

City of Las Cruces®

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 4

Ordinance/Resolution# 13-005

For Meeting of _____
(Ordinance First Reading Date)

For Meeting of July 16, 2012
(Adoption Date)

Please check box that applies to this item:

QUASI JUDICIAL

LEGISLATIVE

ADMINISTRATIVE

TITLE: A RESOLUTION AUTHORIZING THE FOUNDATION FOR LAS CRUCES MUSEUMS TO CONTINUE WITH THE PERMITTING PROCESS WHICH FINAL APPROVAL WOULD ALLOW FOR THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN A RESTRICTED AND SECURED AREA FOR AN INVITATION ONLY GRAND OPENING OF THE MUSEUM OF NATURE & SCIENCE, 411 NORTH MAIN STREET, TO BE HELD ON THURSDAY, NOVEMBER 1, 2012 FROM 5:00 P.M. TO 7:00 P.M.

PURPOSE(S) OF ACTION:

Authorize continuation of permitting process.

COUNCIL DISTRICT: 1		
<u>Drafter/Staff Contact:</u> Monica Campbell	<u>Department/Section:</u> Legal/City Attorney	<u>Phone:</u> 541-2128
<u>City Manager Signature:</u>		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The Foundation for Las Cruces Museums ("FLCM") is hosting an invitation only grand opening on Thursday, November 1, 2012 for the Museum of Nature & Science ("MoNaS") located at 411 North Main Street. The FLCM would like to offer alcoholic beverages for sale and consumption at the event, and has hired Hotel Encanto de Las Cruces to provide the alcoholic beverages.

As required by state law, Hotel Encanto must seek approval through a Special Dispenser Permit issued by the Alcohol and Gaming Division of the Regulation and Licensing Department of the State of New Mexico ("Alcohol and Gaming") to serve outside its licensed area. Hotel Encanto is seeking local government approval which would allow the permit process to continue. If the City and Alcohol and Gaming approve the Special Dispenser Permit, Hotel Encanto will be allowed to dispense alcoholic beverages in a restricted and secured area during the event on Thursday, November 1, 2012, from 5:00 p.m. to 7:00 p.m.

The proposed location of the event is within 300 feet of the Latter Rain Harvest Fellowship Church and as required by law the applicant has requested a waiver of the church/school

(Continue on additional sheets as required)

distance restriction through a separate agenda item. Approval of the Special Dispenser Permit is contingent on waiver approval.

The granting of a Special Dispenser Permit will also comply with the requirements of LCMC 1997, Section 5-1, which restricts alcohol consumption in public areas to areas approved by the State only.

SUPPORT INFORMATION:

1. Resolution.
2. Exhibit "A". Special Dispenser Permit Application.
3. Attachment "1". Memo from Will Ticknor, Museums Administrator.

SOURCE OF FUNDING:

Is this action already budgeted? N/A	Yes	<input type="checkbox"/>	See fund summary below
	No	<input type="checkbox"/>	If No, then check one below:
	<i>Budget Adjustment Attached</i>	<input type="checkbox"/>	Expense reallocated from: _____
		<input type="checkbox"/>	Proposed funding is from a new revenue source (i.e. grant; see details below)
		<input type="checkbox"/>	Proposed funding is from fund balance in the _____ Fund.
Does this action create any revenue?	Yes	<input checked="" type="checkbox"/>	Funds will be deposited into this fund: <u>1015-10180020-520002</u> in the amount of <u>\$25.00</u> for <u>FY13</u> .
	No	<input type="checkbox"/>	There is no new revenue generated by this action.

BUDGET NARRATIVE

N/A

FUND EXPENDITURE SUMMARY:

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
N/A	N/A	N/A	N/A	N/A	N/A

(Continue on additional sheets as required)

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will approve alcoholic beverages being sold for consumption within a restricted and secured area at the Museum of Nature & Science, 411 North Main Street, during an invitation only grand opening funded by the Foundation for Las Cruces Museums on Thursday, November 1, 2012 from 5:00 p.m. to 7:00 p.m. Approval will allow Alcohol and Gaming to continue with the permit process.
2. Vote "No"; this will mean that no alcoholic beverages will be sold at the invitation only grand opening. The Alcohol and Gaming Director may issue the Special Dispenser Permit provided that the City Council has given written approval for the permit process to continue.
3. Vote to "Amend"; this could include such items as changing the time that alcoholic beverages are sold. Any amendments must comply with city ordinance, state statute and/or the requirements of Alcohol and Gaming.
4. Vote to "Table"; this could result in no alcoholic beverages being sold during the event.

