



City of El Paso

Briefing on Hawkins Business Plaza





Stakeholders

- Mayor's Office
- District 3 Office
- City Manager's Office
- El Paso Police Department
- El Paso Fire Department
- Development Services Department
- Environmental Services – Code Compliance
- Neighborhood Services
- Department of Aviation
- Texas Alcohol and Beverage Commission – El Paso Office
- Cielo Vista Neighborhood Association
- Three Legged Monkey Owners/Management
- Wet Ultra-Lounge Owners/Management
- Patriot Place Management



Chronology

Jan 2008

- Complaints received relating to late night activity from Hawkins Business Plaza spilling into nearby neighborhood - vandalism, lewdness, trash
- District 3 office staff coordinated with juvenile probationers to conduct regular clean-ups of neighborhood

March 2008

- Mayor's Office and District 3 office staff coordinated town-hall meeting with stakeholders at Putt-Putt Golf
- PD committed to regular patrol
- District 3 office staff circled petition for no-parking signs



Chronology

May 2008

- Activity escalated during Cinco de Mayo outdoor event
- Planning red-flagged/stopped permits for outdoor activity at this location
- PD continued response
- City Council approved and installed 68 “No-Parking” signs

December 2008

- Meeting at City Hall among various stakeholders -Cielo Vista Neighborhood Assoc President, District 3 staff, City Manager’s Office, Environmental Services, Airport, Police, Fire, TABC, Neighborhood Services
- Cielo Vista Neighborhood Association presented list of concerns regarding Three Legged Money establishment
- Group discussed solutions such as noise monitoring, police patrol, etc.



Chronology (cont'd)

January 2009

- Various emails sent between Cielo Vista Neighborhood Residents, Representative Acosta, City Manager's Office, Department of Aviation, El Paso Police Department and Development Services Department
- Issues presented and responded to:

Concerns	City's Response	Additional Request/Concern	City's Response
Food establishment license	Information provided on annual licensed obtained by mail. At the time, most recent application was 10/5/08.	Establishment operated without food license from 8/29-10/5/08.	Establishment did not serve food during that time.
Noise levels	Noise survey conducted Dec. 17 from 8pm-2am. Establishments remained at 52 decibels throughout night. Ordinance allows between 50-55 decibels during time frame.	Spending overtime salaries to conduct noise monitoring surveys after-hours. Request by residents to conduct surveys with remote instruments.	Surveys conducted with hand held noise monitors. City does not own noise monitors that can be installed and left to record levels without staff present.



Chronology (cont'd)

January 2009 (cont'd)

Concerns	City's Response	Additional Request/Concern	City's Response
Parking-Can Police Officer write ticket and leave on windshield for tow truck driver to identify?	Per TX Transportation Code, transfer must be made by an officer to tow company. PD also remains on site for protection of tow truck drivers.	Do residents have authority to call tow truck company themselves rather than calling and waiting for PD? Or Special Traffic Agent (resident)	TX Transportation Code gives authority only to police officers.
Occupancy Limits	Floor space recalculated and new occupancy limits were established. They have remained at 700 since December 2008.	Subsequent concerns about additional parking options (golf course)	
Parking at golf course	Zoning is currently R4 and would have to be changed to C1 with a special permit. A split of property would also need to occur since parking lot is in one parcel all tied to golf course.	Parking at adjacent businesses - receiving payment for allowing parking	Airport staff spoke with leaseholders of adjacent properties and tenants deny receipt of payment for parking.



Chronology (cont'd)

January 2009 (cont'd)

Concerns	City's Response
Complaint of construction debris indicating modification to establishment	Development Services Inspectors visited the site and determined minor interior cosmetic work being done - painting, lighting fixtures, etc.
Hiring of off-duty officers	Owner of 3LM would only be able to pay for 2 off-duty officers (total cost for 52 weeks \$43,680). PD would not approve only 2 officers but would approve 6. Costs for 6 off-duty officers for 18 weeks only (Feb-June) \$30,240.
Modification of lease to maintain certain character within area	Lease amendment negotiated and presented to Council today.



