

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

DEPARTMENT: Development Services, Planning Division

AGENDA DATE: January 29, 2008, Consent

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

DISTRICT(S) AFFECTED: 8

SUBJECT:

That The New O.P.E.P be authorized to provide for the sale and serving of alcoholic beverages at an outdoor street festival in the closed portion of Ochoa Street between First Street and Paisano Avenue from 8:00 pm, February 5, 2008 to 2:00 am, February 6, 2008.

BACKGROUND / DISCUSSION:

The New O.P.E.P is seeking permission to sell and serve alcoholic beverages at an outdoor street festival from February 5, 2008 to February 6, 2008. A special privilege license (SPL08-00002) has been approved by the Development Coordinating Committee (DCC) 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 has provided 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 (SPL08-00002) on January 15, 2008 with the condition that applicant complies with the requirements listed in the attached letter during the proposed event.

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

LEGAL: (if required) _____



FINANCE: (if required) _____

DEPARTMENT HEAD: Kelly Carpenter, AICP

APPROVED FOR AGENDA: _____

CITY MANAGER: _____

DATE: _____

CITY CLERK DEPT.
09 JAN 22 AM 9:53

RESOLUTION

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

WHEREAS, The New O.P.E.P (hereinafter referred to as “Grantee”) is sponsoring an outdoor street festival (hereinafter referred to as “Event”), on Tuesday, February 5, 2008 to Wednesday, February 6, 2008; and

WHEREAS, the Grantee has received administrative approval for a Special Privilege License for a street closure for less than twenty-four (24) hours to temporarily close a portion of Ochoa Street, between First Street and Paisano Avenue for the use and closure of public rights-of-way from 4:00 pm Tuesday, February 5, 2008 to 4:00 am Wednesday, February 6, 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 Ochoa Street, from 8:00 pm, Tuesday, February 5, 2008 to 2:00 am, Wednesday, February 6, 2008.

ADOPTED this _____ day of January 2008.

CITY CLERK DEPT.
08 JAN 22 AM 9:53

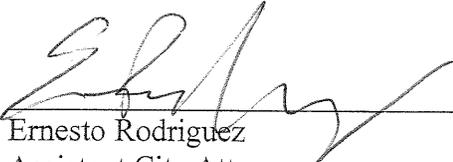
THE CITY OF EL PASO

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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09 JAN 22 AM 9:53



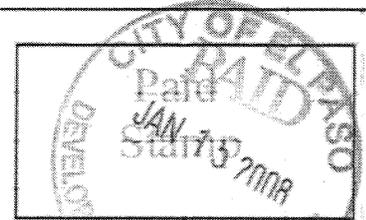
El Paso

DEVELOPMENT SERVICES DEPARTMENT SPECIAL PRIVILEGE LICENSE

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

APPLICANT:

O.P.E.P. INC.
301-315 S. OCHOA
EL PASO TX 79901



SITE ADDRESS: 301 S -315 OCHOA

License Number: SPL08-00002

DESCRIPTION: A Temporary street closure of a portion of S. Ochoa Street for less than 24 hours.

EVENT

START DATE: 02/05/08
START TIME: 8:00 PM
END DATE: 02/06/2008
END TIME: 3:00 AM

STREET CLOSURE:

STREET CLOSURE DATE: 02/05/2008
CLOSURE TIME: 4:00PM
REOPEN DATE: 02/06/2008
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.

Kelly Carpenter

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

James M. P...

Applicants Signature

08 JAN 22 AM 9:53
CITY CLERK DEPT.

JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

R. ALAN SHUBERT, PE, CBO
DIRECTOR, DEVELOPMENT SERVICES

KELLY CARPENTER, AICP
DEPUTY DIRECTOR, PLANNING



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
VACANT, DISTRICT 3
MELINA CASTRO, DISTRICT 4
RACHEL QUINTANA., DISTRICT 5
EDDIE HOLGUIN, JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION
January 15, 2008

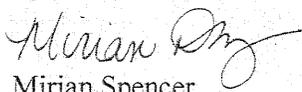
The New O.P.E.P
301 S. Ochoa Street
El Paso, TX 79912
Attn: Jesus Pizaña

Re: SPL08-00002, Mardi Gras Block Party, 4:00 pm, Tuesday, February 5, 2008 to 4:00 am, Wednesday, February 6, 2008

The Development Coordinating Committee (DCC) approved the request for a Temporary Right-of-way closure for less than 24 hours for portions of Ochoa Street between First Street and Paisano Drive for the Mardi Gras Street Festival from 3:00 pm Tuesday, February 5, 2008 to 4:00 am Wednesday, February 6, 2008.

