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City of Las Cruces[®]
 PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 6 Ordinance/Resolution# 14-170

For Meeting of _____
 (Ordinance First Reading Date)

For Meeting of April 21, 2014
 (Adoption Date)

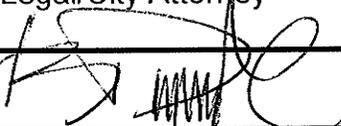
Please check box that applies to this item:

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 DURING THE 2ND ANNUAL ULTIMATE GLADIATOR DASH TO BE HELD ON MAY 3, 2014 AT BURN LAKE, 1855 WEST AMADOR, LAS CRUCES, NEW MEXICO.

PURPOSE(S) OF ACTION:

To approve continuation of a permitting process.

COUNCIL DISTRICT: 4		
<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 2nd Annual Ultimate Gladiator Dash will be held on May 3, 2014. The Game Sports Bar & Grill is requesting approval to sell alcoholic beverages during the event.

Approval by the Las Cruces 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"). Final approval by Alcohol and Gaming would allow The Game Sports Bar & Grill to sell alcoholic beverages within a restricted and secured area between 11:00 a.m. and 11:00p.m. at 1855 West Amador, Las Cruces, New Mexico, on May 3, 2014.

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.

(Continue on additional sheets as required)

SUPPORT INFORMATION:

1. Resolution.
2. Exhibit "A", Special Dispenser Permit Application, The Game Sports Bar & Grill, License No. 2732.
3. Attachment "1", List of servers.
4. Attachment "2", Map of location showing restricted and secured area.

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>FY14</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 2nd Annual Ultimate Gladiator Dash on May 3, 2014 from 11:00 a.m. to 11:00 p.m.
2. Vote "No"; this will result in no alcoholic beverages being sold during the 2nd Annual Ultimate Gladiator Dash on May 3, 2014. 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.

(Continue on additional sheets as required)

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.
4. Vote to "Table"; this may result in no alcoholic beverages being sold at the May 3, 2014 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. 14-170

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 DURING THE 2ND ANNUAL ULTIMATE GLADIATOR DASH TO BE HELD ON MAY 3, 2014 AT BURN LAKE, 1855 WEST AMADOR, LAS CRUCES, NEW MEXICO.

The City Council is informed that:

WHEREAS, The Game Sports Bar & Grill is requesting approval to sell alcoholic beverages during the 2nd Annual Ultimate Gladiator Dash to be held on May 3, 2014; and

WHEREAS, approval by the Las Cruces 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 11:00 a.m. to 11:00 p.m. within a restricted and secured area at 1855 West Amador, Las Cruces, New Mexico, on May 3, 2014; 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 Game Sports Bar & Grill 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 1855 West Amador, Las Cruces, New Mexico, on May 3, 2014, from 11:00 a.m. to 11:00 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 _____, 20_____.

APPROVED:

Mayor

ATTEST:

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
City Attorney

Fee Per day: 1 \$50.00 Public Celebration
2 \$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 & GRILL Owner Name MARCI DICKERSON Local Option District LAS CRUCES
Street Address 2605 S. ESPINA Mailing Address P.O. Box 161 FAIRACRES NM 88033
City, State & Zip LAS CRUCES NM 88005 Telephone # (575) 644-0778 Fax # (575) 526-0880

EVENT INFORMATION

Description of Event ULTIMATE GUADAJAR Date(s) of Event 5/3/14 Begin Time 11AM End Time 11PM
Physical Address of Event 1855 W. Amador BURN LAKE 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 MADSEN Telephone # (575) 636-7204

SPONSOR INFORMATION

Sponsor of Event Community Connection Contact Name Abel Villalobos Signature [Signature] Telephone # (575) 915-1344
BUILDING/PROPERTY OWNER APPROVAL

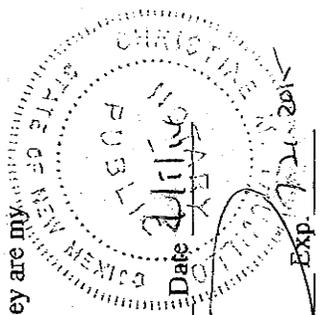
Name (print) Robert Garza Signature _____ Telephone # 515-541-2076 Date _____

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 (Licensee Only) _____
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 15th day of April, 2014 Notary Public [Signature] Exp. 7-21-2016



LOCAL GOVERNING BODY APPROVAL

Print Name Robert Garza Title City Manager Date _____ Signature _____
Phone 541-2076 Fax 541-2017 515- 515-

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	#	EXP DATE	DOB
David R Selzer	288988	6/26/16	10/29/90
Reyes D Bowie-Garcia	244856	7/28/15	10/9/90
Tyler B Allred	262976	8/27/16	6/25/90
Chris Richard Fielder	288987	6/26/16	9/1/90
Sarah C Holguin	185405	6/20/16	7/13/84

