

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

CITY CLERK DEPT.

08 JAN -3 AM 10:54

DEPARTMENT: Development Services, Planning Division

AGENDA DATE: January 8, 2008

CONTACT PERSON/PHONE: Mirian Spencer, Planner, (915) 541-4192, Spencermd2@elpasotexas.gov

DISTRICT(S) AFFECTED: 8

SUBJECT:

A Resolution authorizing PLAG/ El Paso Sun City Pride to provide for the sale and serving of alcoholic beverages at an outdoor street festival in the closed portion of Stanton Street between Franklin Avenue and Missouri Street from 12:00 pm, June 7, 2008 to 2:00 am, June 8, 2008.

BACKGROUND / DISCUSSION:

PLAG/ El Paso Sun City Pride are seeking permission to sell and serve alcoholic beverages at an outdoor street festival on June 7 to June 8, 2008. A special privilege license (SPL07-00016) has been approved by the Development Coordinating Committee for the temporary street closure. There will be various booths, refreshments and entertainment. The applicant seeks permission from the city to allow for the sale and serving of alcoholic beverages on the portion of city right-of-way that is closed for this event.

As part of the approval process, the applicant is required to provide insurance, with the City named as co-insured. They are also required to obtain all necessary permits to sell and serve food and beverages. The TABC (Texas Alcoholic Beverage Commission) requires City Council authorization in order to issue a temporary permit for the event.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

The Development Coordinating Committee approved the special privilege application (SPL07-00016) on December 5, 2007.

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

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD: Kelly Carpenter

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

R E S O L U T I O N

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

WHEREAS, PFLAG/ El Paso Sun City Pride Association (hereinafter referred to as “Grantee”) is sponsoring an outdoor street festival (hereinafter referred to as “Event”), on Saturday, June 7, 2008 to Sunday, June 8, 2008; and

WHEREAS, the Grantee has received administrative approval for a Special Privilege License for a street closure for twenty-four (24) hours to temporarily close a portion of Stanton Street between Franklin Avenue and Missouri Street for the use and closure of public rights-of-way from 4:00 am Saturday, June 7, 2008 to 4:00 am Sunday, June, 8, 2008, in conjunction with the proposed Event; and

WHEREAS, the City is not a sponsor of the Event and the Grantee assumes full responsibility for the planning, coordination, management and production of the Event; and

WHEREAS, the Grantee desires to provide for the sale and serving of alcoholic beverages on public rights-of-way during the Event;

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

That the Grantee be authorized to provide for the sale and serving of alcoholic beverages at the outdoor street festival in the closed portion of Stanton Street between Franklin Avenue and Missouri Street from 12:00 pm June 7, 2008 to 2:00 am June 8, 2008.

ADOPTED this _____ day of January 2008.

CITY CLERK DEPT.
07 DEC 28 PM 2:52

THE CITY OF EL PASO

ATTEST:

John F. Cook
Mayor

Richarda Duffy Momsen,
City Clerk

APPROVED AS TO FORM:



Ernesto Rodriguez,
Assistant City Attorney

APPROVED AS TO CONTENT:



Christina Valles, Lead Planner
Development Services Department

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07 DEC 28 PM 2:52

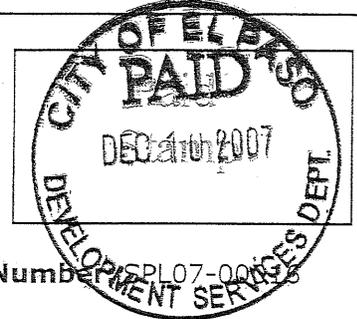


El Paso

DEVELOPMENT SERVICES DEPARTMENT SPECIAL PRIVILEGE LICENSE

The person conducting the event shall carry the permit upon his person while the event is occurring.

APPLICANT:
PFLAG/EL PASO SUN CITY PRIDE



SITE ADDRESS: 506 N STANTON

License Number: SPL07-000103

DESCRIPTION: Street closure for 24 hours (less than 30 days) if N. Stanton St. between Franklin and Missouri.

