

City of Las Cruces[®]

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 2 Ordinance/Resolution# 13-123

For Meeting of _____
(Ordinance First Reading Date)

For Meeting of March 18, 2013
(Adoption Date)

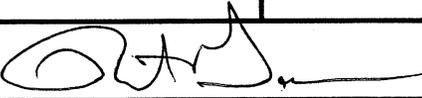
Please check box that applies to this item:

QUASI JUDICIAL LEGISLATIVE ADMINISTRATIVE

TITLE: A RESOLUTION AUTHORIZING THE SARATOGA ROOM TO CONTINUE WITH THE PERMITTING PROCESS TO ALLOW FOR THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES INSIDE THE RIO GRANDE THEATRE, 211 NORTH DOWNTOWN MALL, LAS CRUCES, NEW MEXICO, WITHIN A RESTRICTED AND SECURED AREA, DURING A COMEDY SHOW TO BE HELD ON APRIL 6, 2013.

PURPOSE(S) OF ACTION:

To authorize the sale of alcoholic beverages inside the Rio Grande Theatre.

| | | |
|---|--|----------------------------------|
| 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 Rio Grande Theatre ("Theatre") is presenting a comedy show on April 6, 2013. The Saratoga Room is requesting approval to sell alcoholic beverages for consumption inside the Theatre during the event.

Authorization by the City Council is required 1) because the alcoholic beverages will be served inside the Theatre which is City property; and 2) prior to submission of the Special Dispenser Permit Application ("Application") to the Alcohol and Gaming Division of the Regulation and Licensing Department of the State of New Mexico ("Alcohol and Gaming"). Final approval by Alcohol and Gaming would allow alcoholic beverages to be sold from 6:00 p.m. to 10:00 p.m. within a restricted and secured area inside the Theatre on April 6, 2013.

Approval of the Application will also comply with the requirements of the Las Cruces Municipal Code, Section 5-1, which restricts alcohol consumption in public places to areas approved by Alcohol and Gaming only.

SUPPORT INFORMATION:

1. Resolution.
2. Exhibit "A". Special Dispenser Permit Application packet.

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>1000-10180020-520002, Permits-Liquor Licenses</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 |

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will approve the sale of alcoholic beverages for consumption within a restricted and secured area inside the Rio Grande Theatre on April 6, 2013 from 6:00 p.m. to 10:00 p.m.
2. Vote "No"; this will result in no alcoholic beverages being sold at the Rio Grande Theatre on April 6, 2013. The Director of Alcohol and Gaming may issue the Special Dispenser Permit provided that the City Council has given written approval for the permitting process to continue.
3. Vote to "Amend"; this may include such items as limiting the hours of service. Any amendments must comply with city ordinance, state statute and/or the requirements of Alcohol and Gaming.

(Continue on additional sheets as required)

4. Vote to "Table"; this may result in no alcoholic beverages being sold at the April 6, 2013 event.

REFERENCE INFORMATION:

The resolution(s) and/or ordinance(s) listed below are only for reference and are not included as attachments or exhibits.

N/A.

(Continue on additional sheets as required)

RESOLUTION NO. 13-123

A RESOLUTION AUTHORIZING THE SARATOGA ROOM TO CONTINUE WITH THE PERMITTING PROCESS TO ALLOW FOR THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES INSIDE THE RIO GRANDE THEATRE, 211 NORTH DOWNTOWN MALL, LAS CRUCES, NEW MEXICO, WITHIN A RESTRICTED AND SECURED AREA, DURING A COMEDY SHOW TO BE HELD ON APRIL 6, 2013.

The City Council is informed that:

WHEREAS, The Saratoga Room is requesting approval to sell alcoholic beverages inside the Rio Grande Theatre ("Theatre") during a comedy show on April 6, 2013; and

WHEREAS, approval by the City Council is required prior to submission of the Special Dispenser Permit Application to the Alcohol and Gaming Division of the Regulation and Licensing Department of the State of New Mexico ("Alcohol and Gaming"); and

WHEREAS, final approval by Alcohol and Gaming would allow alcoholic beverages to be sold for consumption from 6:00 p.m. to 10:00 p.m. within a restricted and secured area inside the Theatre on April 6, 2013; and

WHEREAS, approval of the Special Dispenser Permit Application will also comply with the requirements of the Las Cruces Municipal Code, 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 Saratoga Room is hereby authorized to continue with the permitting process for the Special Dispenser Permit Application, attached hereto as Exhibit "A", to

allow alcoholic beverages to be sold for consumption within a restricted and secured area inside the Rio Grande Theatre on April 6, 2013, from 6:00 p.m. to 10:00 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 _____, 2013.

