

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

DEPARTMENT: City Development Department

AGENDA DATE: June 26, 2012, Consent

CONTACT PERSON/PHONE: Mirian Spencer, (915) 541-4056, spencermd2@elpasotexas.gov

DISTRICT(S) AFFECTED: 8

SUBJECT:

A Resolution that the sale and service of alcoholic beverages by Kirby Productions, LLC at the outdoor patio café located within portions of City right-of-way adjacent to 201 North Stanton Street, El Paso, Texas, is a permissible activity (NESV12-00013) District 8.

BACKGROUND / DISCUSSION:

Kirby Productions, LLC has requested permission to provide for the sale and service of alcoholic beverages within the outdoor patio café located within portions of city right-of-way along Stanton Street adjacent to 201 North Stanton Street.

A special privilege has been administratively approved for the use of City right-of-way; however, Texas Alcoholic Beverage Commission (TABC) requires City Council approval of the request to sell and serve alcoholic beverages within portions of City right-of-way.

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

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

N/A

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

DEPARTMENT HEAD:

**Mathew S. McElroy, Director
City Development Department**

Information copy to appropriate Deputy City Manager

RESOLUTION

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

WHEREAS, Kirby Productions, LLC (hereinafter referred to as “Grantee”) has received administrative approval for a Special Privilege Permit for the use of portions of City right-of-way along Stanton Street adjacent to the property located at 201 North Stanton Street to install an outdoor patio café; and

WHEREAS, Grantee desires to obtain a permit or license from the Texas Alcoholic Beverage Commission for the sale and service of alcoholic beverages in conjunction with the outdoor patio café; and

WHEREAS, the Texas Alcoholic Beverage Commission requires that the City Council for the City of El Paso approve, as a permissible activity, the sale and service of alcoholic beverages within any City right-of-way; and

WHEREAS, as a prerequisite for approval by the City, Grantee shall obtain and maintain for the duration of the Special Privilege Permit, public liability insurance coverage for personal injury or death and liquor liability insurance, each of which shall name the City as an additional insured; and

WHEREAS, Grantee shall further maintain, for the duration of the Special Privilege Permit, and provide to the City, a current copy of the annual mixed-beverage permit, beverage cartage permit, and mixed beverage late hours permit issued by the Texas Alcoholic Beverage Commission for the sale and service of alcoholic beverages.

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

That the sale and service of alcoholic beverages by Kirby Productions, LLC at the outdoor patio café located within portions of City right-of-way adjacent to 201 North Stanton Street, El Paso, Texas, is a permissible activity.

(Signatures begin on following page)

ADOPTED this _____ day of _____, 2012.

THE CITY OF EL PASO

ATTEST:

John F. Cook,
Mayor

Richarda Duffy Momsen,
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Cynthia Osborn
Assistant City Attorney

Mathew S. McElroy, Director
City Development Department