Agenda Item Form

Agenda Date: 08/17/04

Districts Affected: Citywide
Dept. Head/Contact Information: David Dobson/541-4872

Type of Agenda Item:

- ☐ Resolution
- ☐ Tax Installment Agreements
- ☐ RFP/ BID/ Best Value Procurement
- ☐ Application for Facility Use
- ☐ Interlocal Agreements
- ☐ Other _____
- ☐ Staffing Table Changes
- ☐ Tax Refunds
- ☐ Budget Transfer
- ☐ Bldg. Permits/Inspection
- ☐ Contract/Lease Agreement
- ☐ Board Appointments
- ☐ Donations
- ☐ Item Placed by Citizen
- ☒ Introduction of Ordinance
- ☐ Grant Application

Funding Source:

- ☐ General Fund
- ☐ Grant (duration of funds: _____ Months)
- ☒ Other Source: permit fee

Legal:

☒ Legal Review Required Attorney Assigned (please scroll down): Matt Watson ☒ Approved ☐ Denied

Timeline Priority: ☐ High ☒ Medium ☐ Low # of days: 5

Why is this item necessary:
To attract more Commercial Film/Video projects to El Paso by expediting the permitting process

Explain Costs, including ongoing maintenance and operating expenditures, or Cost Savings:
No incremental costs since a fee per filming location is still paid. Potential cost savings by streamlining review process and reducing need for legal preparation of ordinances each time a Special Privilege Permit is requested.

Statutory or Citizen Concerns:
None

Departmental Concerns:
None

City of El Paso
Economic Development Department

MEMORANDUM

TO: Mayor and City Council
Jim Martinez

FROM: David G. Dobson, Director

SUBJECT: Introduction of Ordinance
Regular Agenda, City Council Meeting of August 17, 2004
Public Hearing of August 31, 2004

DATE: August 6, 2004

The introduction of two Ordinances is necessary for the streamlining of permitting processes in order to effectively position El Paso as a "film friendly" city. Attracting more commercial production companies to do feature films, such as the upcoming Disney movie "Glory Road – the Don Haskins story," TV pilots, and video projects will provide an added infusion into the City's overall economic condition. This can best be accomplished by streamlining the permitting process for filming on public rights-of-way and City property.

There are no incremental costs and a fee per application is charged to the production company. However, there are potential cost savings by streamlining the review process by reducing the need for legal preparation of ordinances ultimately eliminating a Special Privilege Permit request. A new permitting process that involves an administrative authorization of filming permits within five days would do much to enhance our image as a place to do business.

Should you have further questions, please feel free to contact me at 541-4872.

Thank you.

2 Civic Center Plaza, 1st Floor • El Paso, Texas 79901 • (915) 533-4284, Fax (915) 541-1316

Filming Location Information Form

Project Title:
Location # (from Application):
Date:

Film Commissioner
Department of Economic Development
1 Civic Center Plaza | El Paso, TX 79901
Email: film@elpasotexas.gov
915-534-0698; Fax: 915-532-2963 800-351-6024

This Filming Location Information Form must be submitted for each proposed location listed on the Filming Permit Application, and for any new location proposed while an approved Filming Permit is in effect (e.g. on-site additions). This approved Filming Location Form must be kept with the approved Filming Permit and presented upon request.

SECTION 1: FILMING LOCATION, CLOSURE(S) AND LAYOUT(S)

List physical address, and street(s) affected by filming, proposed closures or intermittent traffic control. Attach layout including traffic control plan.

SECTION 2: FILMING SCHEDULE

Set-up	Filming	Tear Down/Clean-up
Date(s): / /	Date(s): / /	Date(s): / /
Start Time: : am/pm	Start Time: : am/pm	Start Time: : am/pm
End Time: : am/pm	End Time: : am/pm	End Time: : am/pm
# Cast/Crew:	# Cast/Crew:	# Cast/Crew:

SECTION 3: FILMING ACTION (Check all that apply)

☐ Interior Dialogue	☐ Wet Down	☐ Dolly/Sidewalk	☐ Other:_____
☐ Exterior Dialogue	☐ Drive-By	☐ Dolly/Curb Lane	☐ Other:_____
☐ Intermittent Traffic Control	☐ Tow Shot	☐ Smoke/Open Flame	☐ Other:_____
☐ Street Closure	☐ Driving/Flow/Traffic	☐ Music Playback	☐ Other:_____
☐ Lane Closure	☐ Camera/Curb Lane	☐ Gunfire	☐ Other:_____
☐ Drive Up/Away	☐ Police Car/Motorcycle	☐ Pyrotechnics	☐ Other:_____