APPROVED:

ATTEST:

Mayor

City Clerk

(SEAL)

VOTE:

Mayor Miyagishima: _____
Councillor Silva: _____
Councillor Smith: _____
Councillor Pedroza: _____
Councillor Small: _____
Councillor Sorg: _____
Councillor Thomas: _____

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:



City Attorney

ALCOHOL & GAMING DIVISION
SPECIAL DISPENSER PERMIT APPLICATION (60-6A-12)

APPROVED AS TO FORM:
Atty. Albert Kennedy
CITY ATTORNEY

Fee Per day: \$50.00 Public Celebration
 \$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.

LICENSE HOLDER INFORMATION
Business Name (DBA) The Saratoga Room Liquor License # 2539
Owner Name Vincent Vaccaro Local Option District Las Cruces
Street Address 1763 E. University Ave Mailing Address 1753 E. University Ave
City, State & Zip Las Cruces, NM 88001 Telephone # (575)-521-3753 Fax # (575)-521-3505

EVENT INFORMATION

Description of Event Comedy Show Date(s) of Event April 6th 2013 Begin Time 6:00 pm End Time 10 pm
Physical Address of Event Rio Grande Theatre - 211 N. Downtown Mall Number of Persons expected 200
Description of Security Las Cruces Security Number of Security personnel to be at this function 2
Security Contact Name Lt. Van Sant Telephone # (575)-526-1294
SPONSOR INFORMATION
Rashdeen Albers Telephone # (575) 523-6401
Sponsor of Event Doña Ana Arts Council Contact Name Adam Ostland Signature Adam Ostland Telephone # (602)-488-7810
The Saratoga Room

BUILDING OWNER APPROVAL

Name (print) _____ 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.

Licensee Name (print) Vincent Vaccaro Signature (Licensee Only) Vincent Vaccaro Date 2/22/13
All profits derived from the sale of liquor will go only to the licensee. Only the owner or authorized person under this license may sign the permit. (seal)

Subscribed and Sworn before me this 2nd day of February, 20 13 Notary Public Vincent Vaccaro Exp. 10/19/14

LOCAL GOVERNING BODY APPROVAL

Print Name _____ Title _____ Date _____ Signature _____ Phone _____ Fax # _____

ALCOHOL & GAMING DIVISION USE ONLY

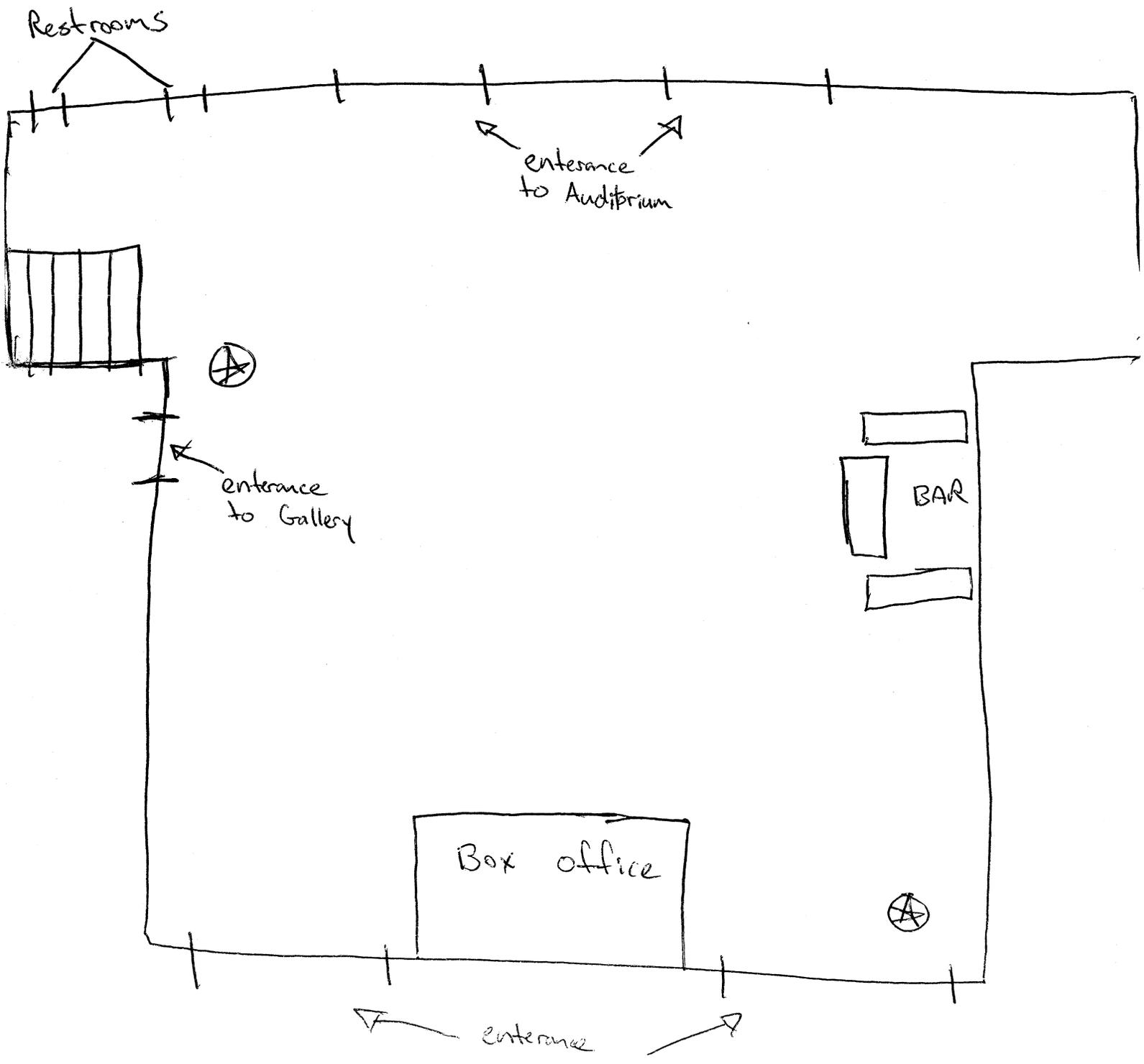
Approved by: _____ Permit Number _____
Attachments: 1) Floor plan - (Pictures?) _____ 2) Fees (listed on top of page) _____ 3) Server information list _____

