

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

DEPARTMENT: Engineering – Traffic Division

AGENDA DATE: Introduction: August 31, 2010, Public Hearing: September 14, 2010

CONTACT PERSON NAME AND PHONE NUMBER: Kimberly Forsyth, Senior Planner, 541-4165

DISTRICT(S) AFFECTED: District 8

SUBJECT:

An ordinance authorizing the City Manager to terminate all special privilege licenses issued pursuant to Ordinance 16013 to food vendors licensed to operate in the public right-of-way in the downtown area.

BACKGROUND / DISCUSSION:

The special privilege license for food vending concessions on designated rights-of-way in the downtown area was established in 1993. A lottery process was previously used to allot spaces to independent vendors. On March 8, 2005, ordinance #16013 was approved granting a special privilege to various food vendors in the downtown area. The original term was for three years and the expiration date was March 2008. The term has been extended several times and the current expiration date is March 1, 2011.

In 2010, a bid process was developed to award the concession. The bid award was approved by City Council on July 27, 2010 and approval of the new special privilege license is scheduled for Sept. 14, 2010. Ordinance #16013 requires that the City provide written notification of termination of the current special privilege to the grantees no less than 30 days prior to termination. The effective date for the new special privilege is December 6, 2010 to allow for notification of current grantees, termination of the existing special privilege license, and an orderly transition.

PRIOR COUNCIL ACTION:

Approval of special privilege ordinance #16013 on March 8, 2005; and renewal ordinances #16850 on March 9, 2008, #16996 on Sept. 9, 2008, #17184 on Sept. 1, 2009 and #17277 on February 16, 2010. Approval of bid award for new food-vending concession on July 27, 2010.

AMOUNT AND SOURCE OF FUNDING:

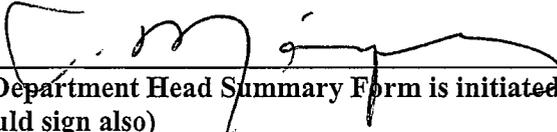
N/A

BOARD / COMMISSION ACTION:

N/A

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

DEPARTMENT HEAD:


(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

Information copy to appropriate Deputy City Manager

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO TERMINATE ALL SPECIAL PRIVILEGE LICENSES ISSUED PURSUANT ORDINANCE 16013 TO FOOD VENDORS LICENSED TO OPERATE IN THE PUBLIC RIGHT-OF-WAY IN THE DOWNTOWN AREA.

WHEREAS, the El Paso City Council on May 25, 1993, originally approved the designation of various locations appropriate for food vending within public right-of-way and located within the area bounded by Yandell Avenue, Kansas Street, Border Highway and Santa Fe Street, and has amended same periodically, hereinafter "Downtown Area"; and;

WHEREAS, the El Paso City Council approved Ordinance No. 16013 on March 8, 2005 that granted a Special Privilege to various Food Vendors in the Downtown Area authorizing the encroachment onto portions of various public rights-of-way with a food-vending concession in the Downtown Area with a termination date of March 9, 2008; and

WHEREAS, the El Paso City Council approved Ordinance No. 16850 extending the term of the special privilege license originally provided by Ordinance No. 16013, for an additional six (6) months so that the termination date was amended to September 9, 2008; and,

WHEREAS, on September 9, 2008 the City Council approved Ordinance No. 16996 extending the term of the special privilege license originally provided by Ordinance No. 16013 for an additional one (1) year period so that the termination date was amended to September 9, 2009; and,

WHEREAS, on September 1, 2009 the City Council approved Ordinance No. 17184 extending the term of the special privilege license originally provided by Ordinance No. 16013 for an additional six (6) month period so that the termination date was amended to March 1, 2010; and,

WHEREAS, on February 16, 2010 the City Council approved Ordinance No. 017277 extending the term of the special privilege license originally provided by Ordinance No. 16013 for an additional year so that the termination date was amended to March 1, 2011; and,

WHEREAS, the City issued a request for proposals on March 23, 2010 and the City Council approved the award of a special privilege license to Big Boy Ice Cream, Inc. for food vending in the Downtown Area on July 27, 2010 by Resolution; and

WHEREAS, the City Council has approved a special privilege license granted to Big Boy Ice Cream, Inc. for all Downtown Area food vending with operations to begin December 6, 2010; and

WHEREAS, Ordinance 16031 requires that the City provide the Grantee downtown area food vendors with written notice of termination of their special privilege licenses no less than thirty days prior to termination.

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

That the City Manager is hereby authorized to issue a notice of termination of the special privilege licenses issued pursuant to Ordinance 16013, as amended, to all current Grantees of such special privilege licenses provided that such termination shall be effective no later than December 5, 2010.

PASSED AND APPROVED this _____ day of _____ 2010.

THE CITY OF EL PASO

John F. Cook, Mayor

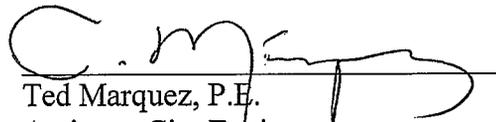
ATTEST:

Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:


Mark Shoesmith
Assistant City Attorney

APPROVED AS TO CONTENT:


Ted Marquez, P.E.
Assistant City Engineer