



# City of Las Cruces®

PEOPLE HELPING PEOPLE

## Council Action and Executive Summary

Item # 4Ordinance/Resolution# 13-147For Meeting of \_\_\_\_\_  
(Ordinance First Reading Date)For Meeting of May 6, 2013  
(Adoption Date)

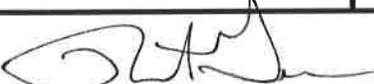
Please check box that applies to this item:

 QUASI JUDICIAL LEGISLATIVE ADMINISTRATIVE

**TITLE: A RESOLUTION AUTHORIZING THE GAME SPORTS BAR & GRILL TO CONTINUE WITH THE PERMITTING PROCESS TO ALLOW FOR THE SALE AND CONSUMPTION OF BEER FROM TWO TENTS WITHIN A RESTRICTED AND SECURED AREA DURING THE LAS CRUCES COUNTRY MUSIC FESTIVAL TO BE HELD MAY 17, 18 AND 19, 2013, ON MAIN STREET.**

### PURPOSE(S) OF ACTION:

To authorize a permitting process to continue.

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

### BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The City of Las Cruces, through its Convention and Visitors Bureau, will present the Las Cruces Country Music Festival ("Music Festival") on May 17, 18 and 19, 2013.

The Game Sports Bar & Grill is requesting approval to sell beer for consumption during the Music Festival. Approval by the City Council is required prior to submission of the Special Dispenser Permit Applications 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 beer to be sold for consumption from two tents within a restricted and secured area on Main Street on the following dates, days and times:

DATE	DAY OF WEEK	HOURS OF SERVICE
May 17, 2013	Friday	11 a.m. – 11 p.m.
May 18, 2013	Saturday	11 a.m. – 11 p.m.
May 19, 2013	Sunday	12 p.m. – 11 p.m.

(Continue on additional sheets as required)

Approval of the Special Dispenser Permit Applications 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 for May 17, 2013.
3. Exhibit "B". Special Dispenser Permit Application for May 18, 2013.
4. Exhibit "C". Special Dispenser Permit Application for May 19, 2013.
5. Attachment "1". Overall view of the Music Festival location.
6. Attachment "2". Drawing of restricted and secured area with beer tents marked.
7. Attachment "3". List of servers.

**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"/>	<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>1000-10180010-520002, Permits-Liquor Licenses</u> in the amount of <u>\$75.00</u> for FY13.
	No	<input type="checkbox"/>	There is no new revenue generated by this action.

**BUDGET NARRATIVE**

N/A
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**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 the sale of beer for consumption from two tents within a restricted and secured area during the Las Cruces Country Music Festival on May 17, 18 and 19, 2013, on Main Street.
2. Vote "No"; this will result in no beer being sold during the Las Cruces Country Music Festival. The Director of Alcohol and Gaming may issue the Special Dispenser Permits 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 eliminating dates and limiting the hours of service. Any amendments must comply with city ordinance, state statute and/or the requirements of Alcohol and Gaming.
4. Vote to "Table"; this may result in no beer being sold at the Las Cruces Country Music Festival.

**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. 13-147**

**A RESOLUTION AUTHORIZING THE GAME SPORTS BAR & GRILL TO CONTINUE WITH THE PERMITTING PROCESS TO ALLOW FOR THE SALE AND CONSUMPTION OF BEER FROM TWO TENTS WITHIN A RESTRICTED AND SECURED AREA DURING THE LAS CRUCES COUNTRY MUSIC FESTIVAL TO BE HELD MAY 17, 18 AND 19, 2013, ON MAIN STREET.**

The City Council is informed that:

**WHEREAS**, the Las Cruces Country Music Festival (“Music Festival”) will be held on May 17, 18 and 19, 2013; and

**WHEREAS**, The Game Sports Bar & Grill is requesting approval to sell beer for consumption within a restricted and secured area during the Music Festival; and

**WHEREAS**, approval by the City Council is required prior to submission of the Special Dispenser Permit Applications 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 beer to be sold for consumption at the Music Festival; and

**WHEREAS**, approval of the Special Dispenser Permits 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 Game Sports Bar & Grill is hereby authorized to continue with the permitting process to allow for the sale and consumption of beer within a restricted and

secured area on May 17, 18 and 19 2013, during the Las Cruces Country Music Festival, as shown on Exhibits "A", "B" and "C".