Rio Grande Theatre - 211₃₈ N. Downtown Mall - 88001

Lobby Aprox. = 600 sqft

BAR Area = 32 sqft

⊕ = Security



AGD-00003

NEW MEXICO
ALCOHOL & GAMING DIVISION
SERVER CERTIFICATE

| | | | | | | |
|---------------|------------|--------|---------------------|------|------|--|
| Permit # | Expires | | Social Security No. | | | |
| 255276 | 04/29/2016 | | | | | |
| Date of Birth | Sex | Height | Weight | Hair | Eyes | |
| [REDACTED] | | | | | | |
| Signature | | | | | | |

MICHAEL A. CUELLAR

AGD-00003

NEW MEXICO
ALCOHOL & GAMING DIVISION
SERVER CERTIFICATE

| | | | | | | |
|----------------------------|------------|--------|---------------------|------|------|--|
| Permit # | Expires | | Social Security No. | | | |
| 144798 | 03/25/2014 | | | | | |
| Date of Birth | Sex | Height | Weight | Hair | Eyes | |
| [REDACTED] | | | | | | |
| Signature <i>Edd Mares</i> | | | | | | |

EDD A MARES

NEW MEXICO
ALCOHOL & GAMING DIVISION
SERVER CERTIFICATE

| | | | | | | |
|---------------|------------|--------|---------------------|------|------|--|
| Permit # | Expires | | Social Security No. | | | |
| 208448 | 04/09/2013 | | | | | |
| Date of Birth | Sex | Height | Weight | Hair | Eyes | |
| [REDACTED] | | | | | | |
| Signature | | | | | | |

MANUEL L MEDINA

AGD-00003

NEW MEXICO
ALCOHOL & GAMING DIVISION
SERVER CERTIFICATE

| | | | | | | |
|-------------------------------|------------|--------|---------------------|------|------|--|
| Permit # | Expires | | Social Security No. | | | |
| 242055 | 05/09/2015 | | | | | |
| Date of Birth | Sex | Height | Weight | Hair | Eyes | |
| [REDACTED] | | | | | | |
| Signature <i>Tanner Parks</i> | | | | | | |

AGD-00003

NEW MEXICO
ALCOHOL & GAMING DIVISION
SERVER CERTIFICATE

| | | | | | | |
|-------------------------------|------------|--------|---------------------|------|------|--|
| Permit # | Expires | | Social Security No. | | | |
| 165176 | 08/03/2015 | | | | | |
| Date of Birth | Sex | Height | Weight | Hair | Eyes | |
| [REDACTED] | | | | | | |
| Signature <i>Adam Ostland</i> | | | | | | |

ADAM OSTLAND

AGD-00003

NEW MEXICO
ALCOHOL & GAMING DIVISION
SERVER CERTIFICATE

| | | | | | | |
|----------------------------------|------------|--------|---------------------|------|------|--|
| Permit # | Expires | | Social Security No. | | | |
| 259159 | 06/01/2016 | | | | | |
| Date of Birth | Sex | Height | Weight | Hair | Eyes | |
| [REDACTED] | | | | | | |
| Signature <i>Vincent Vaccaro</i> | | | | | | |