on-duty City police officers.

2. Grantee shall not use any portions of other City public rights-of-way or City-owned property, without the express written consent of the City or an official authorized to grant such approval.

3. Grantee shall pay for all costs associated with the temporary use of the Premises and further agrees that the premises will be used for film production on each day Grantee uses the premises.

4. Grantee acknowledges that the Premises must be available for use by emergency vehicles upon demand by Police, Fire or Emergency Medical Services (EMS) personnel. Grantee shall ensure that no structures shall be placed within fifteen (15) feet of any fire hydrant, nor directly over any water valve or sanitary sewer manhole within the Premises.

5. Grantee acknowledges that should an emergency situation arise wherein any federal or local law enforcement or emergency management group requires evacuation of the premises, Grantee will immediately comply with such request. Any period of required evacuation shall be considered an unavoidable non-use of the premises. Grantee may receive additional use of the premises to compensate for any unavoidable non-use of the premises by means of express written authorization from the Chief Administrative Officer of the City of El Paso, Texas. Any such additional use shall not exceed one additional day for any day in which there was any period of unavoidable non-use.

6. The City assumes no responsibility for maintenance of the Premises during the temporary use by the Grantee.

7. Grantee shall clean up all litter and debris within the Premises, leaving the public right-of-way in a clean and orderly condition.

8. Grantee shall take all measures necessary to ensure that parked vehicles do not interfere with any adjacent business or homeowner's access to his or her property.

9. Grantee shall coordinate with all applicable City, State, and Federal agencies as well as the Mexican government or any applicable subdivision thereof to obtain all necessary permits and approvals for the proposed use of the Premises and the activities immediately surrounding same including but not limited to entry into Mexico should such entry be required.

10. As consideration for this Special Privilege, Grantee shall pay the City the sum of Seventy Five and No/100 Dollars ($75.00) per day, for a total sum of Three Hundred Seventy Five and No/100 Dollars ($375.00), which shall be due prior to the execution of this Special Privilege. The advance payment shall be in the form of a cashier's check delivered to the office of the City Comptroller. If the Special Privilege is

disapproved by the City Council, the office of the City Comptroller shall make a full refund of the payment within fifteen (15) days of the denial action.

The fee payment shall be exclusive of and in addition to all costs of obtaining required permits, plans and other approvals as necessary to conform to other applicable ordinances and regulations.

11. Upon termination of this Special Privilege, the grant hereof, as well as any property of the Grantee situated upon the Premises, shall be removed by the Grantee without cost or expense to the City, and the Premises shall be restored to its original condition. Grantee expressly agrees to replace with new pavement any street surface that is damaged during the term of this Special Privilege, at no cost to the City.

12. Grantee agrees to indemnify and hold the City harmless from any claims for injury, death, loss or damage of any kind or character, and by whomsoever suffered or asserted, occasioned by or in connection with the temporary closing of the Premises by Grantee, its agents, servants or employees or any organizations contracted by the Grantee as a result of the temporary closing of the Premises.

Grantee shall, prior to execution of this Special Privilege by the El Paso City Council, provide public liability insurance for personal injuries and death growing out of any one accident or other cause in a minimum amount of Two Hundred Fifty Thousand and No/100 Dollars ($250,000.00) per person, and Five Hundred Thousand and No/100 Dollars ($500,000.00) for two (2) or more persons in any one accident, and, in addition, shall provide property damage liability insurance in a minimum sum of One Hundred Thousand and No/100 Dollars ($100,000.00) for property damage growing out of any one accident or other cause. These amounts are not a limitation upon the Grantee's agreement to indemnify and hold the City harmless.

Grantee shall procure said insurance with a solvent insurance company authorized to do business in Texas. All policies shall name the City of El Paso, its officers, agents, servants and employees as additional insureds. Grantee shall file a copy of the policy or certificate of insurance with the City Clerk, the City Attorney, and the City Department of Building Permits and Inspections to the El Paso City Council enactment of the Special Privilege.

13. This Special Privilege is subject to the governmental powers of the City.

14. The term of this Special Privilege shall be between 5:30 a.m. to 8:00 p.m. on Thursday, May 20, 2004, through Thursday, May 27, 2004

15. This Special Privilege shall not take effect unless Grantee files its written acceptance with the City Clerk. If Grantee accepts the terms and conditions of this Special Privilege as a corporation, each of the persons accepting on behalf of Grantee warrants to City that Grantee is a duly authorized and existing corporation, that Grantee is qualified to do business in the State of Texas, that Grantee has full right and authority to accept the terms and conditions of this Special Privilege and that each and every person signing on behalf of Grantee is authorized to do so. Upon the City's request, Grantee shall provide evidence satisfactory to the City confirming these representations.