(II)

THAT City staff is hereby authorized to do all deeds as 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

*de p...*

APPROVED AS TO FORM:  
*[Signature]*  
City Attorney

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

Fee Per day:  \$50.00 Public Celebration  
 \$25.00 Private Event (Catering) (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 GAME SPORTS BAR & GRILL Owner Name MARCI DICKERSON Local Option District LAS CAYES  
Street Address 2605 S. ESPINA Mailing Address PO Box 161  
City, State & Zip EMERACLES, NH 03803 Telephone # (575) 644-0778 Fax # (575) 526-0850

EVENT INFORMATION

Description of Event COUNTRY MUSIC FESTIVAL Date(s) of Event 5/17 Begin Time 11 AM End Time 11 PM  
Physical Address of Event DOWNTOWN MAIN STREET Number of Persons expected 300  
Description of Security LAS CAYES SECURITY Telephone # (575) 636-7204  
Security Contact Name DAVE MANSSEN Number of Security personnel to be at this function 4

SPONSOR INFORMATION

Sponsor of Event MARCI DICKERSON Contact Name MARCI DICKERSON Signature *[Signature]* Telephone # (575) 644-0778  
BUILDING OWNER APPROVAL

Name (print) ROBERT GARZA Signature \_\_\_\_\_ Telephone # 575 541-2076 Date \_\_\_\_\_

LICENSE HOLDER & SERVER CERTIFICATION: I, MARCI DICKERSON (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) MARCI DICKERSON Signature (Licensee Only) *[Signature]* Date 4/1/13  
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. (act1)

Subscribed and Sworn before me this 1<sup>st</sup> day of April, 2013 Notary Public *[Signature]* Exp. 01 31 2015

LOCAL GOVERNING BODY APPROVAL

Print Name ROBERT GARZA Title CITY MANAGER Signature \_\_\_\_\_ Date \_\_\_\_\_  
ALCOHOL & GAMING DIVISION USE ONLY  
Approved by \_\_\_\_\_ Date \_\_\_\_\_

APPROVED AS TO FORM:  
*[Signature]*  
City Attorney

ALCOHOL & GAMING DIVISION  
SPECIAL DISPENSER PERMIT APPLICATION (69-6A-12)

Fee Per day: ✓ \$59.60 Public Celebrations  
\$25.99 Private Event (Calendar) (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 GAME SPORTS BAR & GRILL Owner Name MARGE DICKERSON Local Option District LAS CRUCES  
Street Address 2605 S. ESPINA Mailing Address PO Box 161  
City, State & Zip FRERACES, NM 88033 Telephone # (575) 644-0778 Fax # (575) 526-0850

EVENT INFORMATION

Description of Event COURTNEY MUSIC FESTIVAL Date(s) of Event 5/18 Begin Time 11 AM End Time 11 PM  
Physical Address of Event Downtown Main St Number of Persons expected 300  
Description of Security LAS CRUCES SECURITY Telephone # (575) 636-7204 Number of Security personnel to be at this function 4  
Security Contact Name DAVE HANSEN

SPONSOR INFORMATION

Sponsor of Event MARGE DICKERSON Contact Name MARGE DICKERSON Signature *[Signature]* Telephone # (575) 644-0778  
BUILDING OWNER APPROVAL

Name (print) ROBERT GARZA Signature \_\_\_\_\_ Telephone # 575.541.2076 Date \_\_\_\_\_

LICENSE HOLDER & SERVER CERTIFICATION: I, MARGE DICKERSON (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 names, server permit # and server expiration date must be attached to permit applications. 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) MARGE DICKERSON Signature (Licensee Only) *[Signature]* Date 4/11/13  
All parties 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 1st day of April 2013 Notary Public  
NOTARY INFORMATION  
LOCAL GOVERNING BODY APPROVAL

Print Name ROBERT GARZA Title CITY MANAGER Signature \_\_\_\_\_ Date \_\_\_\_\_

ALCOHOL & GAMING DIVISION USE ONLY  
Approved by: \_\_\_\_\_ Date \_\_\_\_\_ Permit Number \_\_\_\_\_

APPROVED AS TO FORM:  
*[Signature]*  
CITY ATTORNEY

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

Fee Per day:  \$98.00 Public Celebration  
 \$25.00 Private Event (Celebratory) (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 GALLE SPORTS BAR & GRILL Owner Name MARCI DICKERSON Local Option District LAS CRUCES  
Street Address 2605 S. ESPINOZA Mailing Address PO Box 161  
City, State & Zip FAIRFACLES, NH 08033 Telephone # (575) 644-0775 Fax # (575) 526-0850

EVENT INFORMATION

Description of Event COUNTRY MUSIC FESTIVAL Date(s) of Event 5/19 Begin Time 12 PM End Time 11 PM  
Physical Address of Event DOWNTOWN MAIN MAIN ST Number of Persons expected 300  
Description of Security LAS CRUCES SECURITY Number of Security personnel to be at this function 4  
Security Contact Name DAVE MARSEN Telephone # (575) 636-7204

