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

DEPARTMENT: **Department of Transportation**

AGENDA DATE: **May 3, 2011**

CONTACT PERSON/PHONE: **Mirian Spencer (915) 541-4482, spencermd2@elpasotexas.gov**

DISTRICT(S) AFFECTED: 8

SUBJECT:
A Resolution that Plum City Lounge is authorized to provide for the sale and service of alcoholic beverages at the outdoor block party in the closed portion of the alley between Durango Street and Anthony Street and a portion of City right-of-way along Durango Street from 8:00 p.m. Friday, May 20, 2011 to 2:00a.m. Saturday, May 21, 2011 NESV11-00010 (District 8).

BACKGROUND / DISCUSSION:
Plum City Lounge is seeking permission to sell and serve alcoholic beverages on the closed portions of City right-of-way during an outdoor block party from 8:00 pm Friday, May 20, 2011 to 2:00 am Saturday, May 21, 2011. A special privilege permit (NESV11-00010) was approved by the Development Coordinating Committee for the temporary street closure.

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:
At the April 19, 2011 a similar resolution was scheduled for the Consent agenda; but was deleted at the request of the applicants to modify the dates of the event.

AMOUNT AND SOURCE OF FUNDING:
N/A

BOARD / COMMISSION ACTION:
The Development Coordinating Committee considered the special privilege application (NESV11-00010) for the temporary right-of-way closure on April 27, 2011 provided the applicants comply with the requirements in the attached letter.

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

DEPARTMENT HEAD: _____

Daryl W. Cole – Director, Department of Transportation

Information copy to appropriate Deputy City Manager

R E S O L U T I O N

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

WHEREAS, Plum City Lounge (hereinafter referred to as "Grantees") is sponsoring an outdoor block party (hereinafter referred to as "Event"), from Friday, May 20, 2011 to Saturday, May 21, 2011; and

WHEREAS, the Grantees have received administrative approval for a Special Privilege License for the use and closure of City rights-of-way for less than twenty-four (24) hours on a portion of the alley between Durango Street and Anthony Street and a portion of City right-of-way along Durango Street from 5:00 p.m. Friday, May 20, 2011, to 2:00 a.m. Saturday, May 21, 2011, in conjunction with the proposed Event; and

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

WHEREAS, the Grantees desire to provide for the sale and service of alcoholic beverages on portions of the City rights-of-way during the Event;

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

That the Grantees be authorized to provide for the sale and service of alcoholic beverages at the outdoor block party in the closed portion of the alley between Durango Street and Anthony Street and a portion of City right-of-way along Durango Street from 8:00 p.m. Friday, May 20, 2011 to 2:00 a.m. Saturday, May 21, 2011.

ADOPTED this _____ day of_____, 2011.

THE CITY OF EL PASO

_____

John F. Cook
Mayor

ATTEST:

