

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

**DEPARTMENT:** City Development

**AGENDA DATE:** 10-9-2012 Consent

**CONTACT PERSON NAME AND PHONE NUMBER:** Mirian Spencer, (915) 541-4056, spencermd2@elpasotexas.gov

**DISTRICT(S) AFFECTED:** 8

**SUBJECT:**

A Resolution that the sale and service of alcoholic beverages by The Garden in the closed portions of City rights-of-way on portions of Western Street between Anthony Street and Durango Street from 4:00 pm to 9:00 pm Tuesday, October 16, 2012, in conjunction with Walk a Mile, is a permissible activity (NESV12-00031) District 8.

**BACKGROUND / DISCUSSION:**

The Garden seeking permission to sell and serve alcoholic beverages within the closed portions of City right-of-way during Walk a Mile from 4:00 pm to 9:00 pm Tuesday, October 16, 2012.

A special privilege permit (NESV12-00031) was approved by the Downtown Management District AdHoc 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

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**BOARD / COMMISSION ACTION:**

The Downtown Management District (DMD) AdHoc Committee approved the special privilege (NESV12-00031) on October 4, 2012.

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

**DEPARTMENT HEAD:**

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**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**, The Garden (hereinafter referred to as “Grantee”) is sponsoring Walk a Mile from 2:00 pm to 10:00 pm, Tuesday, October 16, 2012 (hereinafter referred to as “Event”); 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 a portion of Western Street between Anthony Street and Durango Drive from 2:00 pm to 10:00 pm, Tuesday, October 16, 2012, in conjunction with the proposed Event; and

**WHEREAS**, the Grantee and Licenses 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 during the Event.

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

That the sale and service of alcoholic beverages by The Garden, in the closed portions of City rights-of-way on portions of Western Street between Anthony Street and Durango Street from 4:00 pm to 9:00 pm Tuesday, October 16, 2012, in conjunction with Walk a Mile, is a permissible activity.

**ADOPTED** this 9th day of October, 2012.

THE CITY OF EL PASO

ATTEST:

\_\_\_\_\_  
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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Lauren K. Ferris  
Assistant City Attorney

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Mathew S. McElroy, Director  
City Development Department