EVENT

START DATE: 06/07/08
START TIME: 12:00PM
END DATE: 06/08/2008
END TIME: 02:00AM

STREET CLOSURE:

STREET CLOSURE DATE: 06/07/2008
CLOSURE TIME: 4:00AM
REOPEN DATE: 06/08/2008
REOPEN TIME: 4:00AM

*****NOTICE****

1. Permittee shall pay for all costs associated with the temporary closing of the Premises. The Premises shall be temporarily closed using the materials and methods approved by the City Engineering Department-Traffic Division.
2. Permittee shall keep open a twenty (20) foot wide traffic lane for emergency vehicle access on all temporarily closed streets. Permittee acknowledges that the temporarily closed Premises must be opened for use by emergency vehicles upon demand by the City Departments of Police and Fire personnel. Permittee shall ensure that no structures shall be placed within fifteen (15) feet of any fire hydrant, nor directly over any water valve or sanitary sewer manhole in the Premises. In addition, should the City of El Paso for any reason decide that portions of the Premises that have been temporarily closed must be reopened, the Permittee, at no cost to the City, shall immediately after notice from the City Engineering Department-Traffic Division, reopen for public use the temporarily closed Premises.
3. As an express condition of this Special Privilege, Permittee shall meet and coordinate emergency access for the Event, including but not limited to, first-aid stations, emergency response, and manned security, with the City Departments of Fire and Police.
4. Permittee shall coordinate with any applicable City Departments, state or federal agencies to obtain any necessary permits and approvals required for the Event or proposed use of the Premises.
5. Permittee shall provide sufficient refuse containers within the Premises for the litter generated by participants and patrons of the Event. After the Event has ended, Permittee, at no cost to the City, shall clean up all litter and debris within the Premises, leaving the public rights-of-way in a clean and orderly condition.
6. Permittee expressly agrees that should any improvements, within the Premises, including but not limited to landscape planters, plants, street paving, or traffic identification signs and devices, be destroyed or damaged during the Event, Permittee shall replace or repair such improvements at Permittee's sole expense, and at no cost to the City.
7. Upon termination of the Special Privilege, any property of the Permittee situated upon the Premises shall be removed by the Permittee without cost or expense to the City, and the Premises shall be restored to its original condition.
8. Permittee agrees to indemnify and hold the City harmless from any claims for injury, death, loss or damage of any kind or character, and by whomsoever suffered or asserted, occasioned by or in connection with the temporary closing of the Premises by the Permittee, its agents, servants or employees or any organizations contracted by the Permittee either while the Event is in progress or as the result of the temporary closing of the Premises.

For Kelly Carpenter A.I.C.P.
Deputy Director Planning Division

Applicants Signature

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CITY CLERK DEPT.

(Please type or print)

CITY CLERK DEPT.

1. Applicant:

PFLAG/El Paso Sun City Pride
Organization / Individual

08 JAN -3 AM 10:54

Contact Person:

Dave Castillo

Name

Address

City

State

Zip Code

Telephone No.

2. Type of Use or
Event:

Street Festival

Temporary street display

Temporary street closure, exceeding 24 hours

Other temporary encroachment:

Temporary street closure, less than 24 hours

3. Date(s) of Use or
Event:

June 7, 8, 2008

Time of Use or From 12:00 pm To 2:00 am
Event:

Time in which traffic control services will be needed:

From 4:00 am To 6:00am *[Signature]*

Note: This is the time for which you will be charged for police traffic control.

4. Proposed Location:

Stanton Street between Franklin and Missouri (500 block)

Please see attached map of festival

ATTACH A CLEAR AND SPECIFIC MAP

IMPORTANT INFORMATION REGARDING TRAFFIC CONTROL:

For events involving a street closure, you must submit a traffic control plan to be reviewed and approved by City's Engineering/Traffic Division, 6th floor - (915) 541-4050. You will also be responsible for paying for and providing any required security, barricades and signs. The barricading and signing shall be manned and comply with the provisions set forth in the State's "Manual of Uniform Traffic Control Devices."

5. Approximate number of participants: 400

6. Purpose of Event:

The purpose of the event is to celebrate El Paso Pride. The event is family-friendly and attendees can expect 50 plus profit and non-profit vendors, local and regional entertainment. The event will provide visibility to all participating organizations and will benefit the EPSCP Organization in maintaining a healthy LGBT Community. The event will promote a positive image through education, community involvement and great visibility. The event will also bring people together in the spirit of open celebration and publicly connect with new and old friends and community allies.

