

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

DEPARTMENT: City Development

AGENDA DATE: 8-14-2012 Consent

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

DISTRICT(S) AFFECTED: 1 and 8

SUBJECT:

A resolution that the sale and service of alcoholic beverages by Lava Entertainment Group, LLC, in the closed portions of City rights-of-way on Baltimore Avenue, Cincinnati Avenue and the alley between Baltimore Avenue and Cincinnati Avenue between Mesa Street and Stanton Street from 12:00 pm Saturday, September 1, 2012 to 2:00 am Sunday, September 2, 2012 in conjunction with the Orange River Fiesta, is a permissible activity (NESV12-00027) Districts 1 and 8.

BACKGROUND / DISCUSSION:

Lava Entertainment Group, LLC is seeking permission to sell and serve alcoholic beverages within closed portions of City rights-of-way on Baltimore Avenue, Cincinnati Avenue and the alley between Baltimore Avenue and Cincinnati Avenue between Mesa Street and Stanton Street from 12:00 pm Saturday, September 1, 2012 to 2:00 am Sunday, September 2, 2012 in conjunction with the Orange River Fiesta.

A special privilege permit (NESV12-00027) was approved by 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:

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, Lava Entertainment Group, LLC (hereinafter referred to as “Grantee”) is sponsoring The Orange River Fiesta (hereinafter referred to as “Event”), from Saturday, September 1, 2012 through Sunday, September 2, 2012; 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 less than twenty-four (24) hours on portions of City rights-of-way on Baltimore Avenue, Cincinnati Avenue and the alley between Baltimore Avenue and Cincinnati Avenue between Mesa Street and Stanton Street, from 8:00 am Saturday, September 1, 2012 to 5:00 am Sunday, September 2, 2012, in conjunction with the proposed Event; and

WHEREAS, the Grantee desires to provide for the sale and serving of alcoholic beverages on the closed portions of City rights-of-way during 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 within City right-of-way.

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

That the sale and service of alcoholic beverages by Lava Entertainment Group, LLC, in the closed portions of City rights-of-way on Baltimore Avenue, Cincinnati Avenue and the alley between Baltimore Avenue and Cincinnati Avenue between Mesa Street and Stanton Street from 12:00 pm Saturday, September 1, 2012 to 2:00 am Sunday, September 2, 2012, in conjunction with the Orange River Fiesta, is a permissible activity.

ADOPTED this 14th day of August, 2012.

(Signatures begin on following page)

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