

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

**DEPARTMENT:** Department of Transportation

**AGENDA DATE:** May 24, 2011

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

**DISTRICT(S) AFFECTED:** 8

**SUBJECT:**

A Resolution that O.P.E.P be authorized to provide for the sale and service of alcoholic beverages at the Memorial Day Foam Party in the closed portion of City right-of-way on Ochoa Street between First Avenue and Paisano Drive from 9:00 pm Sunday, May 29, 2011 to 2:00 am Monday, May 30, 2011. NESV11-00014 (District 8).

**BACKGROUND / DISCUSSION:**

The O.P.E.P is seeking permission to sell and serve alcoholic beverages on the closed portions of City right-of-way during an outdoor block party from 9:00 pm Sunday, May 29, 2011 to 2:00 am Monday, May 30, 2011. A special privilege permit (NESV11-00014) has been 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:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

The Development Coordinating Committee APPROVED the special privilege application (NESV11-00014) for the temporary right-of-way closure on May 11, 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*

**RESOLUTION**

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

**WHEREAS**, O.P.E.P. (hereinafter referred to as “Grantee”) is sponsoring a Memorial Day Foam Party (hereinafter referred to as “Event”), from Sunday, May 29, 2011 to Monday, May 30, 2011; and

**WHEREAS**, the Grantee has received administrative approval for a Special Privilege Permit for the use and closure of City rights-of-way for less than twenty-four (24) hours on Ochoa Street between First Avenue and Paisano Drive from 4:00 pm Sunday, May 29, 2011, to 4:00 am Monday, May 30, 2011, in conjunction with the 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 Grantee desires to provide for the sale and serving 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 Grantee be authorized to provide for the sale and service of alcoholic beverages at the Memorial Day Foam Party in the closed portion of City rights-of-way on Ochoa Street between First Avenue and Paisano Drive from 9:00 pm Sunday, May 29, 2011 to 2:00 am Monday, May 30, 2011.

**ADOPTED** this \_\_\_\_\_ day of May, 2011.

THE CITY OF EL PASO

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

ATTEST:

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

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

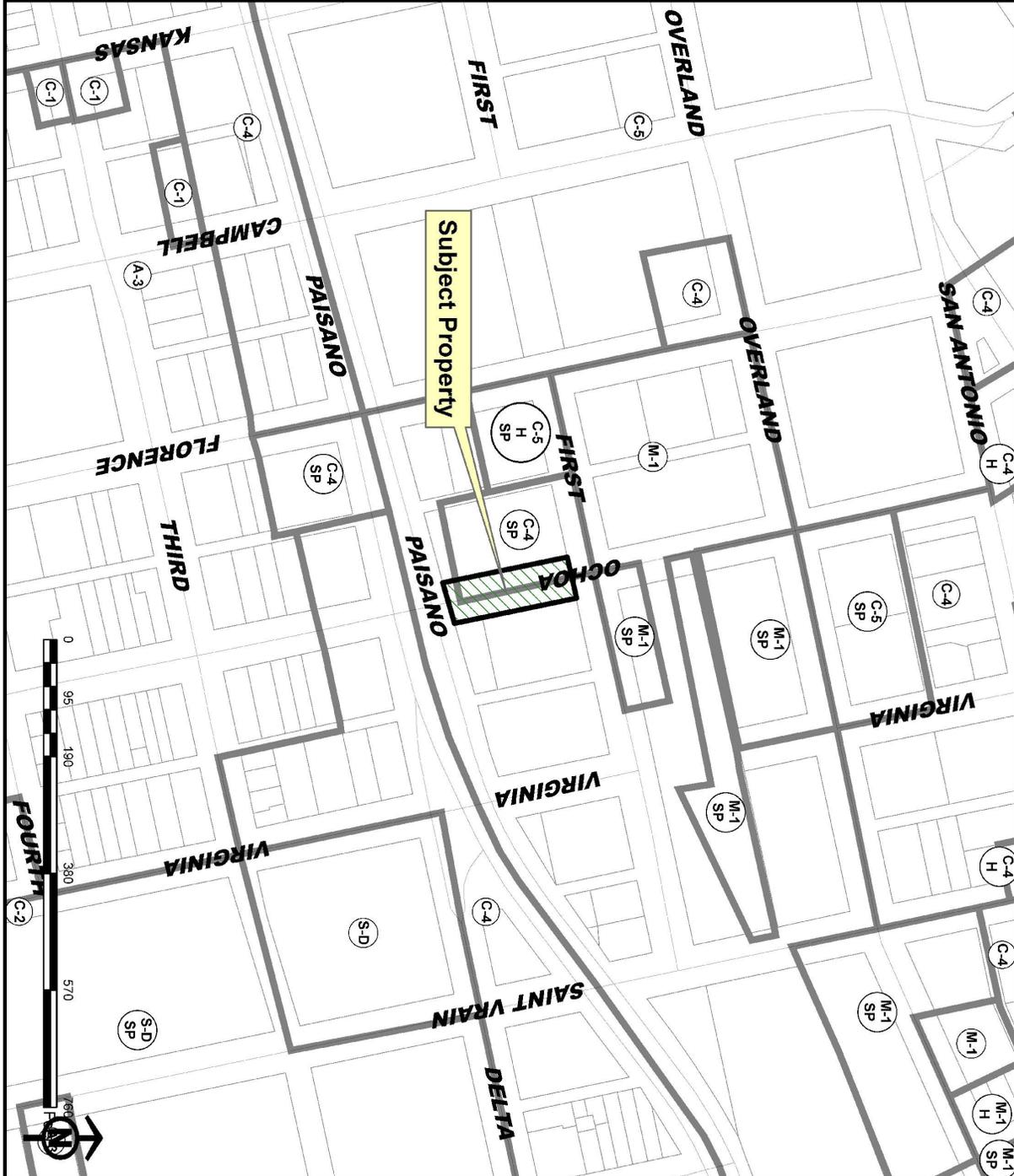
\_\_\_\_\_  
Josette Flores  
Assistant City Attorney

