

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

DEPARTMENT: Department of Transportation & Parks and Recreation Department

AGENDA DATE: April 19, 2011

CONTACT PERSON/PHONE: Mirian Spencer (915) 541-4482, spencerm2@elpasotexas.gov

DISTRICT(S) AFFECTED: 8

SUBJECT:

A Resolution that Splendid Sun Productions, LLC, El Paso Sun City Pride, and 501 Bar and Bistro be authorized to utilize Cleveland Square Park and San Jacinto Plaza from 10:00 pm Saturday, April 30, 2011 to 2:00 am Sunday, May 1, 2011 and to provide for the sale and serving of alcoholic beverages at the outdoor street festival in the closed portions of City rights-of-way on Oregon Street, Franklin Avenue, Main Street, Mills Avenue, El Paso Street, and in Cleveland Square Park and San Jacinto Plaza from 12:00 pm Saturday, April 30, 2011 to 2:00 am Sunday, May 1, 2011. SPL11-00001 (District 8).

BACKGROUND / DISCUSSION:

Splendid Sun Productions, LLC, El Paso Sun City Pride, and 501 Bar and Bistro are seeking permission to sell and serve alcoholic beverages in the closed portions of City rights-of-way during an outdoor street festival from 12:00 pm Saturday, April 30, 2011 to 2:00 am Sunday, May 1, 2011. A special privilege permit (SPL11-00001) will be reviewed by the Development Coordinating Committee for the temporary street closure.

Splendid Sun Productions, LLC, El Paso Sun City Pride, and 501 Bar and Bistro are also seeking permission to utilize Cleveland Square Park and San Jacinto Plaza after hours from 10:00 pm Saturday, April 30, 2011 to 2:00 am Sunday, May 1, 2011. The applicants are also requesting permission to sell and serve alcoholic beverages within Cleveland Square Park and San Jacinto Plaza during the event. They have received administrative approval from the Parks and Recreation Department for the use of the park.

As part of the approval process, the applicant has provided insurance, with the City named as co-insured. The applicants 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:

City Council approved a similar resolution for the Neon Desert Music Festival on January 25, 2011. This item is being re-presented in order to change the name of the establishments providing the alcoholic beverage at the event.

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

The Development Coordinating Committee **APPROVED** the special privilege application (SPL11-00001) for the temporary right-of-way closure on January 26, 2011 provided the applicants comply with the requirements in the attached letter. City Council previously approved a similar resolution, h

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

DEPARTMENT HEAD:

Department of Transportation

DEPARTMENT HEAD:

Parks and Recreation Department

Information copy to appropriate Deputy City Manager

RESOLUTION

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

WHEREAS, Splendid Sun Productions, LLC (hereinafter referred to as "Grantee") is sponsoring an outdoor music festival (hereinafter referred to as "Event"), from Friday, April 29, 2011 through Sunday, May 1, 2011; and

WHEREAS, El Paso Sun City Pride and 501 Bar and Bistro (hereinafter referred to as "Licensees") have been approved by the Grantee to provide for the sale and service of alcoholic beverages during the Event; and

WHEREAS, the Grantee has received administrative approval for a Special Privilege Permit for the use and closure of City rights-of-way for more than twenty-four (24) hours on portions of City rights-of-way on Oregon Street, Franklin Avenue, Main Street, Mills Avenue, and El Paso Street, for more than 24 hours from 6:00 pm Friday, April 29, 2011 to 10:00 pm Sunday, May 1, 2011, in conjunction with the proposed Event; and

WHEREAS, the Grantee has received administrative approval for a Parks and Recreation Department use permit for the use Cleveland Square Park and San Jacinto Plaza in conjunction with the Event; and

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

WHEREAS, Grantee desires to utilize Cleveland Square and San Jacinto Plaza between the hours of 10:00 pm and 6:00 am in conjunction with the event; and

WHEREAS, both the Grantee and Licensees desire to provide for the sale and serving of alcoholic beverages on the closed portions of City rights-of-way and within Cleveland Square and San Jacinto Plaza during the Event;

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

That the Grantee and Licensees be authorized to utilize Cleveland Square Park and San Jacinto Plaza from 10:00 pm Saturday, April 30, 2011 to 2:00 am Sunday, May 1, 2011 and to provide for the sale and serving of alcoholic beverages at the outdoor street festival in the closed portions of City rights-of-way on Oregon Street, Franklin Avenue, Main Street, Mills Avenue, El Paso Street, and in Cleveland Square Park and San Jacinto Plaza from 12:00 pm Saturday, April 30, 2011 to 2:00 am Sunday, May 1, 2011.

