

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

**DEPARTMENT:** Development Services, Planning Division

**AGENDA DATE:** May 6, 2008

**CONTACT PERSON/PHONE:** Mirian Spencer, Planner, (915) 541-4192, spencerm2@elpasotexas.gov

**DISTRICT(S) AFFECTED:** 8

**SUBJECT:**

That Vanilla, Brick & Mortar, 1914 and Shadow Lounge be authorized to provide for the sale and serving of alcoholic beverages at an outdoor street festival in the closed portion of side walk on Durango Street and adjacent Western Court between South Durango Street and Anthony Street from 6:00 pm, May 14, 2008 to 2:00 am, May 15, 2008.

**BACKGROUND / DISCUSSION:**

Vanilla, Brick & Mortar, 1914 and Shadow Lounge are seeking permission to sell and serve alcoholic beverages at an outdoor street festival for What's Up Best of the Best From 6:00 pm Wednesday, May 14, 2008 to 2:00 am, Thursday, May 15, 2008. A special privilege license (SPL08-00007) 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 has provided insurance, with the City named as co-insured a copy has been included. 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 (SPL08-00007) on April 23, 2008.

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**LEGAL:** (if required) Mark Shroeder **FINANCE:** (if required) \_\_\_\_\_

**DEPARTMENT HEAD:** Pat Adauto

\*\*\*\*\*

**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

CITY CLERK DEPT.  
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**RESOLUTION**

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

**WHEREAS**, Vanilla, Brick & Mortar, 1914 and Shadow Lounge (hereinafter referred to as “Grantees”) are sponsoring an outdoor street festival for What’s Up Best of the Best (hereinafter referred to as “Event”), on Wednesday, May 14, 2008 to Thursday, May 15, 2008; and

**WHEREAS**, the Grantees have 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 sidewalk on Durango and the adjacent Western Court, between South Durango Street and Anthony Street for the use and closure of public rights-of-way from 12:00 pm Wednesday, May 14, 2008 to 3:00 am Thursday, May 15, 2008, 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 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 Grantees be authorized to provide for the sale and serving of alcoholic beverages at the outdoor street festival in the closed portion of side walk on Durango Street and the adjacent Western Court between South Durango Street and Anthony Street from 6:00 pm, Wednesday, May 14, 2008 to 2:00 am, Thursday, May 15, 2008.

**ADOPTED** this \_\_\_\_\_ day of May 2008.

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THE CITY OF EL PASO

ATTEST:

\_\_\_\_\_  
John F. Cook  
Mayor

\_\_\_\_\_  
Richarda Duffy Momsen,  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Mark Shoosmith  
Assistant City Attorney

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Christina Valles, Lead Planner  
Development Services Department

CITY CLERK DEPT.  
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**DEVELOPMENT SERVICES DEPARTMENT  
PLANNING DIVISION**

**MEMORANDUM**

**DATE:** April 23, 2008

**TO:** The Honorable Mayor and City Council  
Joyce Wilson, City Manager

**FROM:** Mirian Spencer, Planner

**SUBJECT:** That Vanilla, Brick & Mortar and Shadow Lounge are requesting that they be authorized to provide for the sale and serving of alcoholic beverages at an outdoor street festival in the closed portion of side walk on Durango Street and the adjacent Western Court between South Durango Street and Anthony Street, from 6:00 pm, May 14, 2008 to 2:00 am, May 15, 2008 for the What's Up Best of the Best Party.

**GENERAL INFORMATION:**

The Development Coordinating Committee granted SPL08-00007 which permits the use of the closed Western Court between Durango Street and Anthony Street and the adjacent sidewalk abutting the property located at 115 Durango, from 12:00 pm, Wednesday, May 14, 2008 to 3:00 am, Thursday, May 15, 2008.

The Development Coordinating Committee imposed conditions which are required for all street closures.

There was **NO OPPOSITION** to this request.

**Enclosures:** DCC action letter, Special Privilege License, Location Map

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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**

April 23, 2008

The Place at Union Plaza  
115 Durango, Ste A, B & D  
El Paso, TX 79901  
Attn: Joe Daubach and Octavio Gomez

Re: SPL08-00007, What's Up Best of the Best, 12:00 pm, Wednesday, May 14, 2008 to 3:00 am, Thursday, May 15, 2008

The Development Coordinating Committee (DCC) approved the request for a Temporary Right-of-way closure for less than 24 hours for portions Western Avenue Alley between Durango Street to Anthony Street, and a portion of the sidewalk adjacent to Durango Street from 12:00 pm Wednesday, May 14, 2008 to 3:00 am Thursday, May 15, 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 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.
- 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

