



Agenda Item:

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COUNCIL COMMUNICATION City Manager's Office

GENERAL INFORMATION

Agenda Date: May 23, 2005
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Communication No.: 05-

Agenda Item Type: Resolution
No.:

Roll Call

Submitted by: Jeb E. Brewer, P.E., City Engineer

SUBJECT—

Amending Chapter 102 of the Municipal Code of the City's Right-of-Way Management Ordinance.

SYNOPSIS—

Approval of an ordinance amending Chapter 102, Article XI of the Municipal Code, the City's Right-of-Way (ROW) Management Ordinance, to provide for the application of the regulatory provisions of the Ordinance to users installing heated sidewalk systems within City right-of-way; to establish additional administrative penalties to address permit compliance, timeliness of work, accuracy of information provided by applicant, and storage of equipment within the right-of-way; to clarify annual usage reporting by right-of-way users; and to address protection and restoration of special features within the right-of-way.

FISCAL IMPACT—

None.

RECOMMENDATION—

Approval.

BACKGROUND—

The following is a brief overview of the changes staff is recommending to the Right-of-Way Management Ordinance.

The proposed ordinance establishes provisions for the construction of heated sidewalk systems within City ROW. This includes requirements for identifying the location of these systems, the types of systems allowed, and the responsibility of the owner to maintain and repair the heated sidewalk systems.

The proposed ordinance establishes additional administrative penalties. The additional penalties allow the City Engineer to impose penalties for those who fail to comply with permit conditions or orders issued by the City Engineer; fail to complete work within the time specified in the permit; fail to provide accurate information on the permit application; or work or store equipment outside of the permit area.

The proposed ordinance allows the City Engineer to waive the annual usage report requirement for ROW users if it is determined that the change in right-of-way usage is insufficient to significantly affect the calculation of the annual management fee.

The proposed ordinance establishes provisions for the protection and restoration, when protection is not feasible, for any special feature within the right-of-way. Special features include special sidewalk surfaces, underground vaults, areaways, and landscaping.