

City of Las Cruces®

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 3

Ordinance/Resolution# 13-127

For Meeting of _____
(Ordinance First Reading Date)

For Meeting of April 1, 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 WITHIN A RESTRICTED AND SECURED AREA DURING THE ULTIMATE GLADIATOR DASH TO BE HELD ON APRIL 27, 2013, AT 2834 NORTH TELSHOR, LAS CRUCES, NEW MEXICO.

PURPOSE(S) OF ACTION:

To approve the sale of alcoholic beverages during the Ultimate Gladiator Dash.

COUNCIL DISTRICT: 6		
<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 Ultimate Gladiator Dash, a 5K obstacle run, will be held on April 27, 2013. The Saratoga Room is requesting approval to sell alcoholic beverages during the event.

Authorization by the City Council is required 1) because the alcoholic beverages will be served at 2834 North Telshor 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 9:00 a.m. to 6:00 p.m. within a restricted and secured area at 2834 North Telshor, Las Cruces, New Mexico, on April 27, 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</u> , Permits-Liquor Licenses 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 during the Ultimate Gladiator Dash on April 27, 2013 from 9:00 a.m. to 6:00 p.m.
2. Vote "No"; this will result in no alcoholic beverages being sold during the Ultimate Gladiator Dash on April 27, 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 27, 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.

RESOLUTION NO. 13-127

A RESOLUTION AUTHORIZING THE SARATOGA ROOM TO CONTINUE WITH THE PERMITTING PROCESS TO ALLOW FOR THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN A RESTRICTED AND SECURED AREA DURING THE ULTIMATE GLADIATOR DASH TO BE HELD ON APRIL 27, 2013, AT 2834 NORTH TELSHOR, LAS CRUCES, NEW MEXICO.

The City Council is informed that:

WHEREAS, The Saratoga Room is requesting approval to sell alcoholic beverages during the Ultimate Gladiator Dash to be held on April 27, 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 9:00 a.m. to 6:00 p.m. within a restricted and secured area at 2834 North Telshor, Las Cruces, New Mexico, on April 27, 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 at 2834 North Telshor, Las Cruces, New Mexico, on April 27, 2013, from 9:00 a.m. to 6:00 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:

Mayor

ATTEST:

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)

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 not be sent directly if they need additional information.

APPROVED AS TO FORM:
[Signature]
City Attorney

LICENSE HOLDER INFORMATION
Business Name (DBA) The Sasatoga 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)-521-3505 Fax # (575)-521-3753

EVENT INFORMATION

Description of Event Ultimate Gladiator Dash Date(s) of Event April 27th 2013 Begin Time 9:00am End Time 6:00pm
Physical Address of Event 2834 N. Telscher Las Cruces, NM Number of Persons expected 100 *
Description of Security Las Cruces Security Number of Security personnel to be at this function 4 *
Security Contact Name Lt. Van Sant Telephone # (575)-526-1294

SPONSOR INFORMATION

Sponsor of Event Ultimate Gladiator Contact Name Brad Callegos Signature *[Signature]* Telephone # 505-360-0235

BUILDING OWNER APPROVAL

Name (print) _____ Signature _____ Telephone # _____ Date _____

LICENSE HOLDER & SERVER CERTIFICATION: I, Vincent Vaccaro (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 by a waiver(s) 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) *[Signature]* Date 3/7/13
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 7th day of March, 2013 Notary Public [Signature] Exp. 3/7/13
10/19/14

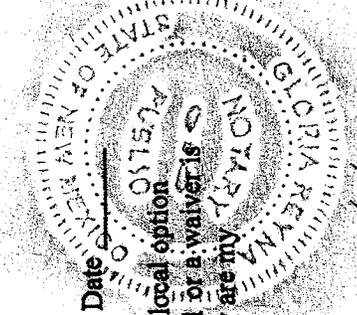
LOCAL GOVERNING BODY APPROVAL

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

ALCOHOL & GAMING DIVISION USE ONLY

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

* - See Attached





Adam Ostland

Lorenzo's Catering

C – (602)-488-7810

T – (575)-522-7755

F – (575)-521-3753

E – royallow@yahoo.com

Hello Monica,

As per your request, this document is to outline the April 27th event at the Las Cruces Fire Training Academy. The Ultimate Gladiator 5K run.

The sponsor of the event is Green Leaf LLC operating under Ultimate Gladiator Dash. If you need signatures from them, they will be more than happy to do so.

On the special dispensers permit application I filled in ^{400 Ap}~~4,000~~ for number in attendance. This was the estimated number given to me by Green Leaf LLC for the entire day. They will be giving the runners different start times in 1.5 hour intervals with a limit of 400 runners at a time. This, along with a three drink limit will ensure that no more than 400 people will be in the fenced area at any given time.

Please let me know if you have any additional questions or concerns.