SPONSOR INFORMATION

Sponsor of Event MARCI DICKERSON Contact Name MARCI DICKERSON Signature *[Signature]* Telephone # (575) 644-0775  
**BUILDING OWNER APPROVAL**

Name (print) ROBERT GARZA Signature *[Signature]* Telephone # 575 541-2076 Date \_\_\_\_\_

LICENSE HOLDER & SERVER CERTIFICATION: I, MARCI DICKERSON (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 services 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 permits # 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) MARCI DICKERSON Signature (Licensee Only) *[Signature]* Date 4/11/13  
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 15<sup>th</sup> day of April 2013 Notary Public *[Signature]* Exp. 07 21 2015

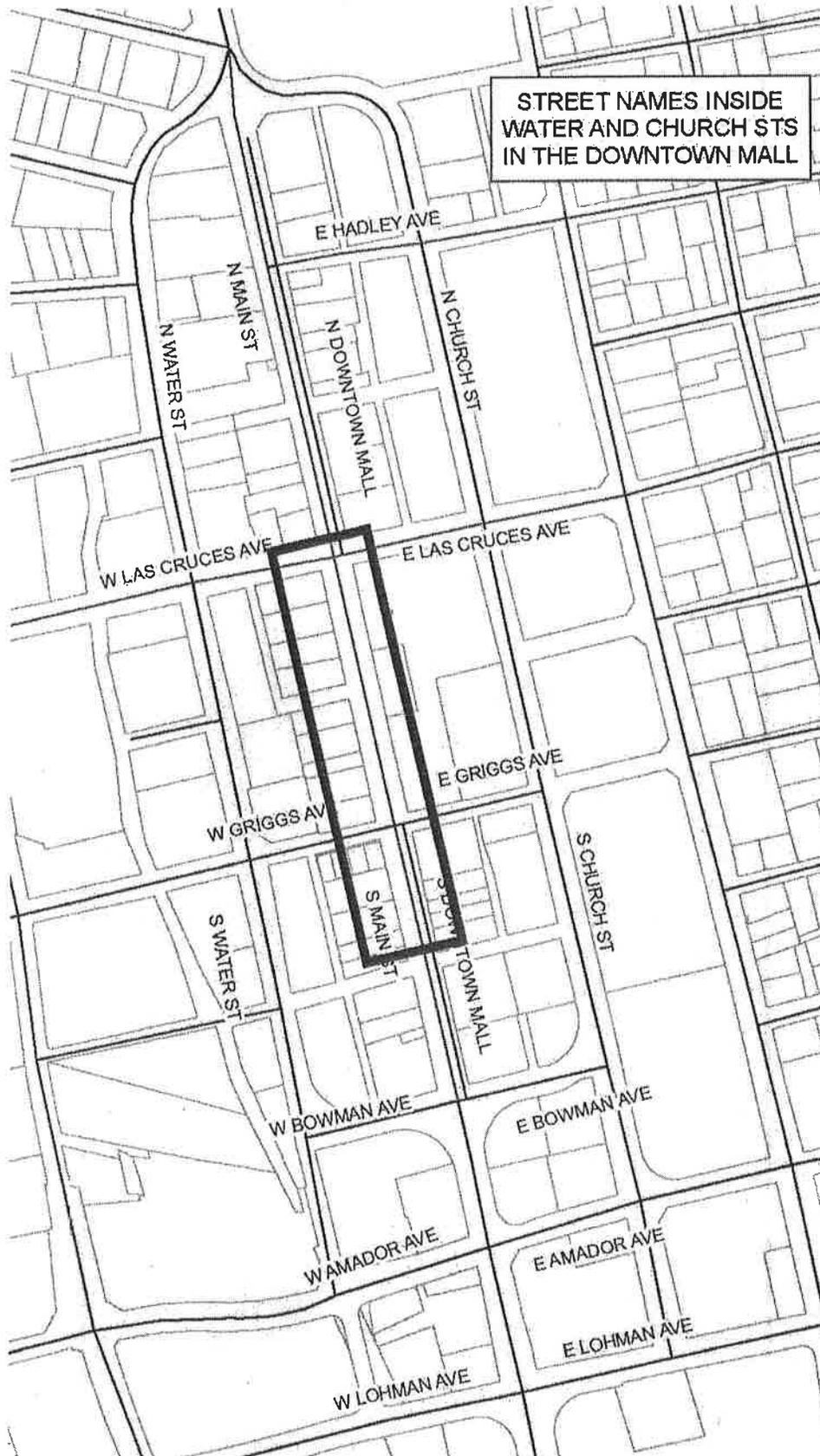
LOCAL GOVERNING BODY APPROVAL