_____

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

_____

Josette Flores
Assistant City Attorney

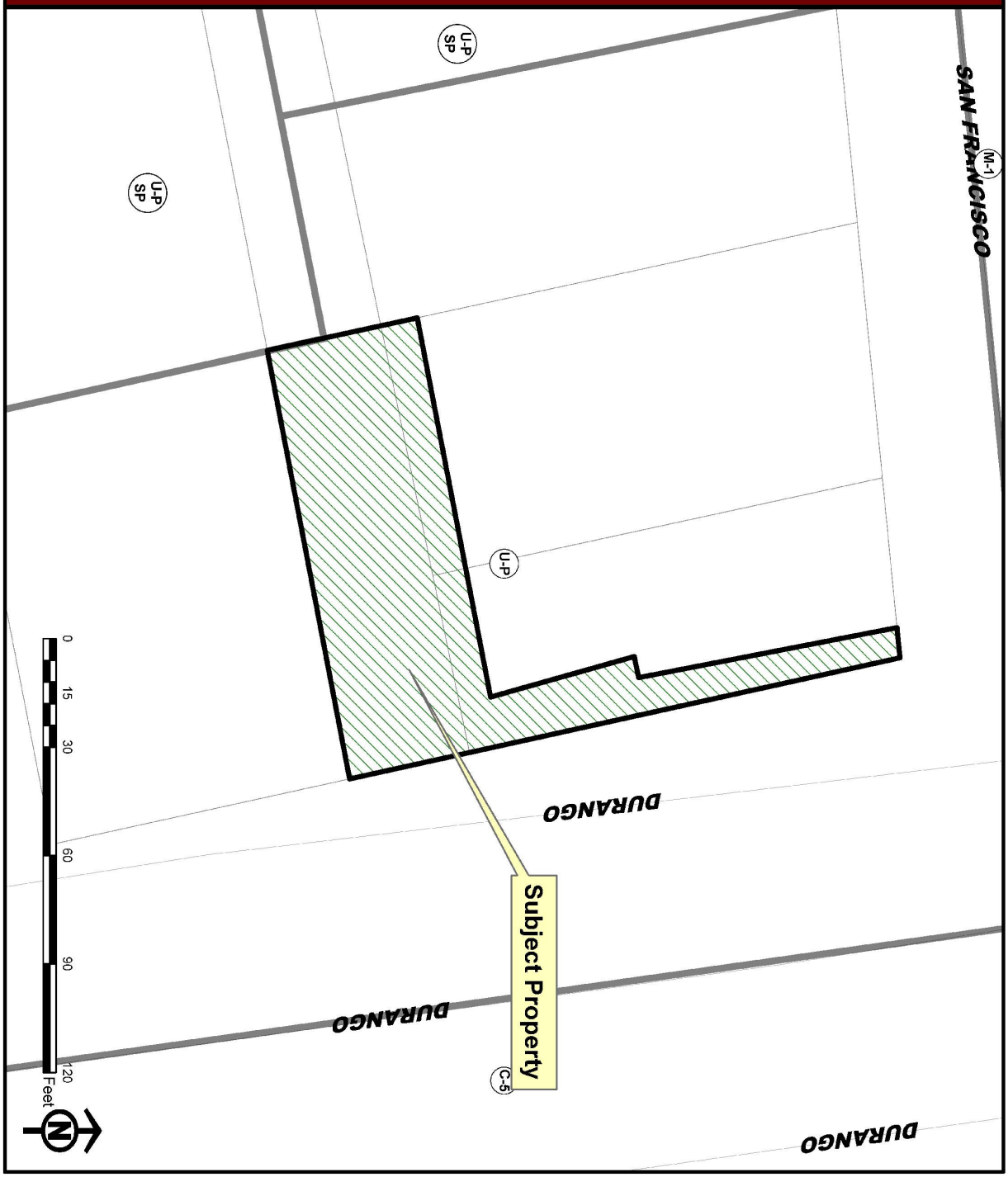
APPROVED AS TO CONTENT:

_____

Teresa Quezada
Deputy Director
El Paso Department of Transportation

LOCATION MAP

NESV11-00010



Department of Transportation
Daryl W. Cole, Director
2 Civic Center Plaza – 6th Floor · El Paso, Texas 79901 · (915) 541-4050 · Fax (915) 541-4050

AERIAL MAP

NESV11-00010

Department of Transportation
Daryl W. Cole, Director
2 Civic Center Plaza – 6th Floor · El Paso, Texas 79901 · (915) 541-4050 · Fax (915) 541-4050

April 27, 2011

Plum City Lounge
500 San Francisco Street
El Paso, Texas 79901
Attn: Zulem Bordier

Re: NESV11-00010, an outdoor block party from 5:00 pm Friday, May 20, 2011 to 2:00 pm Saturday, May 21, 2011.

The Development Coordinating Committee (DCC) on April 27, 2011 considered a request for a temporary right-of-way closure for less than 24 hours on portions of the alley between Durango Street and Anthony Street and portions of City right-of-way along Durango Street from 5:00 pm Friday, May 20, 2011 to 2:00 pm Saturday, May 21, 2011.

The following will be required during the event:

1. No less than six feet of unobstructed pedestrian access be provided along right-of way on Durango Street at all times.
2. Fencing may not be located within the six feet of unobstructed pedestrian access.

The applicants shall comply with the following requirements during the event:

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, 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.

- 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 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 Richard Adams of Environmental Services to address garbage removal after the event at (915) 621-6706.
- 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.

Mirian Spencer
Department of Transportation