ADOPTED this _____ day of April, 2011.

THE CITY OF EL PASO

John F. Cook, Mayor

ATTEST:

Richarda Duffy Momsen,
City Clerk

APPROVED AS TO FORM:

Kristin L. Choi
Assistant City Attorney

APPROVED AS TO CONTENT:

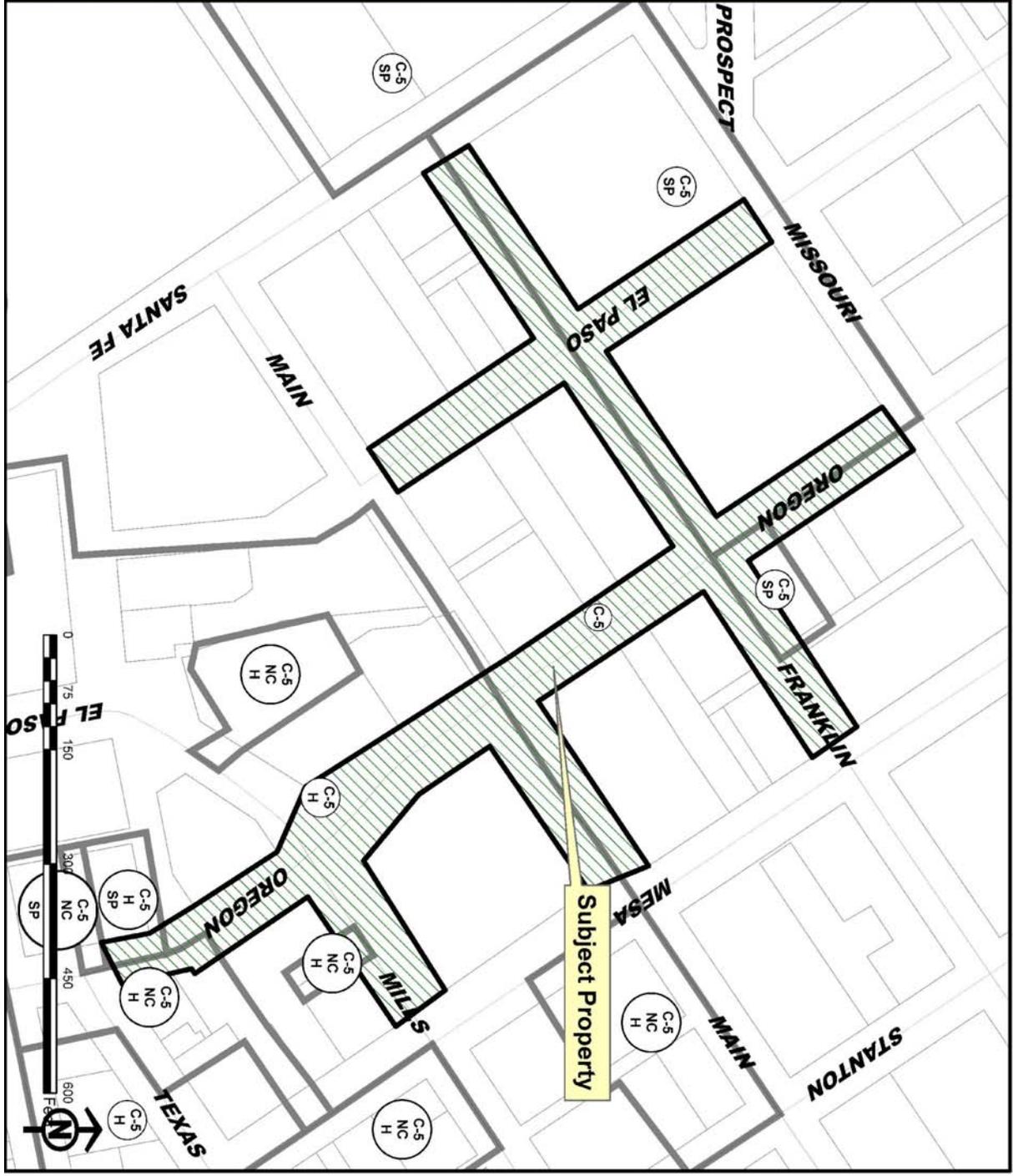
Teresa Quezada
Deputy Director of Transportation