Chronology (cont'd)

February 2009

- Letters from Police Department sent to owners of Three Legged Monkey, Wet Ultra Lounge
- Letter addressed various complaints and requested owners to maintain responsible management
- Letter recommended the posting of a sign notifying patrons that criminal activity will not be tolerated within the establishment and reminder that EPPD heavily patrols the area
- Letter also notifies owners that EPPD will continue to conduct regular illegal activity investigations and assigned senior traffic officer to address parking problems



Chronology (cont'd)

February 2009

- Issues presented and responded to

Concerns	City's Response
Noise levels-Presented with reports and meter readings from digital meters taken by residents.	ESD currently working on revising noise ordinance.
Complaint about use of Tent for Mardi Gras	Development Services Inspectors and Fire Department responded immediately to report of tent being erected at establishment and found none.



Chronology (cont'd)

March 2009

- City Manager's Office presented with copy of liquor license application for Crystal Palace Ballroom – change of ownership
- Question regarding status of lease amendment
 - Request to prevent same type of establishment from opening in vacant space
 - Request to reduce capacity
- Residents notified that negotiations between Airport and tenant were ongoing

April 2009

- Vandalism occurred at Putt-Putt Golf and Popeye's Chicken
- Police responded, took statements and generate cases



Chronology (cont'd)

June 2009

- Issues presented and responded to

Concerns	City's Response
Permits for tents	Verified with Development Services that permits were not issued for 1550 Hawkins.
Parking lot adjacent to Popeye's Chicken.	Separate lease approved by Council in January but needs to be incorporated into original lease which is being amended today. Until this is done the parking cannot be "improved, paved, striped as a parking lot".



Chronology (cont'd)

June 2009

- Issues presented and responded to

Concerns	City's Response
Release Three Legged Monkey from lease	Informed residents via email that City has not been a part of lease agreements between leaseholder (Brandt) and subleaseholder (3LM).
Noise and nuisance	Reminded residents that PD and FD have formed task forces that are visiting establishments all across city to proactively enforce regulations.



Chronology (cont'd)

June 16 2009

- Meeting between all stakeholders including business owners @ FDHQ
- Digitally recorded by one resident
- One resident said she did not “trust” the Fire Department
- Implied information being shared with bar owners so they do not get caught
- PD and FD discussed formation of task forces to patrol city wide concerns



City Expenses to Date

Department	Costs
Airport (200 staff hours)	\$ 10,000
City Attorney's Office (outside counsel for lease amendment)	\$ 1,607
City Manager's Office (20 staff hours)	\$ 600
Development Services (101 staff hours)	\$ 4,018
District 3 office staff (25 hours)	\$ 450
Engineering/Traffic (No Parking signs)	\$ 2,504
Environmental Services (15 staff hours)	\$ 400
Neighborhood Services (10 staff hours)	\$ 339
Police Department (6,345 officer hours Jan'07-Oct'09)	\$ 142,110
Fire Department (16 responses)	\$5,875
TOTAL ESTIMATED COSTS	\$ 167,903



Lease Amendment

- Occupancy limit will remain at current limits, regardless of any additional parking obtained in future and/or expansions
- Any alterations, renovations or additions, including but not limited to the construction of additional facilities, the expansion of current facilities, or alterations to existing facilities to the Three Legged Monkey and/or Wet Bar that involve either (a) structural changes (b) changes to the exterior or (c) non-structural changes to the interior that would otherwise cause an increase in the occupancy limits will be subject to approval by the Airport, in addition to any other required City review.
- Regardless of expansion, however (if approved) the occupancy limits will remain the same, as stated above.



Lease Amendment (cont'd)

- Use of the Three Legged Monkey and We Bar must conform to the external noise limits of Chapter 9.40 of the El Paso City Code.
- Leased premises can never contain more than two nightclubs or bars, without approval of the Airport, in addition to any other required City review and approval.
- No outdoor street party, outdoor parking lot party, or similar outdoor entertainment event in the parking lot and other common areas of the leased premises can be sponsored by any of the nightclubs or bars without the approval of the Airport, in addition to any other City approval required by law.
- Tenant is willing to include cross-default provisions in the lease amendments (the original lease for the strip center, and the lease for the parcel of property adjacent to Popeye's).



Questions / Comments