SECTION 4: OTHER INFORMATION

Is the location a City owned park, building or other facility? If so, please detail:

If pyrotechnics or special effects are involved in filming, please explain:

If there are parking meters on streets that will be closed, please list cross streets:

Will filming involve "Extended Car Chases" (over 1/4 mile in length, exceeding the posted speed limit by more than 50 mph or disobeying other traffic laws)? If so, please explain:

Will filming involve the use of aircraft, helicopters, etc.? If so, please explain your requirements:

Will tents be needed that are 400 sq. ft. or larger? _____ If so, please complete the following: (1) Prepare copies of a scaled drawing on-site plan detailing location of tent; adjacent structures, (2) Submit certificate of flame resistance for tent materials, and (3) Submit copy of notification.

Be sure to attach layout of proposed location including detailed traffic control plan/signage.

DEPARTMENTAL COMMENTS AND/OR APPROVALS (print name, initial and date):

Traffic/Engineering	Sun Metro
Police	Planning, R&D
Fire	Solid Waste
Streets	Film Commissioner
Parks	Economic Development

ADDENDUM FOR LOCATION ADDITION OR ALTERATION -- ATTACH TO ORIGINAL.

Filming Location Information Form

Project Title:
Permit #:
Location #:
Date:

Film Commissioner
Department of Economic Development
1 Civic Center Plaza;El Paso, TX 79901
Email: film@elpasotexas.gov
915-534-0698; Fax: 915-532-2963

This Location Form is an addendum to the Original Location Form on file in order to add or alter/change the existing request. This additional location, or alteration of existing location(s) will be attached, once approved and signed by appropriate departments (2), to the original Location Form. A copy will be put on file with Economic Development and the El Paso Film Commission.

SECTION 1: FILMING LOCATION, CLOSURE(S) AND LAYOUT(S) if required, & REQUEST:

SECTION 2: FILMING SCHEDULE ADDITION OR CHANGE:								
Set-up			**Filming**			**Tear Down/Clean-up**		
Date(s):	/	/	Date(s):	/	/	Date(s):	/	/
Start Time:	:	am/pm	Start Time:	:	am/pm	Start Time:	:	am/pm
End Time:	:	am/pm	End Time:	:	am/pm	End Time:	:	am/pm
# Cast/Crew:			# Cast/Crew:			# Cast/Crew:		

POLICE, TRAFFIC/ENGINEERING AND FILM COMMISSIONER MUST APPROVE BELOW; OTHER DEPARTMENTS OPTIONAL	
Streets:	Sun Metro:
Traffic/Engineering:	Solid Waste:
Police:	Other:
Fire:	Film Commissioner:
Parks:	Economic Development:

Filming Permit Application

Project Title:	
Application Date:	
Permit #:	
Issue Date:	

Film Commissioner
Department of Economic Development
1 Civic Center Plaza | El Paso, TX 79901
Email: film@elpasotexas.gov
915-534-0698; Fax: 915-532-2963 800-351-6024

Submit a separate application for each filming project (e.g. motion picture, commercial, documentary) at least five (5) working days before filming is to commence. Submit a separate Filming Location Information Form for each location proposed under this permit application. Expedited permits will be considered at the sole discretion of the Film Commissioner. Applicant must be registered with the El Paso Film Commission before filing a filming permit application. Call 915-534-0698, email film@elpasotexas.gov or visit www.elpasocvb.com/film.

SECTION 1: APPLICANT

Production Company	Location Manager	Mailing Address	City, State Zip		
Main Number	**Mobile Number**	**Fax**	**Alternate Contact**	**Alternate Number**	**Alternate Mobile**

SECTION 2: FILMING DESCRIPTION

Film Title and Type:

☐ Feature Film ☐ TV Show ☐ TV Movie ☐ TV Pilot/Series ☐ Commercial ☐ Student Project
☐ Music Video ☐ Corp. Video ☐ Documentary ☐ Still Photos ☐ News Show ☐ Nonprofit/PSA

Description of Project:

SECTION 3: FILMING LOCATION(S) [Submit Location Information Form for each]

Total # Locations:		List physical address and/or description of each location proposed under this permit (attach additional sheets if necessary)
Location #1:		
Location #2:		
Location #3:		
Location #4:		
Location #5:		

SECTION 4: PUBLIC NOTIFICATION

Applicant shall, prior to submitting this application, deliver written request for permission to all owners or occupants of real property abutting the boundaries of the area in which the filming will be conducted. The request must include the following information: (1) filming date(s), time and location; 2) production company point of contact, and; 3) City point of contact with telephone number. Written permission must be obtained from at least seventy-five percent (75%) of the affected owners or occupants, or the permit may be denied or revoked.