7. Applicant will coordinate with applicable City departments, state or federal agencies to obtain any necessary permits and approvals required for the proposed event and use of premises, including but not limited to, sound amplification and the sale of alcoholic beverages

If amplification is being requested, number of and sound amplifying capacity of microphones, amplifiers and speakers proposed to be used.

All amplification equipment to be used will remain in compliance with the rules and regulations of the El Paso Noise Ordinance. The amplifying capacity of these devices will be set and measured to avoid any violation of Section 4(a) (3) to maintain the noise level from surpassing Maximum Permissible Noise Levels.

8. If amplification is being used, state whether or not the purpose is for advertising any goods, property, services or entertainment.

Entertainment

Regarding the use of San Jacinto Plaza, amplification may only be used on the stage. If you wish to use this area, you must also contact the Parks and Recreation Department, 6th Floor, (915) 541-4331 and reserve the stage. A fee is charged for the use of this area. Additionally, other ordinances may apply to or restrict the use of city-owned property, including parks.

9. Method of Street and Right-of-Way cleaning: All event participants will be assigned at least one monitor. The monitor will be responsible for cleaning the requested street and all sidewalks and/or right-of-way in the area of all event litter/debris, including that left by spectators.

The El Paso City Code requires you to clean the streets, sidewalks, and other rights-of-way from all event litter and debris. In the event that you do not clean these areas, the City may perform such cleaning and you will be charged. You may also arrange in advance to have the Street Department perform the cleaning for a charge by filling out a separate request form and submitting it to Development Services Office no later than fourteen days prior to the date of the event.

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10. Insurance shall be required in accordance with provisions of Section 15.00.120.G prior to approval of the application.

"As a condition of the special privilege license, the licensee shall agree to indemnify, defend and hold harmless the city, its officers, agents, servants and employees from any and all claims, loss, damages, causes of action, suits, and liability of every kind, including all expenses of litigation for injury or death of any person, or for damage to any property, arising out of or in connection with licensee's use of the public right-of-way, regardless of whether such injuries, death, or damages are caused in whole or in part by the negligence of the city.

No special privilege license shall be granted unless the licensee files with the city clerk a certificate of liability insurance as hereinafter set forth. If the policy is not kept in full force and effect throughout the term of the special privilege license, the special privilege shall automatically become void.

The insurance policy shall be issued by an insurance company authorized to do business in the state of Texas and shall be reviewed by the city attorney. The policy shall provide in substance that the insurer will defend against all claims and lawsuits which arise and will pay any final judgment of a court of competent jurisdiction against the city, its officers, agents, servants or employees and the licensee, its agents, servants or employees. The minimum amounts of such insurance shall be two hundred fifty thousand dollars for death of or injury to any person in any one accident, five hundred thousand dollars for death of or injury to two or more persons in any one accident, and one hundred thousand dollars for property damage arising out of any one accident or other cause. The minimum amounts of insurance coverage may be increased by the city when it is in the best interest of the public.

The policy of insurance shall name both the licensee and the city as insureds to the full amount of the policy limits. Such policy shall inure to the benefit of any person in whose favor a judgment may be rendered, but may contain a provision that suit against the insurer may not be brought until the licensee has failed to pay the final judgment of a court of competent jurisdiction against him.

The policy shall contain a provision that it may not be canceled, revoked or annulled by the insurer without giving the city ten days' prior written notice. The licensee shall not surrender or release such policy without filing in lieu thereof another policy complying with the requirements of this section, or surrendering the special privilege license.

Neither the city or any officer or employee thereof shall be liable for the financial responsibility of any insurer, or in any manner become liable for any claim, act or omission, relating the licensee's use of the public right-of-way.