REFERENCE INFORMATION:

N/A

(Continue on additional sheets as required)

RESOLUTION NO. 13- 005

A RESOLUTION AUTHORIZING THE FOUNDATION FOR LAS CRUCES MUSEUMS TO CONTINUE WITH THE PERMITTING PROCESS WHICH FINAL APPROVAL WOULD ALLOW FOR THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN A RESTRICTED AND SECURED AREA FOR AN INVITATION ONLY GRAND OPENING OF THE MUSEUM OF NATURE & SCIENCE, 411 NORTH MAIN STREET, TO BE HELD ON THURSDAY, NOVEMBER 1, 2012 FROM 5:00 P.M. TO 7:00 P.M.

The City Council is informed that:

WHEREAS, the Foundation for Las Cruces Museums ("FLCM") is hosting an invitation only grand opening of the Museum of Science & Nature ("MoNaS") located at 411 North Main Street on Thursday, November 1, 2012; and

WHEREAS, the FLCM would like to offer for sale and consumption alcoholic beverages at the event; and

WHEREAS, the alcoholic beverages would be sold and consumed in a restricted and secured area of the MoNaS; and

WHEREAS, as required by state law, a liquor license holder must seek approval to sell alcoholic beverages in an unlicensed area through a Special Dispenser Permit (Exhibit "A") issued by the Alcohol and Gaming Division of the Regulation and Licensing Department of the State of New Mexico ("Alcohol and Gaming"); and

WHEREAS, the FLCM has hired Hotel Encanto de Las Cruces to provide the alcoholic beverages, and is seeking authorization to allow the permit process to continue; and

WHEREAS, if the City and Alcohol and Gaming approve the Special Dispenser Permit, Hotel Encanto will be allowed to dispense alcoholic beverages in a restricted

and secured area at the event on Thursday, November 1, 2012 from 5:00 p.m. to 7:00 p.m.; and

WHEREAS, in accordance with NMSA 1978, Section 60-6B-10, the FLCM did submit and was granted a waiver of the church/school distance restriction by the City Council; and

WHEREAS, the granting of the Special Dispenser Permit will also comply with the requirements of LCMC 1997, Section 5-1, which restricts alcohol consumption in public to areas approved by Alcohol and Gaming only.

NOW, THEREFORE, Be it resolved by the governing body of the City of Las Cruces:

(I)

THAT the Foundation for Las Cruces Museums is authorized to continue with the permitting process which final approval will allow for the sale and consumption of alcoholic beverages within a restricted and secured area at the Museum of Nature & Science located at 411 North Main Street, on Thursday, November 1, 2012 from 5:00 p.m. to 7:00 p.m.

(II)

THAT City staff is hereby authorized to do all deeds necessary in the accomplishment of the herein above.

DONE AND APPROVED on this _____ day of _____, 2012.

APPROVED:

Mayor

ATTEST:

City Clerk

(SEAL)

Moved by: _____

Seconded by: _____

VOTE:

Mayor Miyagishima: _____

Councillor Silva: _____

Councillor Smith: _____

Councillor Pedroza: _____

Councillor Small: _____

Councillor Sorg: _____

Councillor Thomas: _____

APPROVED AS TO FORM:



City Attorney

SPECIAL DISPENSER PERMIT APPLICATION (60-6A-12)

APPROVED AS TO FORM:

Fee Per day: \$50.00 Public Celebration
X \$25.00 Private Event (Catered) (all fees are non refundable)

A copy of all approved permits will be sent to the Special Investigations Division of the Department of Public Safety. They will notify you directly if they need additional information.