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*El Paso*

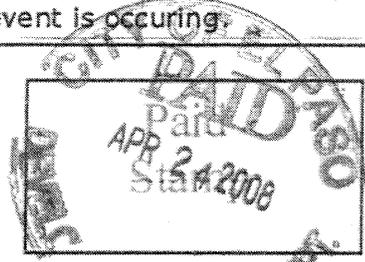
# DEVELOPMENT SERVICES DEPARTMENT SPECIAL PRIVILEGE LICENSE

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

**APPLICANT:**

THE PLACE AT UNION PLAZA INC

EL PASO TX 79930-0000



**SITE ADDRESS:** 115 DURANGO ST

**License Number:** SPL08-00007

**DESCRIPTION:** Western Court (Alley between Durango St and Anthony Street). Multiple dates

**EVENT**

START DATE: 5/14/08  
START TIME: 4:00 PM  
END DATE: 05/15/2008  
END TIME: 2:00 AM

**STREET CLOSURE:**

STREET CLOSURE DATE: 05/14/2008  
CLOSURE TIME: 12:00 PM  
REOPEN DATE: 05/15/2008  
REOPEN TIME: 3:00 AM

**\*\*\*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.

*[Signature]*

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

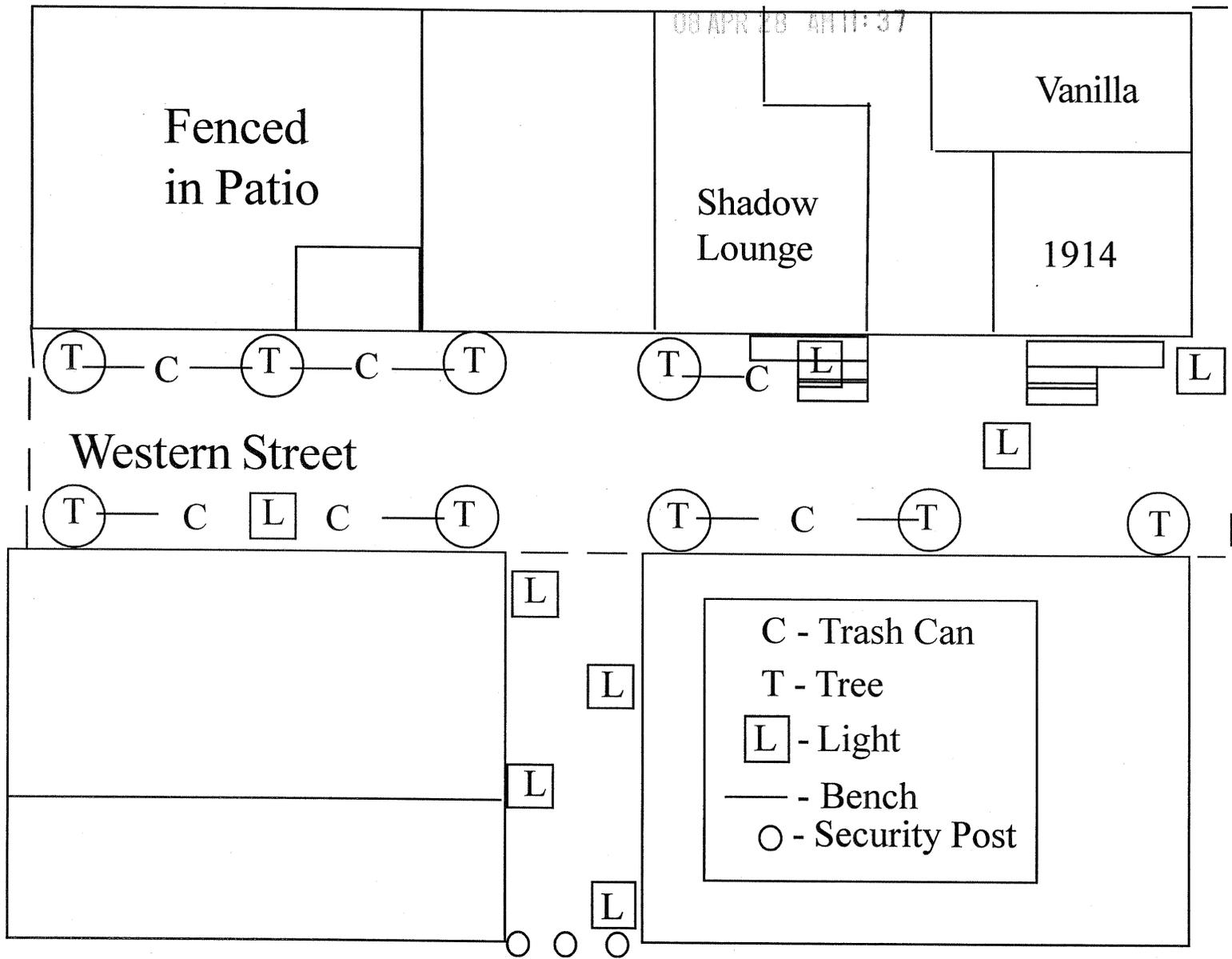
*[Signature]*  
Applicants Signature

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