

AN ORDINANCE CREATING A PILOT PROGRAM TO ALLOW FOR THE TEMPORARY CLOSURE AND USE OF PUBLIC RIGHT-OF-WAY TO CREATE A PUBLIC PLAZA AND WAIVING CERTAIN CITY CODE REQUIREMENTS AND ASSOCIATED FEES.

PART 1. PURPOSE. This ordinance creates a pilot program allowing the temporary closure and use of public right-of-way for creating a low-cost public plaza, to be called a “Temporary Plaza.” The pilot program is part of the South Central Waterfront Vision Framework Plan, a component of the Imagine Austin Comprehensive Plan, as adopted by the City Council on June 27, 2016. The pilot program participant (“Participant”) will use the Temporary Plaza to provide public space for the uses described in this ordinance. The pilot program is intended to allow both the City and the public to observe and collect data to determine the feasibility of creating a permanent plaza at this location, as called for in the South Central Waterfront Plan.

- (1) This ordinance applies to the public right-of-way adjacent to 220 South Congress Avenue, including the slip lane at Barton Springs Road and South Congress Avenue, and including the “bat statue island” (see Exhibit “A”).
- (2) A person may not sell, barter, trade, store, take orders for merchandise or other actions within the Temporary Plaza in violation of Chapter 14-9 (*Traffic or Sidewalk Obstructions*). This does not apply to food or drink to be consumed in the Temporary Plaza.
- (3) The Participant will execute a license agreement with a term of one (1) year with the City to install furnishing and finishes in the Temporary Plaza. The license agreement and legal review will be processed by City staff within 30 days from receipt of a complete request containing the

1 information below. The Participant must submit the following for
2 review and processing of the license agreement:

- 3 (a) proof of general commercial liability insurance coverage in the
4 amount established by the Transportation and Public Works
5 Departments;
 - 6 (b) submission of a visual plan for the use of the right-of-way, to
7 include the number, aesthetic, and location of tables, chairs, or
8 other furnishings and finishes. Other components of the plan
9 should include family-friendly features and elements that could
10 appeal to youth;
 - 11 (c) describe how accessibility will be maintained in accordance with
12 the Americans with Disabilities Act (ADA) and Texas
13 Accessibility Standards (TAS); and
 - 14 (d) other information requested by staff to insure that public health,
15 safety, and welfare is maintained.
- 16 (4) The placement of the furnishings and finishes shall not:
- 17 (a) extend outside of the licensed area;
 - 18 (b) constitute a danger to the health or safety of a patron or the public;
19 or
 - 20 (c) violate the terms of the license agreement.
- 21 (5) The Participant will be responsible for maintenance of the area.
- 22 (6) The Temporary Plaza is to be maintained as a public space.
- 23 (7) If at any time either the City or the Participant deems the pilot program
24 unsafe or infeasible, either party may terminate the license agreement.
25 The City is not responsible for any costs incurred by the Participant in
26 the event of termination. If the license agreement is terminated, a

1 memorandum describing the issues leading to the termination will be
2 issued by staff to Council within thirty (30) days of termination.

3 **PART 3.** For purposes of this pilot program, the Council waives the requirements
4 in the following City Code sections in Title 14 (*Use of Streets and Public Property*)
5 only to the extent necessary to facilitate this pilot program as described in Part 2:

- 6 (1) Sections 14-11-1 through 14-11-3 (*Application Required; Exceptions*
7 *for Certain Uses of Public Property; and Appeal*) relating to contents
8 and procedures, exceptions, and appeals of an application to obtain a
9 license for the private use of public right-of-way;
- 10 (2) Section 14-11-4 (*Annual Report*) relating to licensing agreement
11 applications;
- 12 (3) Section 14-11-41 (*Application Approval*) relating to application
13 approval for use of public right-of-way;
- 14 (4) Section 14-11-42 (*Appraisal of Property*) relating to the establishment
15 of an appraised value for the affected property;
- 16 (5) Section 14-11-44 (*Contents of License Agreement*) relating to the
17 contents of a license agreement; and
- 18 (6) Section 14-11-45 (*Execution of License Agreement*) relating to the
19 execution of a license agreement.

20 **PART 4.** Any applicable City fees shall be waived for the Participant to install the
21 Temporary Public Plaza. The Participant and other entities are responsible for any
22 other fees or costs for licensing mobile food vendors, hold events, or other uses of
23 the Temporary Plaza. The City anticipates no fiscal impact.

24

PART 5. This ordinance takes effect on _____, 2017.

PASSED AND APPROVED

_____, 2017 § _____
 § _____
 § _____

Steve Adler
Mayor

APPROVED: _____
Anne L. Morgan
City Attorney

ATTEST: _____
Jannette S. Goodall
City Clerk