Nanette J. Smejkal
Director of Parks and Recreation



LOCATION MAP

SPL11-00001



Department of Transportation

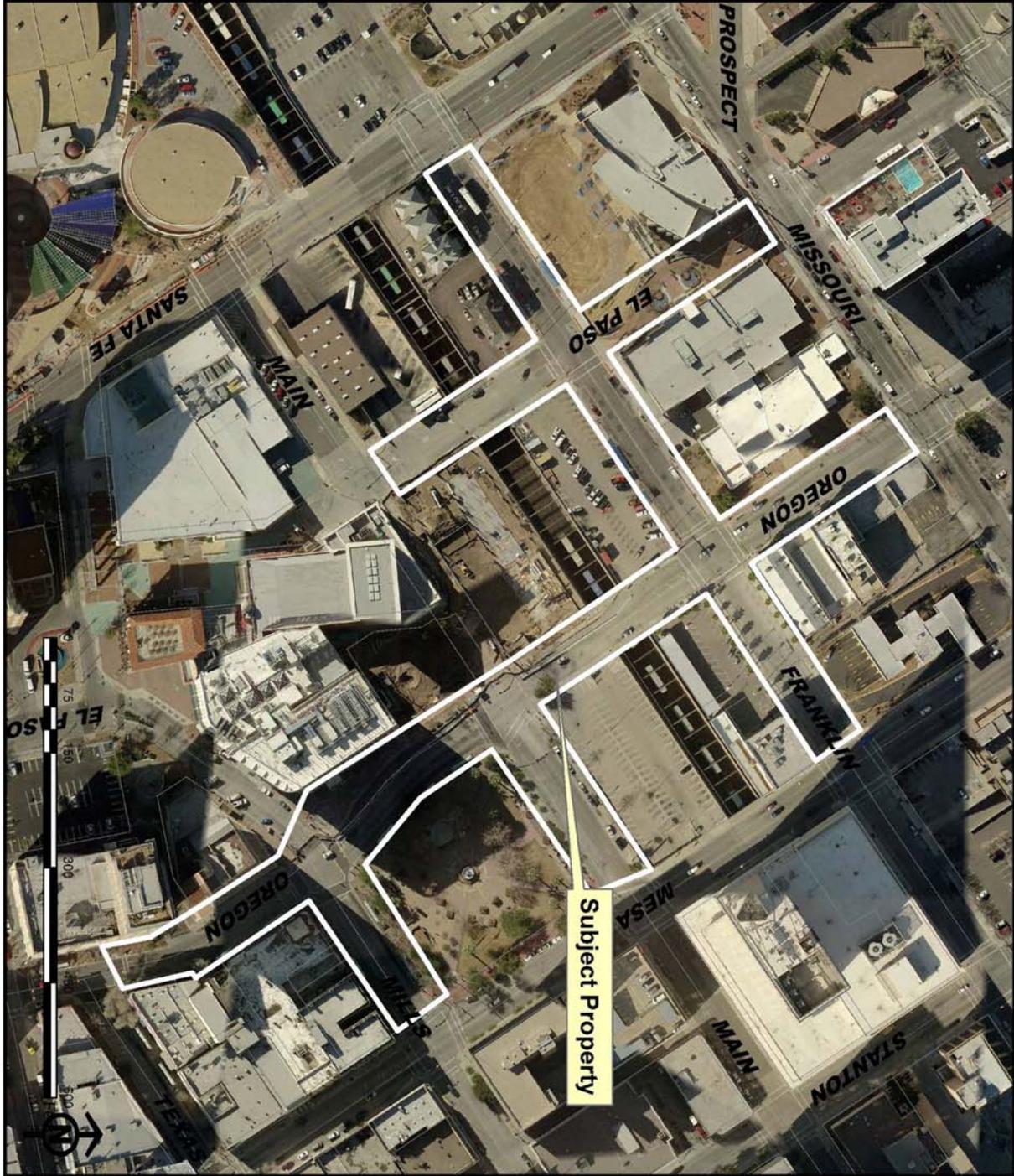
Daryl W. Cole, Director

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AERIAL MAP

SPL11-00001



Department of Transportation

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March 15, 2011

Splendid Sun Productions, LLC
1501 Robert Weaver
Austin, Texas 78702
Attn: Gina Martinez

Re: SPL11-00001, an outdoor music festival from 6:00 pm Friday, April 29, 2011 to 10:00 pm Sunday, May 1, 2011.