Business Name (DBA) Hotel Encanto de las Cruces Owner Name Las Cruces Hotel Management Local Option District 019D
Street Address 7025 S. Telschore Blvd Mailing Address Same
City, State & Zip Las Cruces, NM 88011 Telephone # 575 622 4300 Fax # 575 521 4707

LICENSE HOLDER INFORMATION
Description of Event Museum of Nature: Science Date(s) of Event 14/1/12 Begin Time 5:00 End Time 7:00
Physical Address of Event 411 N. MAIN ST. LAS CRUCES, NM 88001 Number of Persons expected 200
Description of Security 2 Guards Number of Security personnel to be at this function 2
Security Contact Name Gene Tafuya Telephone # 575-526-1294

SPONSOR INFORMATION
Sponsor of Event N/A Contact Name _____ Signature _____ Telephone # _____

BUILDING OWNER APPROVAL
Name (print) Robert Garza Signature _____ Telephone # _____ Date _____

LICENSE HOLDER & SERVER CERTIFICATION: I, _____ (Licensee) hereby certify that this event is within the same local option district as the dispenser's license, that event is not within 300 Ft. of a church or school unless alcoholic beverages were sold there prior to July 1, 1981 or a waiver is obtained from the local governing body. I further certify that all persons providing the service of alcoholic beverages are server certified and that they are my employees and that ALL the information in this application is true and correct.

NOTE: List of servers including name, server permit # and server expiration date must be attached to permit application.
Licensee agrees that if any statements or representations herein are found to be false, the director may refuse to issue additional permits.

Signature (Licensee Only) _____ Date 6/18/12
Signature _____ Date _____
Signature (seal) _____

NOTARY INFORMATION
My Commission Expires June 18 day of June, 2012 Notary Public _____ Exp. 07/20/13
Subscribed and Sworn before me this _____ day of _____, 20____

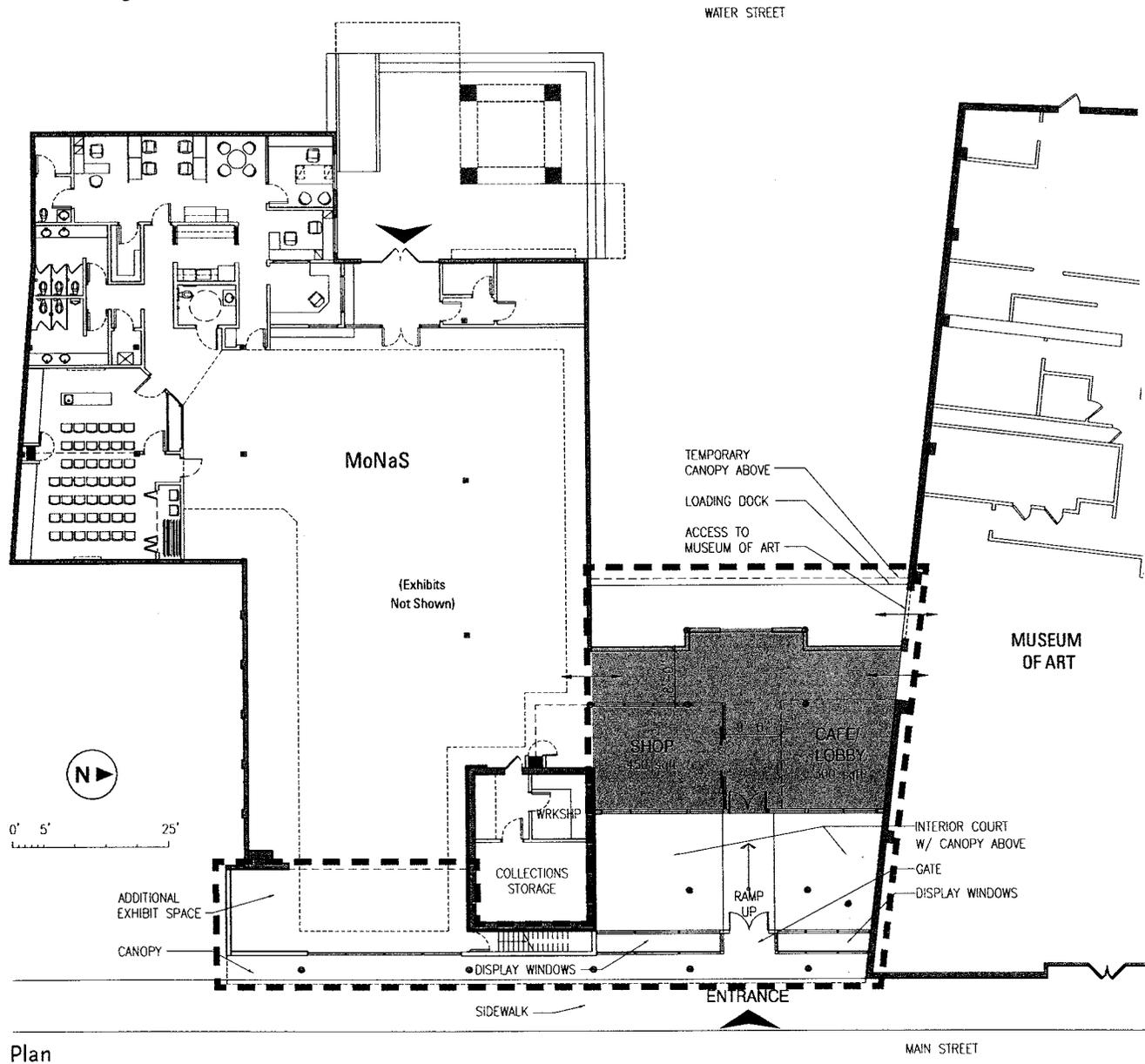
LOCAL GOVERNING BODY APPROVAL
Print Name Robert Garza Title City Manager Date _____ Signature _____
Phone 541-2071 Fax 541-2119 575- 575-
Permit Number _____ 3) Server information list