No special privilege license shall be granted to a self-insured grantee until the self-insured grantee has submitted to the city a sworn affidavit signed by a duly authorized representative identifying that the grantee is self-insured in accordance with the laws of Texas and stating that the grantee has sufficient funds to provide payment in the same amounts as are required to be maintained under a policy of insurance which is required of non-self-insured grantees to persons who suffer personal injury or property damage. The affidavit must be in a form and contain provisions which are acceptable to the city. The affidavit shall contain an affirmative recital identifying that the grantee shall meet, accept, perform and be bound by the same obligations and requirements of any grantee who is not self-insured as required by the provisions of this subsection. Where a self-insured grantee no longer meets the minimum levels of coverage required of non-self-insured grantees, the grantee shall be required to immediately provide the city with a certificate of insurance which demonstrates that the grantee has met the requirements of this subsection. The city may impose additional requirements upon a self-insured grantee in order to protect the public health, safety and welfare. The city reserves the right to require that a self-insured grantee provide a policy of insurance under this subsection as permitted by law."

RELEASE: In consideration of the permit for use of city streets, sidewalks, and other places held for public use, it is understood that the applicant(s) contained herein do hereby release and discharge the City, and its respective officers, directors, agents, and employees, jointly and severally, from any and all liability for illness, injuries and damages that may be suffered which arise out of or result from participation in this event.

[Handwritten Signature]
Signature of Applicant

10/29/07
Date

CITY CLERK DEPT.
10-3 4:10:54

PFLAG/EI Paso Sun City Pride

Organization/Sponsor, if any

Please note: If the temporary event is designed to be held by or for any person other than the applicant, the applicant shall attach a communication in writing from the person authorizing the applicant to apply for the permit.



CITY CLERK DEPT.

08 JAN -3 AM 10:54

TO: Development Services
City of El Paso
FROM: Dave Castillo
Vice Chair, El Paso Sun City Pride Organization
RE: Festival Electricity: Generator Procedure

To Whom It May Concern:

The El Paso Sun City Pride (EPSCP) Organization will take every precaution to ensure the safety of event-goers for the EPSCP Street Festival scheduled for Saturday, June 7, 2008.

The vendor booths that will be requiring electricity powered by A.C. Generators will be located on the west side Stanton Street where the festival will take place (please review attached floor plan – booths 16-32).

These A.C. Generators will be properly connected, placed, monitored, operated and supervised by Wagner Rents Representative, Richard DeLeonardo. Mr. DeLeonardo is trained and specializes in the use of these generators. Additional secured measures will also be taken. These generators will be secured by Control Management Services (CMS) Staff. In addition, members of the EPSCP Organization will be assisting with this process as needed.

These procedures will be implemented to be in compliance with all Development Services Department of City of El Paso rules, regulations and requirements. More importantly, these procedures will keep the event-goers from harms way and will ensure fire and shock prevention.

If you have any concerns or questions, please contact me via email at davcastillo@utep.edu or at 915-525-0984.

Thank you in advance for your advisement, assistance and cooperation on this matter.