The following will be required for the duration of time that the public rights-of-way listed above are closed for the event:

- First Aid stations and portable toilets will be required for the event.
- Drainage systems in the area must remain unimpeded. No perforations may be done to the sidewalks and pavement within public rights-of-way.
- Must contact Alonzo Ruiz of Environmental Services to address garbage removal after the event at (915) 621-6706.
- Fire apparatus access roads shall have an unobstructed (including off-street parking) width of no less than 20 feet.
- Fire hydrants, fire department inlet connections, and fire department control valves shall not be obstructed in any manner to prevent such equipment from being immediately discernible.
- Coordinate with EL Paso Fire Department Fire Marshall's Office, Permits Section. Lt. Frank Hernandez and FST Rick Kiesel at (915) 771-1090.
- Coordinate traffic control with TxDot as proposed closure is adjacent to TxDot Right-of way.
- Emergency access will be required for El Paso Water Utilities (EPWU) personnel and vehicle access for emergency repair.
- EPWU meters and manholes, water and sanitary sewer facilities must remain clear and unobstructed for EPWU personnel



Mirian Spencer
Development Services Department, Planning Division

08 JAN 22 AM 9:53
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DEVELOPMENT SERVICES DEPARTMENT/PLANNING DIVISION
APPLICATION FOR TEMPORARY USE OF CITY RIGHT-OF-WAY

1. APPLICANT(S): Jesus Pizana The New O.P.
 ADDRESS: 301 S. Ochoa ZIP CODE: 79912 PHONE: 533 2655

2. REPRESENTATIVE(S): Jesús Pizana
 ADDRESS: _____ ZIP CODE: _____ PHONE: _____

3. Type of Use or Event:
 Temporary Street Closure Exceeding 24 hours Temporary Street Closure Less than 24 hours
 Temporary Street Display Other Temporary Encroachment

4. LOCATION (Please attach a Clear and Specific Map): 301 S. Ochoa

5. CITY REPRESENTATIVE DISTRICT #: 8 ZONING: C-4/SP DOWNTOWN: YES NO

6. Traffic Control information (This is the time for which you will be charged for police traffic control).
 Start Date of Traffic Control: Tues Feb 5 Start Time of Traffic Control: 4pm
 End Date of Traffic Control: Wed Feb 6 End Time of Traffic Control: 4 AM

7. Event information (This is the time and dates of the event or use of the right-of-way).
 Start Date of Use or Event: Tues Feb 5 2008 Start Time of Use or Event: 8 pm
 End Date of Use or Event: Wed Feb 6 2008 End Time of Use or Event: 3 AM

8. Approximate Number of Participants: _____

9. Purpose of Event: Block Party

*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.

10. Will Amplification be Used at the event: YES NO

CITY CLERK DEPT.
08 JAN 22 AM 9:53

11. If amplification is being requested, the number of sound amplifying capacity of microphones, amplifiers, and speakers proposed to be used. 3 speakers

12. Purpose of the amplification: Advertising Goods or property Services Entertainment

*If for the use at 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, City Hall, 6th Floor, (915) 541-4331 and reserve the stage. An additional fee will be charged for the use of this area. Additionally, other ordinances may apply to or restrict the use of city-owned property, including parks.

13. Will Alcoholic Beverages be sold on City Right-of-way? YES NO

*The Texas Alcoholic Beverage Commission (TABC) requires approval from The El Paso City Council to permit the sales of alcoholic beverages on city right-of-way, prior to and in addition to obtaining any temporary beverage sales permits from TABC.

14. Method of Street and Right-of-Way cleaning: Applicant Request City Cleaning Services

*The El Paso City Code requires applicants to clean the street, sidewalks, and other rights-of way, from all event litter and debris. In the event that the areas are not cleaned by the applicants, the City may perform such cleaning at a cost to the applicant. Arrangements may also be made in advance with the Street Department to perform the cleaning at a cost by submitting the enclosed form no later than fourteen days prior to the event.

15. Insurance shall be required in accordance with provisions of Section 15.08.120 G prior to the approval of the application.

16. 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.

