

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

**DEPARTMENT:** Development Services Department-Planning Division

**AGENDA DATE:** August 18, 2009, Consent

**CONTACT PERSON/PHONE:** Mirian Spencer, Planner, (915) 541-4192, spencermd2@elpasotexas.gov

**DISTRICT(S) AFFECTED:** 8

**SUBJECT:**

That O.P.E.P. be authorized for the sale and service of alcoholic beverages at the outdoor street festival in the closed portion of Ochoa Street between First Avenue and Paisano Drive from 9:00 pm, Sunday, September 6, 2009 to 2:00 am, Monday, September 7, 2009. SPL09-00020 (District 8).

**BACKGROUND / DISCUSSION:**

O.P.E. P. is seeking permission to sell and serve alcoholic beverages on the closed portions of public right-of-way during an outdoor street festival from 9:00 pm, Sunday, September 6, 2009 to 2:00 am, Monday, September 7, 2009. A special privilege license (SPL09-00020) has been approved by the Development Coordinating Committee for the temporary street closure. There will be various booths, refreshments, and entertainment.

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 (SPL09-00020) for the temporary street closure on August 5, 2009 with the condition that applicant complies with the requirements listed in the attached letter.

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**LEGAL:** (if required) \_\_\_\_\_ **FINANCE:** (if required) \_\_\_\_\_

**DEPARTMENT HEAD:** \_\_\_\_\_

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**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

## **RESOLUTION**

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

**WHEREAS**, O.P.E.P. (hereinafter referred to as “Grantees”) are sponsoring an outdoor street festival for a Labor Day Block Party (hereinafter referred to as “Event”), from Sunday, September 6, 2009 to Monday, September 7, 2009; and

**WHEREAS**, the Grantees have received administrative approval for a Special Privilege License for a street closure of less than twenty-four (24) hours for the use and closure of public rights-of-way for a portion of Ochoa Street, between First Avenue and Paisano Drive from 4:00 pm Sunday, September 6, 2009, to 4:00 am Monday, September 7, 2009, in conjunction with the proposed 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 Grantees desire to provide for the sale and service of alcoholic beverages on public rights-of-way during the Event;

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

That the Grantees be authorized to provide for the sale and service of alcoholic beverages at the outdoor street festival in the closed portion of Ochoa Street between First Avenue and Paisano Drive from 9:00 pm, Sunday, September 6, 2009 to 2:00 am, Monday, September 7, 2009.

**ADOPTED** this \_\_\_\_\_ day of August 2009.

*Signatures on following page*

THE CITY OF EL PASO

ATTEST:

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John F. Cook  
Mayor

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Richarda Duffy Momsen,  
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

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Mark Shoesmith  
Assistant City Attorney

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Mathew McElroy Deputy Director - Planning  
Development Services Department

**MEMORANDUM**

**DATE:** August 6, 2009

**TO:** The Honorable Mayor and City Council  
Joyce A. Wilson, City Manager

**FROM:** Mirian Spencer, Planner

**SUBJECT:** That O.P.E.P. be authorized to provide for the sale and service of alcoholic beverages at the outdoor street festival in the closed portion of Ochoa Street between First Avenue and Paisano Drive from 9:00 pm, Sunday, September 6, 2009 to 2:00 am, Monday, September 7, 2009.

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The Development Coordinating Committee granted SPL09-00020 which permits the use of Ochoa Street between First Avenue and Paisano Drive from 4:00 pm, Sunday, September 6, 2009 to 4:00 am, Monday, September 7, 2009 for the outdoor street festival.

The Development Coordinating Committee imposed conditions which are required for all street closures.

There was **NO OPPOSITION** to this request.

**Enclosures:** DCC action letter, Traffic Control Plan



August 5, 2009

O.P.E.P.  
301 S. Ochoa Street  
El Paso, TX 79901  
Attn: Jesus Pizaña

Re: SPL09-00015, an outdoor festival from 9:00 pm, Sunday, September 6, 2009 to 4:00 am, Monday, September 7, 2009 for a Labor Day Block Party.

The Development Coordinating Committee (DCC) on August 5, 2009 considered a request for a temporary right-of-way closure for less than 24 hours on Ochoa Street between First Street and Paisano Drive.

The following will be required for the duration of time that the public rights-of-way listed above are closed for the event:

- First Aid stations and portable toilets will be required for the event.
- All traffic control mechanisms must be installed as proposed in the approved Traffic Control Plan.
- Permittees are responsible for installation and removal of all traffic control devices.
- Drainage systems in the area must remain unimpeded. No perforations may be done to the sidewalks and pavement within public rights-of-way.
- Coordinate with El Paso Fire Department Fire Marshall's Office, Permits Section. Chief Orlando Arriola 771-1190.
- 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.
- 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.
- Must contact 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.
- Coordinate with the El Paso Police Department-Central Regional Command Center Lt. Rosalia Cubillos (915) 577-5032 and the Police Area Response (PAR) office Leslie Canada (915) 838-8013 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.

**Development Services Department**

Victor Q. Torres - Director

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- The permittee is responsible for coordinating any 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.
- 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  
Development Services Department, Planning Division

**Development Services Department**

Victor Q. Torres - Director

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