SECTION 5: SECURITY, CROWD CONTROL/TRAFFIC CONTROL, AND FIRE SAFETY

At the discretion of the Director of Economic Development or that person's designee, applicant shall have one or more El Paso Police Department supervisory officer(s) present during filming on City street, building or premises, at the applicant's sole cost and expense. Applicant may also be required to provide additional personnel designated for security, crowd control, and traffic control during filming. The total number of peace officers required for a location will be determined by the Director of Economic Development based on recommendations received by the El Paso Police Department, using industry specific planning variables, and may be a combination of on-duty and off-duty police officers. The El Paso Fire Department may also require the presence of firefighters and fire equipment during filming, at the applicant's sole cost and expense. The applicant is responsible for providing a detailed traffic control plan for approval by City Traffic/ Engineering department for each filming location as necessary. Signage for closures or detours posted on City streets for traffic control must comply with Texas Manual on Uniform Traffic Control Devices.

SECTION 6: RIGHTS TO IMAGES

Filming Company is granted the irrevocable right to use the recordings taken by company in perpetuity.

SECTION 7: DENIAL OR REVOCATION

The Director of Economic Development shall deny or revoke any filming permit if the applicant makes a false statement of material fact on the application or fails to comply with, or the activity is in violation of, any provision of the filming permit, or any other applicable law. The filming permit shall also be denied or revoked if the Police, Fire, City Manager or Airport Director determines the activity poses a serious threat to public health, safety or welfare. If a filming permit is denied or revoked, the applicant shall be notified by any two of: 1) telephone; 2) mail; 3) fax, or 4) email, notice of the denial or revocation and of the right to an appeal and instructions on how to file an appeal with the Development Coordinating Committee.

SECTION 8: OFFENSES OR PENALTIES

An applicant/person commits an offense if he/she commences filming without a filming permit or in violation of any provision of the filming permit, Chapter 13.30 of the El Paso City Code, or any other applicable law. Each offense is punishable by a fine not to exceed $2,000 for each violation of a provision governing fire safety, zoning, public health, sanitation, including dumping of refuse; and $500 for each violation of all other provisions.

SECTION 9: INSURANCE

The applicant shall procure and keep in full force and effect for the duration of filming, a minimum insurance written by an insurance company approved by the State of Texas and acceptable to the city and issued in the standard form approved by the Texas Dept. of Insurance. All provisions of each policy must be acceptable to the city and name the city and its officers and employees as additional insured.

1. **Commercial General Liability Insurance** including, but not limited to, Premises/Operations, Personal & Advertising Injury, Products/Completed Operations, Independent Contractors and Contractual Liability with minimum combined bodily injury (including death) and property damage of limits of $1,000,000 per occurrence, and $1,000,000 general aggregate. NOTE: If filming in a "City facility or premises", then minimum limits of $1,000,000 per occurrence, and $2,000,000 general aggregate. NOTE: If filming involves the use of pyrotechnics, explosives or fireworks, then $3,000,000 per occurrence, and $3,000,000 general aggregate.

2. **Workers' Compensation Insurance** with statutory limits if filming in a "City facility or premises;" **Employers Liability** with minimum limits for bodily injury: a) by accident, $100,000 per each accident, b) by disease, $100,000 per employee with a per policy aggregate of $500,000.

3. **Business Automobile Liability Insurance** covering owned, hired, and non-owned vehicles, with a minimum combined bodily injury (including death) and property damage limit of $500,000 per occurrence. NOTE: If filming involves "Extended Car Chases", then, minimum limit of $3,000,000 per occurrence.

4. **Aircraft Liability Insurance** for owned, hired, and non-owned aircraft with a minimum limit of $5,000,000 per occurrence, if the filming involves the use of aircraft.

Production Company agrees that with respect to the above required insurance, all insurance contracts and certificate(s) of insurance will contain and state, in writing, the following required provisions: a) name the City of El Paso and its officers, employees, and elected representatives as additional insureds to the Commercial General Liability and Business Automobile Liability policies; b) state that coverage shall not be cancelled, non-renewed or materially changed except after thirty (30) days written notice by certified mail to: Film Commissioner; Department of Economic Development; 1 Civic Center Plaza; El Paso, TX 79901; c) waive subrogation against the City of El Paso, its officers, employees, for bodily injury (including death) property damage or any other loss.

