



Background Paper for Proposed Ordinance

COUNCIL MEETING DATE: April 25, 2022

TO: President Heather Graham and Members of City Council
CC: Mayor Nicholas A. Gradisar
VIA: Marisa Stoller, City Clerk
FROM: Michael Miller, Assistant City Attorney
SUBJECT: AN ORDINANCE AMENDING THE STANDARD FORM PARKLET USE AGREEMENT AND AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT FOR QUALIFYING BUSINESSES

SUMMARY:

Attached for consideration is the amended Parklet Use Agreement, which defines requirements for Qualifying Businesses and removes the “emergency” qualifications previously required for Parklet usage while further adding a fee structure. The definition of “Qualified Business” was also changed therein to include non-emergency applicants.

PREVIOUS COUNCIL ACTION:

City Council previously approved (an Emergency) Ordinance No. 9825 for purposes of local business compliance with Public Health measures related to COVID-19.

BACKGROUND:

The prior Ordinance required an Outdoor Liquor License and Revocable Permit as a condition of the Parklet Program and Use Agreement and further allowed for a waiver of costs for Parklet usage for Qualifying Businesses. The funds used to secure the Parklets were procured through the City’s Corona Virus Relief Fund, CVRF – CI2010, the CARES ACT grant fund.

FINANCIAL IMPLICATIONS:

Approximately 20 Parklets remain available for use. Qualifying Businesses shall pay the City an annual parklet rental fee of \$400.00 (\$5.00 per square foot) of each parklet rented.

BOARD/COMMISSION RECOMMENDATION:

Not applicable to this Ordinance.

STAKEHOLDER PROCESS:

Not applicable to this Ordinance.

ALTERNATIVES:

If the Ordinance is not passed, the City will need to remove and dispose of the Parklets currently in use.

RECOMMENDATION:

Staff recommends approval of this Ordinance.

Attachments:

Proposed Ordinance

Proposed Parklet Use Agreement

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE STANDARD FORM PARKLET
USE AGREEMENT AND AUTHORIZING THE MAYOR TO
EXECUTE SAID AGREEMENT FOR QUALIFYING BUSINESSES

WHEREAS, the City owns portable event patios ("Parklets") and during the COVID-19 pandemic emergency, created a program to make the Parklets available for the use and benefit of restaurants and bars located in the City; and

WHEREAS, the COVID-19 emergency declarations have since expired; and

WHEREAS Qualified Businesses using the Parklets have requested permission to continue to do so; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF PUEBLO, that:

SECTION 1.

The standard form Parklet Use Amendment ("Agreement"), a copy of which is attached hereto and having been approved as to form by the City Attorney, is hereby approved.

SECTION 2.

The Mayor is authorized to execute said Agreement by and between a Qualifying Business and the City and the City Clerk is authorized to affix the seal of the City thereto and attest the same.

SECTION 3.

The officers and staff of the City are authorized to perform any and all acts consistent with this Ordinance and the attached Agreement to implement the policies and procedures described therein.

SECTION 4.

This Ordinance shall become effective on the date of final action by the Mayor and City Council.

Action by City Council:

Introduced and initial adoption of Ordinance by City Council on _____.

Final adoption of Ordinance by City Council on _____.

President of City Council

Action by the Mayor:

- Approved on _____.
- Disapproved on _____ based on the following objections:

Mayor

Action by City Council After Disapproval by the Mayor:

- Council did not act to override the Mayor's veto.
- Ordinance re-adopted on a vote of _____, on _____
- Council action on _____ failed to override the Mayor's veto.

President of City Council

ATTEST

City Clerk