Sincerely,

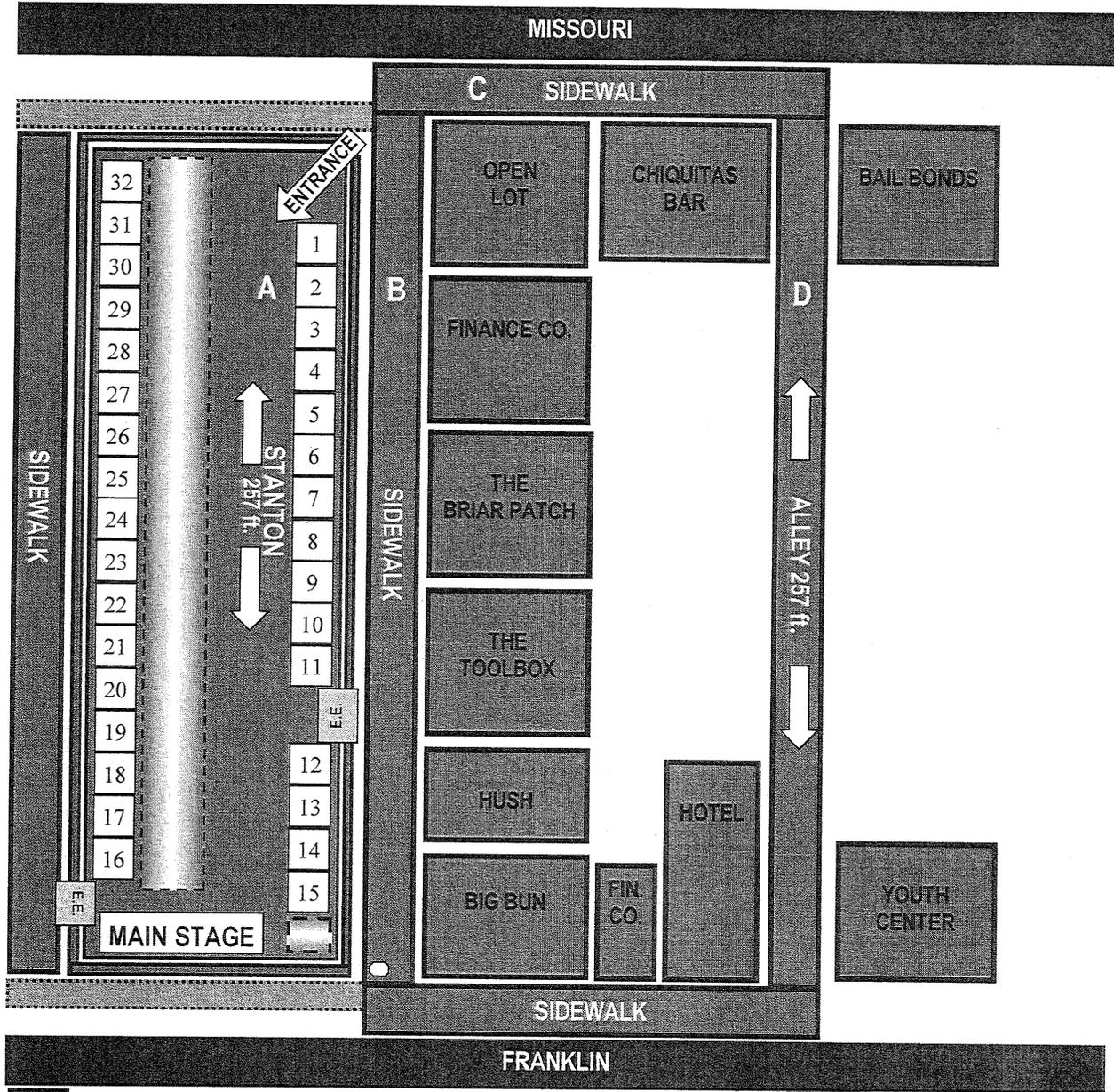
Dave Castillo, BA
Vice Chair ~ El Pas Sun City Pride Organization



