

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

DEPARTMENT: City Development Department

AGENDA DATE: October 29, 2013, Consent Agenda

CONTACT PERSON NAME AND PHONE NUMBER: Shamori Whitt, (915) 541-4477, whittSR@elpasotexas.gov

DISTRICT(S) AFFECTED: 8

SUBJECT:

A Resolution that the sale and service of alcoholic beverages by Tricky Falls on South El Paso Street, within the closed portions of City right-of-way on South El Paso Street between Overland Avenue to San Antonio Avenue and Overland Avenue between Oregon Street and El Paso Street, from 7:00 pm Saturday, November 2, 2013 to 2:00 am Sunday, November 3, 2013, in conjunction with Nightmare on El Paso Street, is a permissible activity.

BACKGROUND / DISCUSSION:

Hello Day Cafe and Tricky Falls are seeking permission to sell and serve alcoholic beverages within the closed portions of City right-of-way during Nightmare on El Paso Street from 7:00 pm on Saturday, November 2, 2013 to 2:00 am Sunday, November 3, 2013.

A special privilege permit (CESV13-00022) was approved by the City Development Director 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.

Please note: Nightmare on El Paso Street is not a City Sponsored Event.

PRIOR COUNCIL ACTION:

As per Title 15.08.120 of the El Paso Municipal Code, CSEV13-00022 received approval from the Downtown ADHoc Committee on October 17, 2013.

This will be the first year for Nightmare on El Paso Street.

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

R E S O L U T I O N

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

WHEREAS, Hello Day Cafe and Tricky Falls (hereinafter referred to as "Grantees") are co-sponsoring "Nightmare on El Paso Street" from 7:00 pm on Saturday, November 2, 2013 to 2:00am on Sunday, November 3, 2013 (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 Grantees have authorized Tricky Falls (hereinafter referred as "Licensee") to provide for the sale and service of alcoholic beverages during the Event; and

WHEREAS, the Grantees have 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 right-way on South El Paso Street between Overland Avenue to San Antonio Avenue and Overland Avenue between Oregon Street and El Paso Street from 5:00 pm Saturday, November 2, 2013 to 4:00 am Sunday, November 3, 2013, in conjunction with the proposed Event; and

WHEREAS, the Grantees and Licensee desire to provide for the sale and service of alcoholic beverages on South El Paso Street, within 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 Tricky Falls on South El Paso Street, within the closed portions of City right-of-way on South El Paso Street between Overland Avenue to San Antonio Avenue and Overland Avenue between Oregon Street and El Paso Street, from 7:00 pm Saturday, November 2, 2013 to 2:00 am Sunday, November 3, 2013, in conjunction with Nightmare on El Paso Street, is a permissible activity.

ADOPTED this 29th day of October, 2013.

(Signatures on following page)

THE CITY OF EL PASO

Oscar Leeser,
Mayor

ATTEST:

Richarda Duffy Momsen,
City Clerk

APPROVED AS TO FORM:

Lauren Ferris
Assistant City Attorney

APPROVED AS TO CONTENT:

Mathew S. McElroy, Director
City Development Department