

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

DEPARTMENT: Planning and Economic Development and Parks and Recreation Department

AGENDA DATE: Consent: May 8, 2012

CONTACT PERSON NAME AND PHONE NUMBER: Mirian Spencer, (915) 541-4482, spencermd2@elpasotexas.gov

DISTRICT(S) AFFECTED: 8

SUBJECT:

A Resolution that Splendid Sun Productions and Crave Rojas, LLC be authorized to utilize Cleveland Square Park and San Jacinto Plaza from 1:00 am Saturday, May 26, 2012 to 5:00 am Saturday, May 26, 2012 and from 1:00 am Sunday, May 27, 2012 to 5:00 am Sunday, May 27, 2012, and be permitted to provide for the sale and service 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 11:00 am Saturday, May 26, 2012 to 2:00 am Sunday, May 27, 2012 (NESV11-00047) District 8.

BACKGROUND / DISCUSSION:

Splendid Sun Productions and Crave Rojas, LLC are seeking permission to utilize Cleveland Square Park between the hours of 1:00 am and 5:00 am Saturday, May 26, 2012 and Sunday, May 27, 2012 and are requesting to sell and serve alcoholic beverages within Cleveland Square Park and in the closed portions of City rights-of-way during the Neon Desert Music Festival from 11:00 am Saturday, May 26, 2012, to 2:00 am Sunday, May 27, 2012.

A special privilege permit (NESV11-00047) was approved by the Downtown Management District AdHoc Committee for the temporary street closure.

City Council approval is required for the use of Cleveland Square Park between the hours of 1:00 am and 5:00 am in accordance with Ordinance 017664 approved October 25, 2011.

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:

A related resolution for the use of TxDOT right-of-way for more than four hours will be considered by City Council on May 8, 2012.

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

The Downtown Management District (DMD) AdHoc Committee Approved the request at the April 19, 2012 meeting.

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

DEPARTMENT HEAD:

**Nanette Smejkal, Director
Parks and Recreation Department**

DEPARTMENT HEAD:

**Mathew S. McElroy, Deputy Director
Planning and Economic Development**

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, May 25, 2012 through Sunday, May 27, 2012; and

WHEREAS, Crave Rojas, LLC (hereinafter referred to as “Licensee”) has been approved by the Grantee to provide for the sale and service of alcoholic beverages during the Event and will receive the appropriate license to sell alcoholic beverages from the Texas Alcohol and Beverage Commission (TABC) pending submittal of this resolution to TABC; 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 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, from 6:00 pm Friday, May 25, 2012 to 10:00 pm Sunday, May 27, 2012, in conjunction with the proposed Event; and

WHEREAS, Grantee desires to utilize Cleveland Square and San Jacinto Plaza between the hours of 1:00 am and 5:00 am on both Saturday, May 26, 2012 and Sunday, May 27, 2012 in conjunction with the 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, both the Grantee and Licensee 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 Splendid Sun Productions, LLC and Crave Rojas, LLC be authorized to utilize Cleveland Square Park and San Jacinto Plaza from 1:00 am Saturday, May 26, 2012 to 5:00 am Saturday, May 26, 2012 and from 1:00 am Sunday, May 27, 2012 to 5:00 am Sunday, May 27, 2012, and be permitted 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 11:00 am Saturday, May 26, 2012 to 2:00 am Sunday, May 27, 2012.

ADOPTED this _____ day of May 2012.

THE CITY OF EL PASO

John F. Cook, Mayor

ATTEST:

Richarda Duffy Momsen,
City Clerk

APPROVED AS TO FORM:

Cynthia Osborn
Assistant City Attorney

APPROVED AS TO CONTENT:

Nanette J. Smejkal, Director
Parks and Recreation Department

Mathew S. McElroy, Deputy Director
Planning and Economic Development