\_\_\_\_\_  
Teresa Quezada, Deputy Director  
El Paso Department of Transportation



**LOCATION MAP**

**NESV11-00014 & NESV11-00015**



Department of Transportation

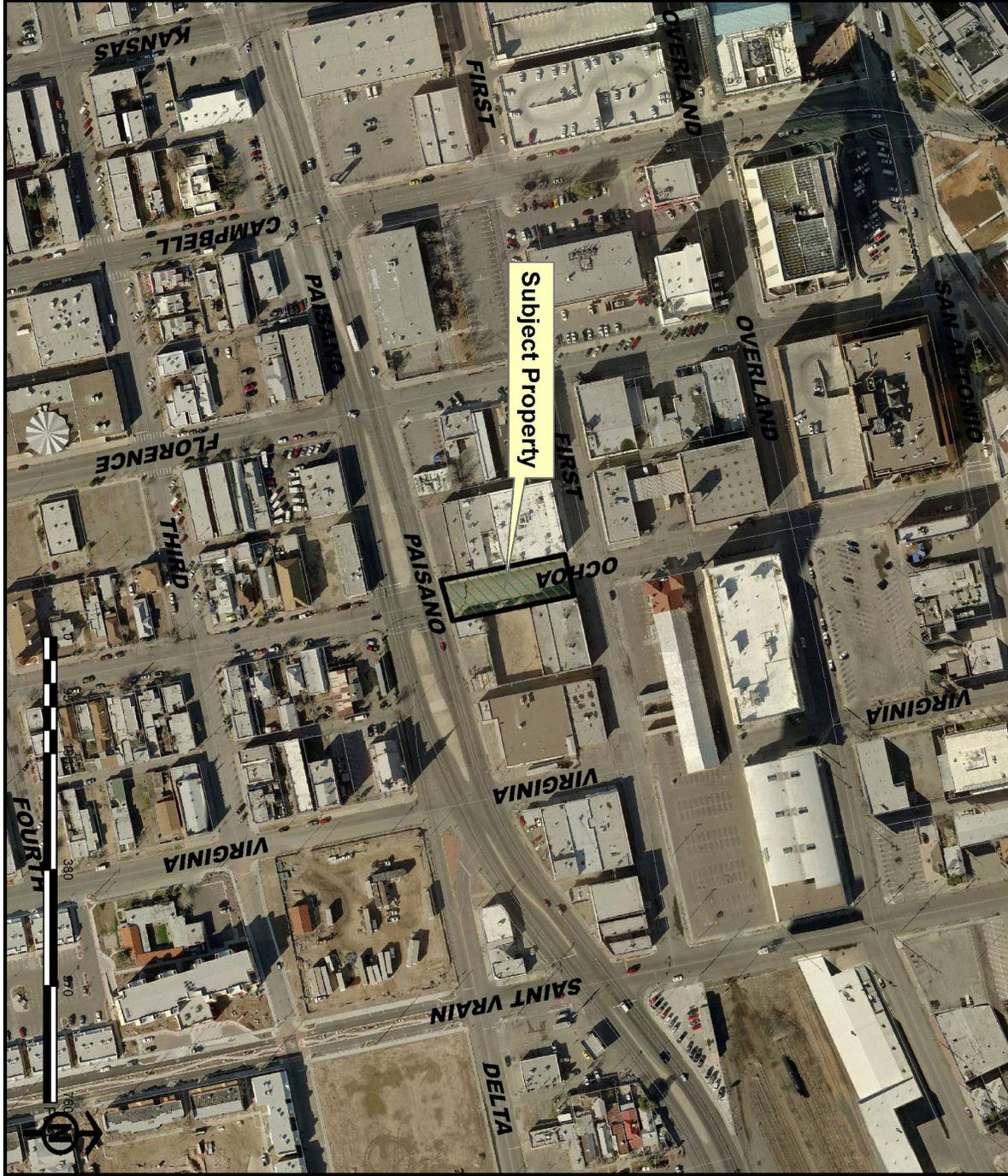
Daryl W. Cole, Director

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AERIAL MAP

**NESV11-00014 & NESV11-00015**



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May 11, 2011

O.P.E.P.  
301 South Ochoa St.  
El Paso, Texas 79901  
Attn: Jesus Pizaña

Re: NESV11-00014, an outdoor block party from 4:00 pm Sunday, May 29, 2011 to 4:00 am Monday, May 30, 2011.

The Development Coordinating Committee (DCC) on May 11, 2011 considered a request for a temporary right-of-way closure for less than 24 hours on portions of City right-of-way on Ochoa Street between First Avenue and Paisano Drive from 4:00 pm Sunday, May 29, 2011 to 4:00 am Monday, May 30, 2011 for a Memorial Day Foam Party.

**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 “B” 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

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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

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