SECTION 10: INDEMNIFICATION

As a condition of a Filming Permit being issued, the permit holder agrees to indemnify, defend and hold harmless the City of El Paso and all of its officers and employees against any and all suits, causes of action or claims for injuries, damages, costs and expenses to persons, or property, whether public of private, that may arise out of, or be constituting a part of the filming event, or any activity constituting a part of the filming, or any act, omission or misconduct of the permit holder or his agents, representatives, contractors, or employees. The permit holder agrees to discharge any and all judgments that may be rendered against the City of El Paso or its officers in connection with any suit, cause of action, or claim after the judgment becomes final.

SECTION 11: RIGHT TO USE CITY OF EL PASO NAME

Filming company shall have the irrevocable right to photograph City of El Paso facilities and premises, as well as any name connected with such premises, and to use any such names in and in connection with films.

SECTION 12: FEES & PAYMENTS

$40.00 per filming location must accompany this form at time of submission: Application fee applies to street closures/traffic management and hooding of parking meters, and all other services limited to street closures/traffic management (not including parking meter rates). All fee payments must be in the form of Money Order, Check, Cash or Credit Card, made payable to the City of El Paso. Use of City parks, buildings and/or other facilities requires additional fees as published, and these fees must be paid in advance of filming. City of El Paso will provide an estimated cost for use of on-duty City personnel, such as Police and Fire, and actual costs will be billed to the applicant after the filming activity. No filming permit will be released until all necessary permits, licenses, and certificates of insurance are received by the City of El Paso. Filming application fee is waived for student projects, non-profit and public service filming. Any other waiver of permit or usage fees must be approved by City Council.

SECTION 13: ACKNOWLEDGEMENT/SIGNATURE

By signing below, the Applicant certifies that the information provided above is correct; he/she has read and understood the information contained in this application; and he/she agrees to conduct the filming in compliance with all applicable codes, ordinances, laws and the conditions contained in the filming permit. This application, location information forms and other attachments shall be considered as part of the filming permit.

Applicant's Signature:	**DATE:**

SECTION 14: ENCLOSURES

The following MUST BE INCLUDED with the application at time of submission. Incomplete applications will not be processed.

1)_____PERMIT FEE 2)____USAGE FEES 3)_____LOCATION INFORMATION FORM(S) 4)_____CERTIFICATION OF INSURANCE

5)_____ALL OTHER ATTACHED INFORMATION

DEPARTMENTAL COMMENTS AND/OR APPROVALS (print name, initial and date):

Traffic/Engineering	Sun Metro
Police	Solid Waste
Fire	Other
Streets	Film Commissioner
Parks	Economic Development

AN ORDINANCE AMENDING TITLE 15 (PUBLIC SERVICES), TO AMEND CHAPTER 15.08 (STREET RENTALS), SECTION 15.08.120 (SPECIAL PRIVILEGE LICENSES) OF THE EL PASO MUNICIPAL CODE BY ADDING SUBSECTION 15.08.120.C.9 TO RECOGNIZE THE CREATION OF CHAPTER 13.30 OF THIS CODE WHICH ADDRESSES THE ISSUANCE OF PERMITS FOR FILM MAKING EVENTS; THE PENALTY BEING AS PROVIDED IN SECTION 13.30.130 OF THE MUNICIPAL CODE.

WHEREAS, the City has created a new chapter in the City code to separately address the issuance of permits for film-making events; and

WHEREAS, this necessitates the adoption of an amendment to subsection 15.08.120.C of the City code to recognize the creation of this new chapter.

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

Section 1. That Subsection 15.08.120.C.9 (Special Privilege Licenses) of the El Paso Municipal Code shall be added to read as follows:

Section 15.08.120 Special Privilege Licenses, subsection 15.08.120.C.9:

C.9 The Temporary street closing for a period of 48 hours or less for a film-making event location permit duly approved pursuant to the requirements of 13.30 of this code.

Section 2. Except as herein amended, Section 15.08.120 of the El Paso Municipal Code (Special Privilege Licenses) shall remain in full force and effect.

ADOPTED this _____ day of _____ 2004.

CITY OF EL PASO

_____

Joe Wardy, Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO CONTENT:

David Dobson
Director of Economic Development

APPROVED AS TO FORM:

Matt Watson
Assistant City Attorney

Document #: 2682
Document Name: PLANNING/1/ORD/15.08.120AMEND
Document Author: MWAT