Thanks,

Adam Ostland

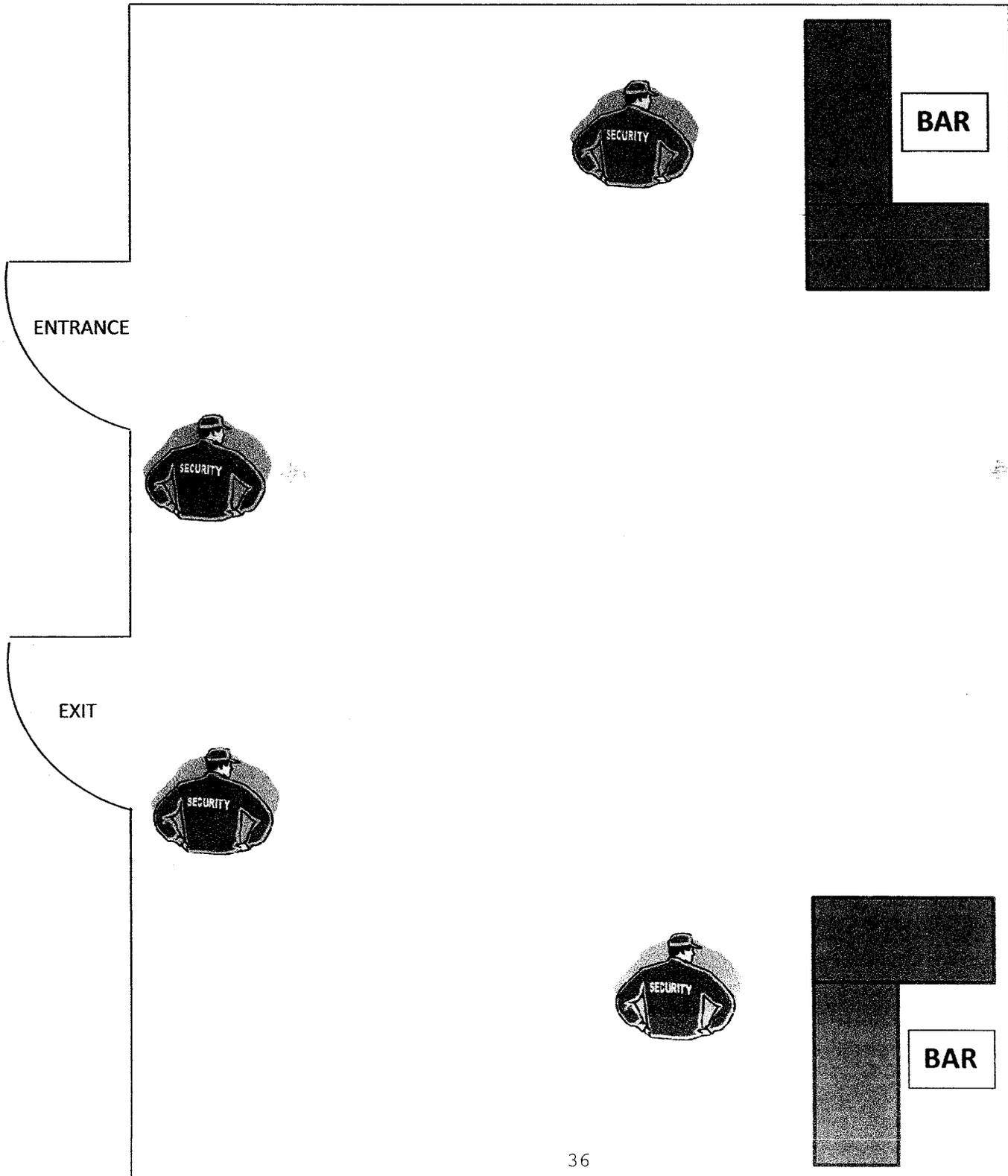
A handwritten signature in cursive script that reads "Adam Ostland".

Ultimate Gladiator Dash April 27th 2013

Fire Training Academy – 2834 N. Telshor Blvd. Las Cruces, NM

Tent Size = 4,000 sq. ft. enclosed Bar service area = 64 sq. ft. x2

Highest point of the tent = 24' Lowest point of the tent = 8'





AGD-00003

NEW MEXICO
ALCOHOL & GAMING DIVISION
SERVER CERTIFICATE

Permit #	Expires					
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

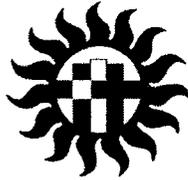
Permit #	Expires	Social Security No.				
165176	08/03/2015					
Date of Birth	Sex	Height	Weight	Hair	Eyes	
[REDACTED]						
Signature <i>Adam Ostland</i>						

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>						



City of Las Cruces[®]

PEOPLE HELPING PEOPLE

COUNCIL ACTION AND EXECUTIVE SUMMARY PACKET ROUTING SLIP

For Meeting of _____
(Ordinance First Reading Date)

For Meeting of April 1, 2013
(Adoption Date)

TITLE: A RESOLUTION AUTHORIZING THE SARATOGA ROOM TO CONTINUE WITH THE PERMITTING PROCESS TO ALLOW FOR THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN A RESTRICTED AND SECURED AREA DURING THE ULTIMATE GLADIATOR DASH TO BE HELD ON APRIL 27, 2013, AT 2834 NORTH TELSHOR, LAS CRUCES, NEW MEXICO.

Purchasing Manager's Request to Contract (PMRC) {Required?} Yes No

DEPARTMENT	SIGNATURE	PHONE NO.	DATE
Drafter/Staff Contact	<i>Monica Campbell</i>	541-2128	3/14/2013
Department Director		541-2128	
Other			
Assistant City Manager /CAO Management & Budget Manager	<i>[Signature]</i> <i>Rickie Gubhan A</i>	541-2100 541-2107	3/15/13 3/15/13
Assistant City Manager/COO	<i>[Signature]</i>	541-2271	3/15/13
City Attorney	<i>[Signature]</i> <i>Ky McDonnell</i>	541-2128	3/14/13
City Clerk	<i>[Signature]</i> <i>Catherine Martinez-Lanillo</i>	541-2115	3/22/13