

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

DEPARTMENT: Planning & Inspections Department

AGENDA DATE: First Reading: July 21, 2015
Second Reading: July 28, 2015

CONTACT PERSON: Elizabeth Gibson, (915) 212-1500,
GibsonEK@elpasotexas.gov

DISTRICT(S) AFFECTED: All

SUBJECT:

An ordinance amending Title 13 (Streets, Sidewalks and Public Spaces), Chapter 13.36 (Parades and Public Assemblies), Section 13.36.050 (Costs and Fees), to delete Subsections (E) and (F) of the El Paso Municipal Code to increase public accessibility to and ease of participation in a funding assistance program for eligible parade events; the penalty being as provided for in Section 13.36.100 (Violation–Penalty) of the El Paso City Code.

BACKGROUND / DISCUSSION:

The proposed ordinance deletes the subsections of the City Code that establish the authority for the City Manager to create a funding assistance program to aid in partial or full coverage of traffic control and cleanup costs for eligible parades and moving events, as defined by Chapter 13.36 of the El Paso City Code. Rather, City Council will continue to oversee funding allocations for this program through its annual budget process.

The code currently places restrictions on the application submittal process, namely an application submittal deadline of March 31st during the fiscal year prior to the fiscal year in which the event is scheduled to occur, that have proven challenging for many eligible events to meet. This is particularly true for events that occur during the latter half of the fiscal year and new events that do not occur annually and do not have a set route.

Benefits of removing the deadline and associated subsections include increased accessibility to the program for eligible events and increased administrative flexibility to make adjustments to deadline(s) and the application submittal process associated with the program, as needed. This ordinance will not affect the current requirement that Council oversee and ultimately, approve the allocation of funds for this program during its annual budget process.

Attachment:

Redline of Proposed Ordinance

PRIOR COUNCIL ACTION:

City Council approved Ordinance 16317 on April 4, 2006 creating the administrative process for parade application submittals under the City Sponsorship Program; the original deadline established by this ordinance was March 1st for events occurring during the following fiscal year. On February 1, 2011, Ordinance 17493 was approved, extending the March 1st deadline to March 31st in order to increase program accessibility to the public.

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

N/A

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

DEPARTMENT HEAD:

Larry F. Nichols, Director
Planning and Inspections Department

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 13 (STREETS, SIDEWALKS AND PUBLIC SPACES), CHAPTER 13.36 (PARADES AND PUBLIC ASSEMBLIES), SECTION 13.36.050 (COSTS AND FEES), TO DELETE SUBSECTIONS (E) AND (F) OF THE EL PASO MUNICIPAL CODE TO INCREASE PUBLIC ACCESSIBILITY TO AND EASE OF PARTICIPATION IN A FUNDING ASSISTANCE PROGRAM FOR ELIGIBLE PARADE EVENTS; THE PENALTY BEING AS PROVIDED FOR IN SECTION 13.36.100 (VIOLATION-PENALTY) OF THE EL PASO CITY CODE.

WHEREAS, the City recognizes that parades and public assemblies are essential for a vibrant community and provide a distinct benefit to the local culture and economy; and

WHEREAS, providing some funding support for these activities constitutes an important public purpose or benefit to the City and citizens of El Paso for which the City is willing to expend funds and generally share some of the costs for traffic control assistance for these events; and

WHEREAS, the City wishes to offer adequate opportunity to apply for City support in the provision of services required for these events; and

WHEREAS, the City Council will oversee the funding allocations for the program as a part of its annual budget process;

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

SECTION 1. That Title 13 (Streets, Sidewalks and Public Spaces), Chapter 13.36 (Parades and Public Assemblies), Section 13.36.050 (Costs and Fees), Subsections (E) and (F) of the El Paso City Code be deleted.

SECTION 2. Except as herein amended, Title 13 of the El Paso City Code shall remain in full force and effect.

ADOPTED this _____ day of _____, 2015.

CITY OF EL PASO:

Oscar Leeser
Mayor

ORDINANCE NO. _____

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Kristen L. Hamilton-Karam
Assistant City Attorney

APPROVED AS TO CONTENT:

Larry F. Nichols, Director
Planning and Inspections Department

ORDINANCE NO. _____

REDLINE

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 13 (STREETS, SIDEWALKS AND PUBLIC SPACES), CHAPTER 13.36 (PARADES AND PUBLIC ASSEMBLIES), SECTION 13.36.050 (COSTS AND FEES), TO DELETE SUBSECTIONS (E) AND (F) OF THE EL PASO MUNICIPAL CODE TO INCREASE PUBLIC ACCESSIBILITY TO AND EASE OF PARTICIPATION IN A FUNDING ASSISTANCE PROGRAM FOR ELIGIBLE PARADE EVENTS; THE PENALTY BEING AS PROVIDED FOR IN SECTION 13.36.100 (VIOLATION-PENALTY) OF THE EL PASO CITY CODE.

WHEREAS, the City recognizes that parades and public assemblies are essential for a vibrant community and provide a distinct benefit to the local culture and economy; and

WHEREAS, providing some funding support for these activities constitutes an important public purpose or benefit to the City and citizens of El Paso for which the City is willing to expend funds and generally share some of the costs for traffic control assistance for these events; and

WHEREAS, the City wishes to offer adequate opportunity to apply for City support in the provision of services required for these events; and

WHEREAS, the City Council will oversee the funding allocations for the program as a part of its annual budget process;

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

SECTION 1. That Title 13 (Streets, Sidewalks and Public Spaces), Chapter 13.36 (Parades and Public Assemblies), Section 13.36.050 (Costs and Fees), Subsections (E) and (F) of the El Paso City Code be deleted.

~~E. In addition to the foregoing, the city may, in accordance with the provisions of this section, provide additional services or all of the services required by this chapter. The city manager may establish a process to require persons and organizations seeking city support to submit a request to the city no later than March 31 of each year. The city manager will present such requests to the city council in conjunction with the budget process. At the time city council adopts the city's annual budget, the city council shall determine which if any events will be supported pursuant to subsection F. of this section and include the appropriate funding in the city's budget.~~

~~F. For such applicants who have followed the process established in subsection E of this section, the city may, by resolution of the city council, provide the services required by this chapter at no cost or at a further reduced cost to the applicant should the city desire to~~

ORDINANCE NO. _____

REDLINE

~~provide such support to an event and funding is included in the city's annual budget for the event. Such action is not a waiver of a regulatory requirement based upon political, social, or religious grounds or reasons, or based upon the content of the views expressed, but instead is an affirmative act of city association or speech in conjunction with the finding of a public purpose for such event.~~

SECTION 2. Except as herein amended, Title 13 of the El Paso City Code shall remain in full force and effect.

ADOPTED this _____ day of _____, 2015.

CITY OF EL PASO:

Oscar Leeser
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Kristen L. Hamilton-Karam
Assistant City Attorney

APPROVED AS TO CONTENT:

Larry F. Nichols, Director
Planning and Inspections Department

ORDINANCE NO. _____