ALCOHOL & GAMING DIVISION USE ONLY
Attachments: 1) Floor plan _____ Date _____
2) Fees (listed on top of page) _____
3) Server information list _____

ADDING SPACE: PHASE 1

Several schemes for adding space to the current building footprint were examined, but filling in the vacant space between MoNaS and Museum of Art has the most potential. New-built central space will provide the two institutions with new, shared facilities—in Phase 1 a shop on Main Street, a café/lobby and a loading dock, with a connecting corridor providing a new visitor entrance to each building.

KEY	
	Space to be added in Phase 1

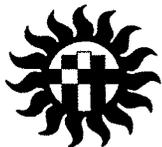


Plan

MAIN STREET

**NM Alcohol & Gaming Division Server Certificate Holders
Hotel de Encanto de Las Cruces-Liquor License No. 0190
November 1, 2012 Invitation Only Gala Opening
Museum of Nature & Science (MoNaS), 411 N. Main Street, Las Cruces, NM
Friends of Las Cruces Museums**

Name	Permit #
Garcia, Cesar	190862
Hill, DeWayne	181418
Rodriguez, Francisco	227526
Ruiz, Adrian	205316
Telles, Derek	220623
Warner, Roger	Temp. (awaiting permit card)
Wiley, Ronald	200237



City of Las Cruces[®]
PEOPLE HELPING PEOPLE
PUBLIC SERVICES DEPARTMENT

TO: Mr. Harry S. Connelly, City Attorney's Office
FROM: Will Ticknor, Museums Administrator
SUBJECT: Permission to Serve Alcohol at MoNaS
DATE: June 22, 2012
FILE NO.: 12-013

This memo is to explain a request by the Foundation for Las Cruces Museums (FLCM) to serve alcohol at the ceremonies for the grand opening of the new Museum of Nature & Science (MoNaS) @ 411 N. Main St. on Thursday, November 1, 2012 between the hours of 5:30 – 7:30 PM.

This event will be invitation only and is entirely funded by the FLCM. (The public grand opening will follow on the next evening, Friday, November 2, 2012.) Under the recent Council approved Memorandum of Agreement, the FLCM is authorized to conduct fundraising and other similar types of events, such as exhibit openings, in all of the museum facilities. Although this is technically not a fundraising event, there is the potential that liquor sales by the Hotel Encanto may generate some small amount of revenue for the FLCM. The FLCM has sponsored dozens of opening events over the past 6 years but have not previously attempted to have alcohol at any of their events.

It is the desire of the FLCM to partner with the Hotel Encanto, a licensed provider of alcoholic beverages to operate a cash bar in a section of the new MoNaS on this evening only.

Please feel free to contact me for any further information or clarification you may need.

Thank you,



Will Ticknor
Museums Administrator

WT/WT

Cc: Karen Feder, FLCM Special Events Chair