Jesus M. Pizano
Signature of Applicant

1-3-08
Date

Cashier's Validation
Fee: \$ 82.50

****OFFICE USE ONLY****

SPL- 08-00002 DCC FIELD DATE: 1/8/08 DCC REVIEW DATE: 1/15/08
DCC RECOMMENDATION: APPROVE APPROVE WITH CONDITIONS DISAPPROVE

COUNCIL ACTION: PUBLIC HEARING: 1/29/08
COMMENTS/INSTRUCTIONS: _____

Accepted by [Signature] FUND-01101 DEPT. ID-99010335 ACOT-404151

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08 JAN 22 AM 9:53

ACCORD INSURANCE BINDER

ISSUE DATE (MM/DD/YYYY)

9/17/07

THIS BINDER IS A TEMPORARY INSURANCE CONTRACT, SUBJECT TO THE CONDITIONS SHOWN ON THE REVERSE SIDE OF THIS FORM.

PRODUCER BEAUPRE INSURANCE SERVICES PO BOX 700635 DALLAS, TX 75370	COMPANY LLOYDS/LONDON COLONY INS CO	BINDER NO. 01170708
	DATE EFFECTIVE 9/17/07 12:01 X AM PM	EXPIRATION DATE 9/17/08 X 12:01 AM NOON
INSURED O.P.E.P., INC 301-315 S. OCHOA EL PASO, TX 79901	DESCRIPTION OF OPERATIONS/VEHICLES/PROPERTY (Including Location) BARS	

TYPE OF INSURANCE	COVERAGE/FORMS	LIMITS			
		AMOUNT	DEDUCTIBLE	COINSUR.	
PROPERTY CAUSES OF LOSS <input type="checkbox"/> BASIC <input type="checkbox"/> BROAD <input checked="" type="checkbox"/> SPEC.	ALL RISK (EXCLUDES FLOOD/QUAKE) 800 E. SAN ANTONIO EL PASO, TX 301-315 S. OCHOA EL PASO, TX 701 E. PAISANO EL PASO, TX	CONTENTS BUILDING CONTENTS BUILDING	100,000 350,000 500,000 133,000	5,000 5,000 5,000 5,000	80 80 80 80
GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> OWNER'S & CONTRACTOR'S PROT.	SCHEDULE LOCATIONS ATTACHED \$2500 DEDUCT DEDUCT	RETRO DATE FOR CLAIMS MADE:	GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG. \$ 2,000,000 PERSONAL & ADV. INJURY \$ 1,000,000 EACH OCCURRENCE 1,000,000 FIRE DAMAGE (Any one fire) \$ 100,000 MED. EXPENSE (Any one person) \$ 0		
AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS <input type="checkbox"/> GARAGE LIABILITY			COMBINED SINGLE LIMIT \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE \$ MEDICAL PAYMENTS \$ PERSONAL INJURY PROT. \$ UNINSURED MOTORIST \$		
AUTO PHYSICAL DAMAGE DEDUCTIBLE <input type="checkbox"/> COLLISION: <input type="checkbox"/> OTHER THAN COLL.	<input type="checkbox"/> ALL VEHICLES <input type="checkbox"/> SCHEDULED VEHICLES		ACTUAL CASH VALUE STATED AMOUNT \$ OTHER		
EXCESS LIABILITY <input type="checkbox"/> UMBRELLA FORM <input type="checkbox"/> OTHER THAN UMBRELLA FORM	RETRO DATE FOR CLAIMS MADE:		EACH OCCURRENCE \$ AGGREGATE \$ SELF-INSURED RETENTION \$ STATUTORY LIMITS		
WORKER'S COMPENSATION AND EMPLOYER'S LIABILITY			EACH ACCIDENT \$ DISEASE-POLICY LIMIT \$ DISEASE-EACH EMPLOYEE \$		

SPECIAL CONDITIONS/OTHER COVERAGES
 PROPERTY 701 E. PAISANO EL PASO, TX CONTENTS \$25,000 DEDUCT \$5000
 EXCLUDES MOLD/TERRORISM/ASSAULT & BATTERY/POLLUTION/EMPLOYER RELATED PRACTICES

NAME & ADDRESS O.P.E.P., INC EL PASO, TX	MORTGAGEE LOSS PAYEE	ADDITIONAL INSURED
	LOAN #	
	AUTHORIZED REPRESENTATIVE 	

08 JAN 22 AM 9:53
 CITY CLERK DEPT

SPL08-00002

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08 JAN 22 AM 9:53

