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City of Las Cruces[®]
 PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 10 Ordinance/Resolution# 14-151

For Meeting of _____
 (Ordinance First Reading Date)

For Meeting of April 7, 2014
 (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 ALCOHOLIC BEVERAGES WITHIN A RESTRICTED AND SECURED AREA ON APRIL 25TH AND 26TH, 2014, DURING THE LAS CRUCES COUNTRY MUSIC FESTIVAL

PURPOSE(S) OF ACTION:

To authorize a permitting process to continue.

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 City of Las Cruces, through its Convention and Visitors Bureau, will present the Las Cruces Country Music Festival ("Music Festival") April 24 - 27, 2014, at Main Street – Downtown.

The Game Sports Bar & Grill is requesting approval to sell alcoholic beverages for consumption on April 25th and 26th, 2014 from 4:00 p.m. to 11:00 p.m. on each day. 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 alcoholic beverages to be sold for consumption at two separate bars within a restricted and secured area generally bounded on the north by Las Cruces Avenue, on the south by East Organ Avenue, on the east by North Church Street, and on the west by Main Street.

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.

(Continue on additional sheets as required)

SUPPORT INFORMATION:

1. Resolution.
2. Exhibit "A", Public Celebration Permit Application, The Game Sports Bar & Grill.
3. Exhibit "B", Public Celebration Permit Application, The Game Sports Bar & Grill.
4. Attachment "1", Map of the restricted and secured area for alcoholic beverage service.
5. Attachment "2", 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"/>	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</u> , Permits-Liquor Licenses in the amount of <u>\$50.00</u> for FY14.
	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 by The Game Sports Bar & Grill on April 25th and 26th, 2014 at two separate bars within a restricted and secured area, during the Las Cruces Country Music Festival.
2. Vote "No"; this will result in no alcoholic beverages being sold by The Game Sports Bar & Grill 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.

(Continue on additional sheets as required)

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 alcoholic beverages being sold by The Game Sports Bar & Grill 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. 14-151

A RESOLUTION AUTHORIZING THE GAME SPORTS BAR & GRILL TO CONTINUE WITH THE PERMITTING PROCESS TO ALLOW FOR THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN A RESTRICTED AND SECURED AREA ON APRIL 25TH AND 26TH, 2014, DURING THE LAS CRUCES COUNTRY MUSIC FESTIVAL.

The City Council is informed that:

WHEREAS, the Las Cruces Country Music Festival ("Music Festival") will be held at Main Street – Downtown, April 24 through 27, 2014; and

WHEREAS, The Game Sports Bar & Grill is requesting approval to sell alcoholic beverages for consumption on April 25th and 26th, 2014 at two separate bars 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 alcoholic beverages to be sold for consumption during the Music Festival; and

WHEREAS, 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 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 alcoholic beverages at two

separate bars within a restricted and secured area on April 25th and 26th, 2014 during the Las Cruces Country Music Festival, as shown on Exhibits "A" and "B" attached hereto.

(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 _____, 20__.

APPROVED:

ATTEST:

Mayor

City Clerk

(SEAL)

VOTE:
Mayor Miyagishima: _____
Councillor Silva: _____
Councillor Smith: _____
Councillor Pedroza: _____
Councillor Small: _____
Councillor Sorg: _____
Councillor Levatino: _____

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:



City Attorney

ALCOHOL & GAMING DIVISION
SPECIAL DISPENSER PERMIT APPLICATION (60-6A-12) APPROVED AS TO FORM:

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.

Barbara A. Libby
CBA Attorney

Business Name (DBA) The Game Sports Bar & Grill Liquor License # 2733
Owner Name Phulmar mgmt Local Option District _____
Street Address 260 S. S. Espina Mailing Address P.O. Box 161 Fairbanks, AK 99701
City, State & Zip Las Cruces, NM 88001 Telephone # 575-644-0778 Fax # 575-526-0880

EVENT INFORMATION

Description of Event 2 day country music celebration Date(s) of Event April 25, 26 2014 Begin Time 4:00pm End Time 11:00pm
Physical Address of Event Alauntown main street Las Cruces Ave Number of Persons expected 1500
Description of Security Las Cruces Security Co & Las Cruces Police Number of Security personnel to be at this function 12 security + 3 UPD
Security Contact Name Pete Hampton or Daniel Van Sant Telephone # 575-

SPONSOR INFORMATION

Sponsor of Event LCUB / Helping Hands Events Contact Name Dawn Starostka Telephone # 575-522-1232

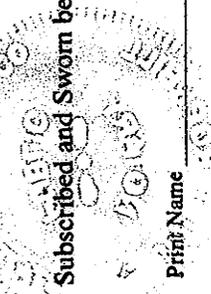
BUILDING/PROPERTY OWNER APPROVAL

Name (print) Robert Garza Signature _____ Telephone # 575-541-2016 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 _____ Date 3-1-14
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.



Subscribed and Sworn before me this 5th day of March, 2014 Notary Public Jill Rockwell Exp. May 24 2014

LOCAL GOVERNING BODY APPROVAL

Print Name Robert Garza Title City Manager Date _____ Signature _____
Permit Number _____
3) Server information list _____
Phone 541-5076 Fax 541-2017

ALCOHOL & GAMING DIVISION USE ONLY

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

APPROVED AS TO FORM:

Ally Lemmy
ATTORNEY
VIP Tent Bar

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

Fee Per day: \$50.00 Public Celebration X3
 \$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) The Game Sports Bar Liquor License # 2733
Street Address 2605 S. Espina Mailing Address PO Box 161 Faraway NM 88033
City, State & Zip Las Cruces NM 88001 Telephone # 575-644-0778 Fax # 575-526-0880

EVENT INFORMATION

Description of Event 2 day country music celebration Date(s) of Event 4/25 4/26 2014 Begin Time 4:00 End Time 11:00
Physical Address of Event downtown main street / Las Cruces Ave Number of Persons expected 1500
Description of Security Las Cruces security + Las Cruces Police Number of Security personnel to be at this function 12 security + 2 CCP
Security Contact Name Pete Hampton or Daniel Van Sant Telephone # 575-526-1294

SPONSOR INFORMATION

Sponsor of Event Las Cruces CVB / Helping Hand's Events Contact Name Dawn Stalostka Telephone # 575-522-1232

BUILDING/PROPERTY OWNER APPROVAL

Name (print) Robert Garza Signature _____ Telephone # 515-541-2076 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 _____ Date 3-1-14
All profits derived from the sale of liquor will go only to the licensee.

Subscribed and Sworn before me this 5th day of March, 2014 Notary Public Jill Rockwell Exp. May 24th 2014

LOCAL GOVERNING BODY APPROVAL

Print Name Robert Garza Title City Manager Date _____ Signature _____
Phone 541-2076 Fax 541-2017

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 _____

Name	Sever #	Exp Date
Tyler Alred	262976	8/27/2016
Brian Mares	146977	4/21/2014
Delaire Charlie	231542	9/5/2014
Reyes Garcia	244856	7/28/2015
Luis Vela	192905	2/9/2017