The City of El Paso Department of Transportation has **APPROVED** your request for a temporary right-of-way closure for more than 24 hours on portions of City right-of-way on El Paso Street between Franklin Avenue and Main Street, Franklin Avenue between Santa Fe Street and Mesa Street, Oregon Street between Missouri Street and Texas Street, Mills Avenue between Mesa Street and Oregon Street and Main Street between Mesa Street and Oregon Street for the Neon Desert Music Festival. This letter serves as notification of the issuance of the Temporary Special Privilege Permit for this event.

The El Paso City Council **APPROVED** a resolution granting Splendid Sun Productions, LLC permission to provide for the sale and service of alcoholic beverages within the closed portions of City right-of-way in conjunction with the event on January 25, 2011. A copy of the resolution is attached hereto and incorporated herein as Exhibit "B".

All Temporary special privilege requests shall comply with the following as conditions of the permit:

- Permittee shall comply with all provisions of Section 15.08.120 L (Special Privileges – Temporary Street Closures) of the El Paso City Code.
- Permittees shall ensure all traffic control mechanisms, signs, and devices are installed as shown in the approved Traffic Control Plan, incorporated herein and attached hereto as Exhibit "C" for the duration of the street closure. Failure to install or maintain traffic control mechanisms, signs and devices may result in a fine as per Section 12.30.160 (Traffic Control Devices – Violation) of the El Paso City Code.
- Permittee shall maintain an insurance policy of at least the following minimum amounts during the event:
 - \$250,000 injury or death to one person per occurrence
 - \$500,000 injury or death to two or more people per occurrence
 - \$100,000 property damage
 - Said insurance policy shall be issued by an insurance company authorized to do business in the state of Texas and 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 Permittee, its agents, servants or employees.
 - Said insurance policy shall name the Permittee and the City as insured to the full amount of the policy limits.
- Coordinate with El Paso Fire Department Fire Marshall's Office, Permits Section. Jorge Sanchez at (915) 771-1090. A for-use increased fire occupancy permit will be required for the event. Fire Marshall Guards may be required for the event. Permittees will be responsible for any applicable fees related to Fire Occupancy and Fire Marshal Fire Guard requirements.

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- Fire apparatus access roads shall have an unobstructed (including off-street parking) width of not 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 the El Paso Police Department-Central Regional Command Center Lt. Rosalia Cubillos (915) 577-5032 prior to the event. The Permittee shall coordinate with the Police Department to ensure that there is adequate emergency accessibility to and within the area as well as adequate safety provisions for the event. The Permittee is responsible for coordinating any requests for on-duty and/or off-duty Police Department personnel with the Auxiliary Support Division of the El Paso Police Department (915) 564-7000.
- 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. Drainage systems in the area must remain unimpeded. No perforations may be done to the sidewalks and pavement within public rights-of-way.
- Permittee shall coordinate with The Environmental Services Department to address garbage removal after the event at (915) 621-6700.
- The Permittee shall be responsible for cleaning and removing of all litter and debris left on the roadways, sidewalks, and other public rights-of-way immediately upon the conclusion of the event. If the Permittee fails to clean and remove all litter and debris within **four** hours of the end of the event, the city may perform such cleaning and the Permittee shall be responsible for the costs of the city cleaning. Payment of any city cleaning costs shall be due and payable within **10** days of receipt of the bill from the city comptroller.
- Department of Public Health permits are required for food and beverages sold during the event. Applications must be received by the Department of Public Health at least **72** hours prior to the event. Coordinate with the Department of Public Health at (915) 541-4434.
- Coordinate with the Texas Alcoholic Beverage Commission for the sale and service of alcoholic beverages during the event at (915) 834-5860.

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