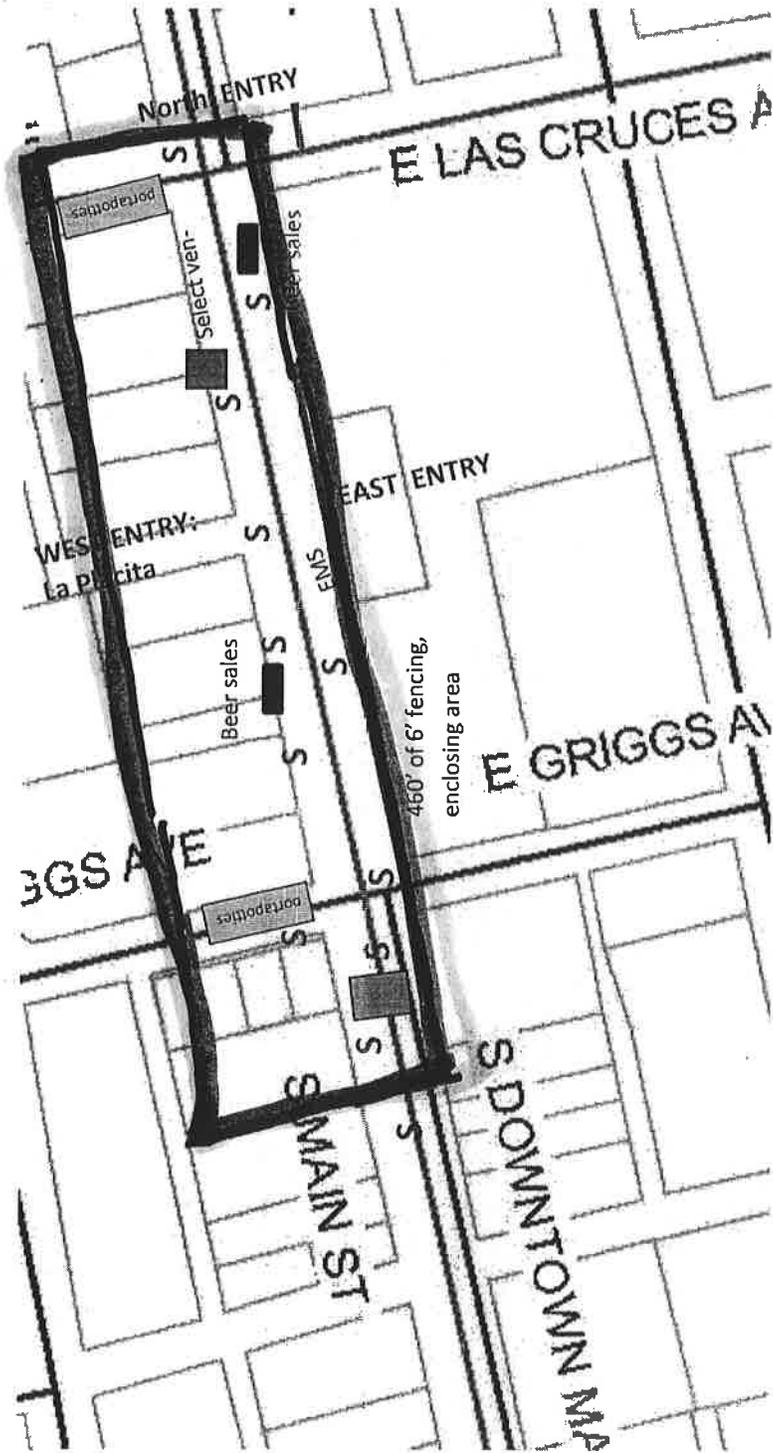
Print Name ROBERT GARZA Title CITY MANAGER Signature \_\_\_\_\_ Date \_\_\_\_\_

ALCOHOL & GAMING DIVISION USE ONLY

Approved by: \_\_\_\_\_ Date \_\_\_\_\_ Permit Number: \_\_\_\_\_

**Las Cruces Country Music Festival**  
**May 17 — 19, 2013**  
**www.LCCountryFest.com**





Festival and Artist Merchandise tent in front of Rio Grand Theater



Needed fencing to enclose area



28 x 32 stage 3' high



Rough position of security guard



Beer Tent Location



Brian Mares	#146977	Exp 04/21/14
Katrina Dixon	#130021	Exp 06/03/13
Kathryn Thomas	#130021	Exp 08/18/13
Chase Roberts	#216135	Exp 10/27/13
Delaine Charlie	#231542	Exp 09/05/14
Rebecca Rosnick	#210513	Exp 06/17/13
Lucas Taylor	#52243	Exp 07/16/13