PASSED AND APPROVED this **11th** day of May, **2004.**

THE CITY OF EL PASO

Joe Wardy
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Teresa Garcia, Assistant City Attorney

APPROVED AS TO CONTENT:

R. Allan Shubert, Director of Building Permits & Inspections

ACCEPTANCE

The above instrument, with all conditions thereof, is hereby accepted this 21 day of April, 2004.

GRANTEE:

"RX" SIN RECETA LLC,

By: R. Michael Charske

Title: LOCATION MANAGER
RX SIN RECETA LLC

ACKNOWLEDGEMENT

THE STATE OF TEXAS)

COUNTY OF EL PASO)

This instrument is acknowledged before me on this 21 day of April, 2004, by R. MICHAEL CHARSKE as LOCATION MGR. on behalf of "RX" Sin Receta LLC, Grantee.

Lucy C. Martinez

Notary Public, State of Texas

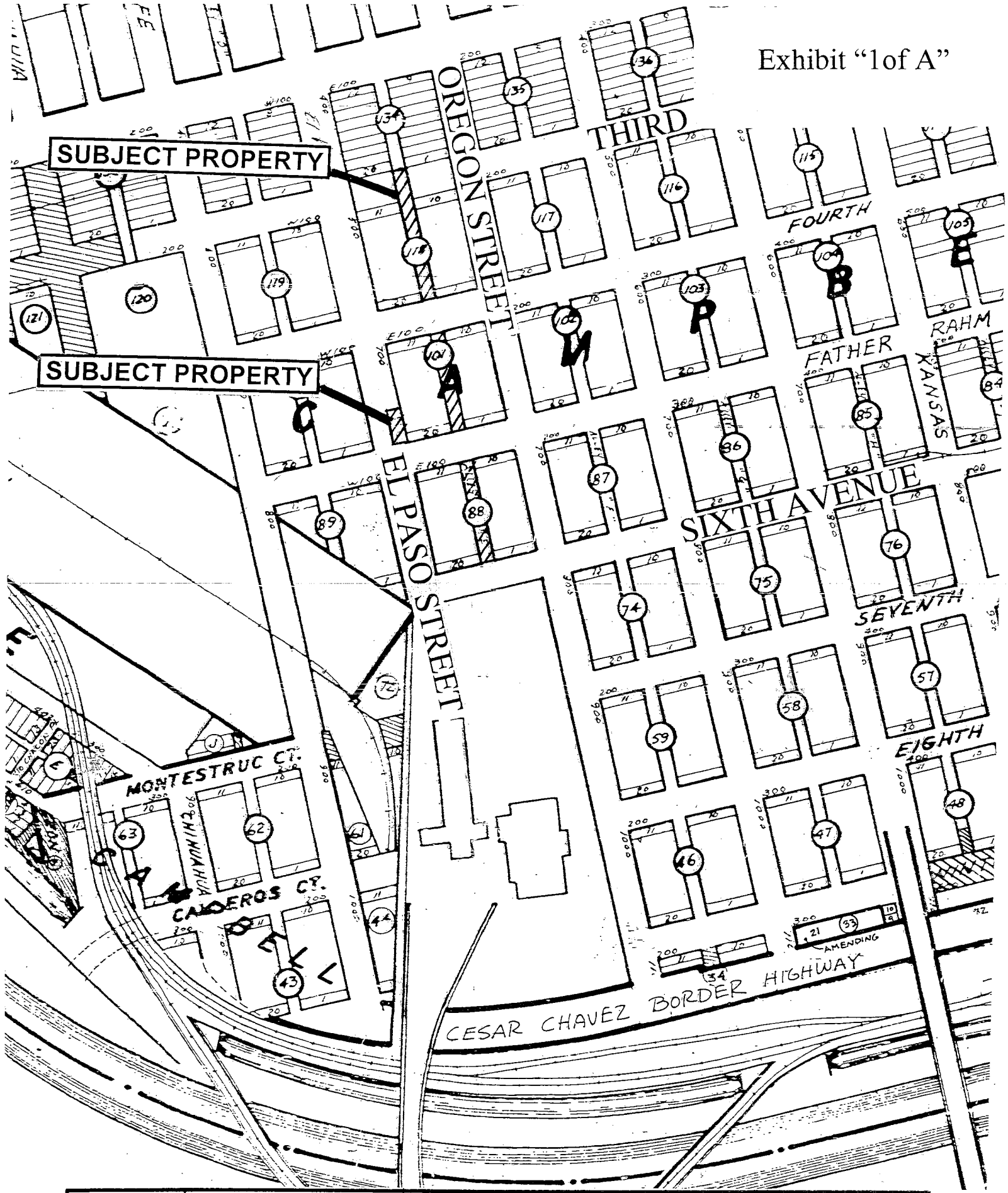
Notary's Printed or Typed Name:

LUCY C. MARTINEZ

My Commission Expires:

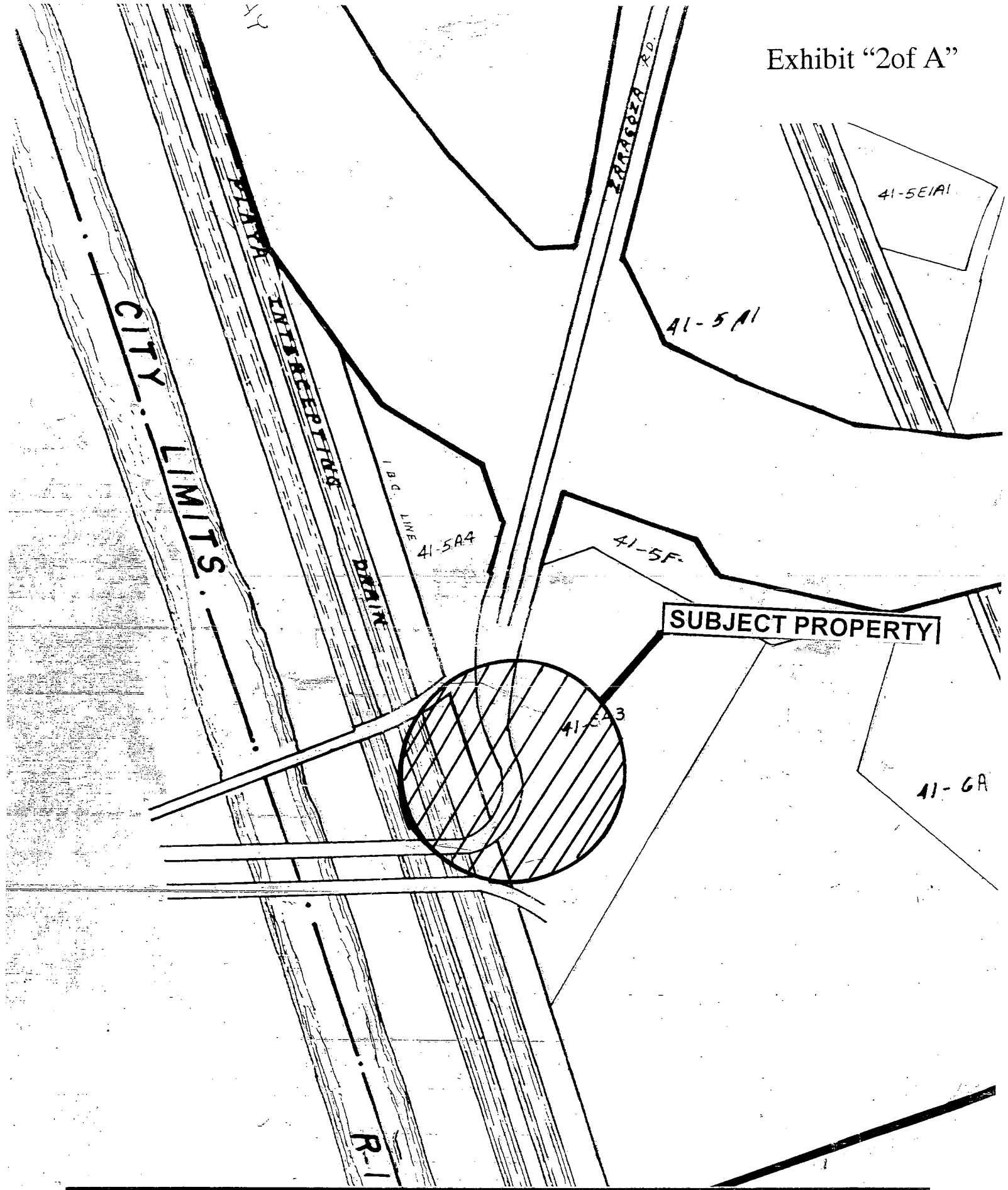
LUCY C. MARTINEZ
NOTARY PUBLIC
STATE OF TEXAS
My commission expires
April 29, 2004

Exhibit "1of A"



↑	SCALE	GENERAL LOCATION MAP	CASE NUMBER
NORTH	1" = 300'		SP-04007

Exhibit "2of A"



↑	SCALE	GENERAL LOCATION MAP	CASE NUMBER
NORTH	1" = 300'		SP-04007