

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

CITY CLERK DEPT.  
2018 APR 25 PM 3:25

**DEPARTMENT:** Economic and International Development Department

**AGENDA DATE:** May 1, 2018

**CONTACT PERSON:** Elizabeth Triggs, (915) 212-1619,  
[TriggsEK@elpasotexas.gov](mailto:TriggsEK@elpasotexas.gov)

**DISTRICT(S) AFFECTED:** District 1

**SUBJECT:**

Discussion and action on a resolution that Schedule C, attached to the FY 2018 Budget Resolution and effective September 1<sup>st</sup>, 2017, shall be amended effective May 1<sup>st</sup>, 2018, as set forth in Attachment A, to specify the revised fee associated with the use of the sidewalk cafés within the Cincinnati Commercial District and associated with Title 15 (Public Services), Chapter 15.08 (Street Rentals), Section 15.08.120 (Special Privilege Licenses and Permits) of the El Paso City Code.

**BACKGROUND / DISCUSSION:**

This resolution amends Schedule C, the City of El Paso's schedule of fees to add a new annual fee associated with the special privilege permit required, pursuant to Section 15.08.120 of the El Paso City Code, for use of a sidewalk café within the Cincinnati Commercial District. The sidewalk cafés within this portion of the City's right-of-way will be constructed by the City of El Paso as part of the University Pedestrian Improvements project. This construction is part of an expanded scope for the UPI project. The new fee is proposed to be \$2.00 per square foot of café space encroaching on the public right-of-way per year. The purpose of the fee is to allow private business use of the sidewalk cafés, while also offsetting the cost and maintenance/replacement of the café fencing which was not originally contemplated as part of the UPI project.

**Attachments:**

Resolution – Amending FY2018 Schedule C

Attachment A – Amendment to FY2018 Schedule C

**PRIOR COUNCIL ACTION:**

**AMOUNT AND SOURCE OF FUNDING:**


N/A

**BOARD / COMMISSION ACTION:**

N/A

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**DEPARTMENT HEAD:**

Av: Jessica Herrera, Director  
Economic & International Development Department  


## RESOLUTION

**WHEREAS**, the City Council adopted the Budget Resolution for FY2018 on August 15<sup>th</sup>, 2017; and

**WHEREAS**, paragraph 49 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**, City Council approved funding for the University Pedestrian Improvement Program which allowed for the redesign of Cincinnati Avenue between N. Mesa Street and N. Stanton Street (the "Cincinnati Commercial District") to install wider sidewalks, street lighting, street trees, and parking meters; and

**WHEREAS**, the construction of sidewalk cafés in the public right-of-way adjacent to businesses located on Cincinnati Street between N. Mesa Street and N. Stanton, within the Cincinnati Commercial District has been added to the University Pedestrian Improvement Program's scope of work; and

**WHEREAS**, area businesses wishing to use the sidewalk café adjacent to their business have agreed to offset the additional cost of the fencing for the sidewalk cafés; and

**WHEREAS**, pursuant to Section 15.08.120 of the El Paso City Code, use of a sidewalk café on the City's public right-of-way by the adjacent business owner requires a special privilege permit; and

**WHEREAS**, City staff has studied the existing annual fee for a sidewalk café special privilege permit and the additional cost of the fencing for the sidewalk cafés to be constructed within the Cincinnati Commercial District; and

**WHEREAS**, after receiving and reviewing the analysis, the City Council finds that the recommended annual fee for use of the sidewalk cafés constructed by the City within the Cincinnati Commercial District, is reasonable and necessary to allow the use of the City's public right-of-way and to offset the cost and maintenance of the fencing for the sidewalk cafés.

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

That Schedule C, attached to the FY 2018 Budget Resolution and effective September 1<sup>st</sup>, 2017, shall be amended effective May 1<sup>st</sup>, 2018, as set forth in **Attachment A**, to specify the revised fee associated with the use of the sidewalk cafés within the Cincinnati Commercial District and associated with Title 15 (Public Services), Chapter 15.08 (Street Rentals), Section 15.08.120 (Special Privilege Licenses and Permits) of the El Paso City Code.

**APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2018.

(Signatures on the following page)

**CITY OF EL PASO, TEXAS**

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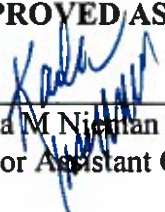
Dee Margo, Mayor

**ATTEST:**

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Laura D. Prine, City Clerk

**APPROVED AS TO FORM:**



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Karla M. Nieman  
Senior Assistant City Attorney

**APPROVED AS TO CONTENT:**



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For: Jessica Herrera, Director  
Economic & International  
Development Department

**ATTACHMENT A**  
**Amendment to Schedule C**

<b>Line No.</b>	<b>Department</b>	<b>Account</b>	<b>Fee Description</b>	<b>Detail FY17 Adopted</b>	<b>Municipal Code Section</b>	<b>FY17 Adopted Fee</b>
NEW	Planning & Inspections	440510	Special Privilege – Annual Fee – Cincinnati Commercial District	Outdoor café	15.08.120.F	\$2.00 per square foot