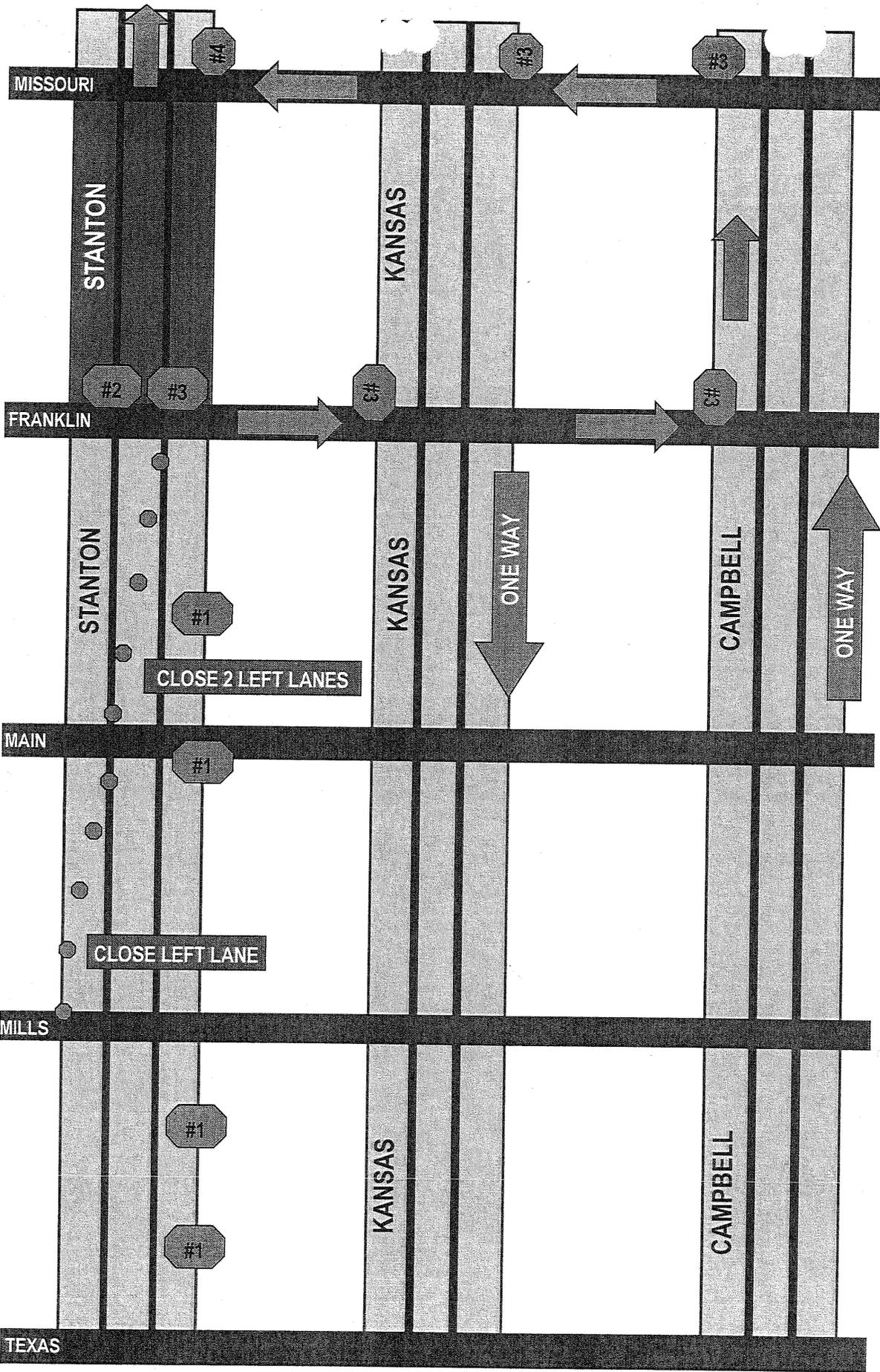
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EL PASO SUN CITY PRIDE FESTIVAL PROPOSED REQUEST 2008



- PROPOSED AREAS**
- A. Stanton Street between Franklin and Missouri
 - B. Sidewalk (west) between Franklin and Missouri
 - C. Sidewalk (north) between Stanton and Alley
 - D. Alley between Franklin and Missouri
- FENCED AREA**
- EMERGENCY EXITS**
(one main entrance and 3 exits)
1. Serves as Emergency Exit and as secondary entrance for event-goers with bracelet
 2. Serves as Emergency Exit Only
- FIRE HYDREN
 - ◻ FIRE HYDREN OPEN ACCES
 - ◻ EMERGENCY ACCESS 20 ft.
 - ◻ CITY PEDISTRIAN CROSSWALK
EVENT-GOER ACCESS



TRAFFIC CONTROL PLAN

POSTED SPEED (MPH)	"X" SIGN SPACING (FEET)
30	120

TAPER LENGTH (L)	FOR SPEEDS OF 40 MPH OR LESS
L = WS 2	
60	

TRAFFIC CONTROL PLAN
 SHALL COMPLY WITH THE LATEST EDITION OF THE TEXAS
 MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES
ONE DAY PERMIT UNLESS NOTED

CLOSURE DATE: 6/7 - 6/8/08
 TIME: 4am - 6am
 BY: [Signature]
 DATE: 10/29/07
 ENGINEERING TRAFFIC DIVISION

08 JAN - 3 AM 1154
 CITY CLERK DEPT

- #1 STREET CLOSED AHEAD, LEFT LANES CLOSED
DETOUR AHEAD—4 SIGNS
- #2 STREET CLOSED—1 SIGN
- #3 DETOUR—6 SIGNS
- #4 END DETOUR—1 SIGN
- STREET BARRELS—10
- PROPOSED STREET CLOSURE