

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

DEPARTMENT: City Development Department and Parks and Recreation Department

AGENDA DATE: Consent: July 10, 2012

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

DISTRICT(S) AFFECTED: 8

SUBJECT:

A Resolution that Townsquare Live Events, LLC and Osaple, Inc. be authorized to utilize San Jacinto Plaza from 1:00 am to 5:00 am Saturday, August 4, 2012 and Sunday, August 5, 2012; and that the sale and service of alcoholic beverages by Townsquare Live Events, LLC and Osaple, Inc. in the closed portions of City rights-of-way on Oregon Street between Main Drive and Texas Avenue, Mills Avenue between Oregon Street and Mesa Street and Main Drive between Oregon Street and Mesa Street, and in San Jacinto Plaza from 4:00 pm Saturday, August 4, 2012 to 2:00 am Sunday, August 5, 2012, in conjunction with the Mexican Food World Cook-Off, is a permissible activity (NESV12-00020) District 8.

BACKGROUND / DISCUSSION:

City Council previously approved the resolution on July 10, 2012. The resolution is being represented due to an error in the time of alcohol sales. The previous resolution had the time of the event from 7:00 pm to 12:00 am; however the event is actually from 4:00 pm to 2:00 am.

Townsquare Live Events, LLC and Osaple Inc. are seeking permission to utilize San Jacinto Plaza between the hours of 1:00 am and 5:00 am Saturday, August 4, 2012 and Sunday, August 5, 2012 and are requesting to sell and serve alcoholic beverages within San Jacinto Plaza and in the closed portions of City rights-of-way during the Mexican Food World Cook-off from 4:00 pm Saturday, August 4, 2012, to 2:00 am Sunday, August 5, 2012.

A special privilege permit (NESV12-00020) was approved by the Downtown Management District AdHoc Committee for the temporary street closure.

City Council approval is required for the use of San Jacinto 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:

Resolution previously approved July 10, 2012

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

The Downtown Management District AdHoc Committee APPROVED the special privilege at the June 28, 2012 meeting.

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

DEPARTMENT HEAD:

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

DEPARTMENT HEAD:

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

Information copy to appropriate Deputy City Manager

RESOLUTION

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

WHEREAS, Townsquare Live Events, LLC (hereinafter referred to as “Grantee”) is sponsoring The Mexican Food World Cook-Off (hereinafter referred to as “Event”), from Friday, August 3, 2012 through Sunday, August 5, 2012; and

WHEREAS, Osaple, Inc. (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

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 San Jacinto Plaza during the Event; and

WHEREAS, Grantee and Licensee desire to obtain a permit or license from the Texas Alcoholic Beverage Commission for the sale and service of alcoholic beverages in conjunction with the Event; 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 on City property; 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, 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 between Main Drive and Texas Avenue, Mills Avenue between Oregon Street and Mesa Street, Main Drive between Oregon Street and Mesa Street, from 7:00 pm Friday, August 3, 2012 to 6:00 am Sunday, August 5, 2012, in conjunction with the proposed Event; and

WHEREAS, Grantee has received administrative approval for a Parks and Recreation Department use permit for the use of San Jacinto Plaza during operating hours on both Saturday, August 4, 2012 and Sunday, August 5, 2012, in conjunction with the Event.

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

That Townsquare Live Events, LLC and Osaple Inc., be authorized to utilize San Jacinto Plaza from 1:00 am to 5:00 am Saturday, August 4, 2012, and Sunday, August 5, 2012; and that the sale and service of alcoholic beverages by Townsquare Live Events, LLC and Osaple Inc., in the closed portions

of City rights-of-way on Oregon Street between Main Drive and Texas Avenue, Mills Avenue between Oregon Street and Mesa Street and Main Drive between Oregon Street and Mesa Street, and in San Jacinto Plaza from 4:00 pm Saturday, August 4, 2012 to 2:00 am Sunday, August 5, 2012, in conjunction with the Mexican Food World Cook-Off, is a permissible activity.

ADOPTED this _____ day of July, 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, Director
City Development Department