

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

DEPARTMENT: Department of Transportation

AGENDA DATE: Introduction: June 7, 2011
Public Hearing: June 14, 2011

CONTACT PERSON NAME AND PHONE NUMBER: Teresa Quezada, (915) 621-6750, quezadatx@elpasotexas.gov

DISTRICT(S) AFFECTED: ALL DISTRICTS

SUBJECT:

An Ordinance amending Title 13 (Streets, Sidewalks, and Public Places), Chapter 13.20 (Miscellaneous Street and Sidewalk Use Regulations) Section 13.20.040 (Selling of Merchandise Prohibited on and near Public Right-of-way) to allow for the sale of items authorized by Ordinance or Permit (All Districts).

BACKGROUND / DISCUSSION:

This Ordinance is one of four companion Ordinances to the Ordinance creating the weekly downtown artist market. The Downtown Artist Market will occur in the Union Plaza District. This Ordinance exempts the artist market from the required Traffic Control Permit requirement. A traffic control plan will be provided to the Department of Transportation and updated as the event is amended.

PRIOR COUNCIL ACTION:

On 7/20/10 City Council approved Ordinance 017361 which amended the panhandling prohibition Ordinance.

On 1/25/11 MCAD presented proposed scenarios for re-use of the Texas vs. the Nation funds, with a portion allocated to the creation of a weekly artist market. Council requested the item to be represented with other items adjusted from the original proposal.

On 2/8/11 MCAD presented a revised scenario which retained the creation of a weekly artist market that was approved.

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

N/A

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:

Daryl W. Cole, Director, El Paso Department of Transportation

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 13 (STREETS, SIDEWALKS AND PUBLIC PLACES), CHAPTER 13.20 (MISCELLANEOUS STREET AND SIDEWALK USE REGULATIONS) SECTION 13.20.040 (SELLING MERCHANDISE PROHIBITED ON AND NEAR PUBLIC RIGHT-OF-WAY) TO ALLOW FOR THE SALE OF ITEMS AUTHORIZED BY ORDINANCE OR PERMIT

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

1. That El Paso City Code Section 13.20.040(C)(4) is amended to read as follows:

13.20.040. Selling merchandise prohibited on and near public right-of-way.

(C)(4) A sale authorized through the grant of a special privilege by the city council or another sale authorized by ordinance or permit for use of the sidewalk area within public right-of-way pursuant to the requirements of the city Charter and any other applicable city ordinances within the downtown area.

2. Except as herein amended, the El Paso City Code remains in full force and effect.

ADOPTED this _____ day of _____, 2011.

CITY OF EL PASO

John F. Cook, Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Kristen L. Hamilton
Assistant City Attorney

Teresa Quezada, Deputy Director
Department of Transportation

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