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City of Las Cruces[®]
 PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 5 Ordinance/Resolution# 15-041

For Meeting of _____
 (Ordinance First Reading Date)

For Meeting of September 15, 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 AT THE ENCHANTMENT CLASSIC CAR SHOW TO BE HELD SEPTEMBER 27, 2014 AT YOUNG PARK, 850 SOUTH WALNUT STREET, LAS CRUCES, NEW MEXICO.

PURPOSE(S) OF ACTION:

To authorize continuation of a permitting process.

| | | |
|---|--|----------------------------------|
| COUNCIL DISTRICT: 3 | | |
| <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:

Community Connection, a charitable organization promoting community events in Las Cruces, is sponsoring the Enchantment Classic Car Show at Young Park on Saturday, September 27, 2014. The Game Sports Bar & Grill is requesting approval to sell alcoholic beverages at the event. The alcoholic beverages will be sold and consumed within a restricted and secured area located at and around the Pavilion at Young Park.

Approval by the City Council is required prior to the 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 alcoholic beverages to be sold within the restricted and secured area on September 27, 2014 from 11:00 a.m. to 11:00 p.m.

The authorization of the Special Dispenser Permit Application will 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.
3. Attachment "1", Map of the restricted and secured area at the Pavilion in Young Park.
4. 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> in the amount of <u>\$25.00</u> for <u>FY15</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 at Young Park during the Enchantment Classic Car Show on September 27, 2014. Approval will allow Alcohol and Gaming to continue with the permitting process.
2. Vote "No"; this will mean that no alcoholic beverages will be served during the Enchantment Classic Car Show on September 27, 2014. The Alcohol and Gaming Director 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 could include such items as changing the time that alcoholic beverages are sold. Any amendments must comply with city ordinance, state statute, and/or the requirements of Alcohol and Gaming.
4. Vote to "Table"; this could result in no alcoholic beverages being sold at the Enchantment Classic Car Show.

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. 15-041

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 AT THE ENCHANTMENT CLASSIC CAR SHOW TO BE HELD SEPTEMBER 27, 2014 AT YOUNG PARK, 850 SOUTH WALNUT STREET, LAS CRUCES, NEW MEXICO.

The City Council is informed that:

WHEREAS, Community Connection, a charitable organization promoting events in Las Cruces, is sponsoring the Enchantment Classic Car Show ("Car Show") at Young Park on Saturday, September 27, 2014; and

WHEREAS, The Game Sports Bar & Grill is requesting approval to offer alcoholic beverages for sale and consumption at the Car Show; 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 within a restricted and secured area during the Car Show from 11:00 a.m. to 11:00 p.m.; and

WHEREAS, approval of the Special Dispenser Permit Application will 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 during the Enchantment Classic Car Show on Saturday, September 27, 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 _____, 2014.

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)

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 GAME SPIRITS BAR & GRILL Owner Name MARCI DICKERSON Local Option District 45 CEUCES
Street Address 2605 S. ESPINA Mailing Address P.O. Box 161 FAIRACRES NM 88033
City, State & Zip LAS CEUCES NM 88035 Telephone # (575) 644-0778 Fax # (575) 526-0880

EVENT INFORMATION

Description of Event ENCHANTMENT CLASSIC CAR SHOW Date(s) of Event 9/27/14 Begin Time 11AM End Time 11PM
Physical Address of Event 850 S WALNUT (YOUNG PARK) Number of Persons expected 800
Description of Security LAS CEUCES SECURITY Number of Security personnel to be at this function 9
Security Contact Name DAVE MADSEN Telephone # (575) 636-7204

SPONSOR INFORMATION

Sponsor of Event Community Connection Contact Name Ariel Villalobos Signature [Signature] Telephone # (575) 915-1344

BUILDING/PROPERTY OWNER APPROVAL

Name (print) Robert L. Garza, P.E. 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 [Signature] Date 9/27/14
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. (seal)

NOTARY INFORMATION

Subscribed and Sworn before me this 27th day of August, 2014 Notary Public [Signature] Exp. 07.21.2015

LOCAL GOVERNING BODY APPROVAL

Print Name Robert L. Garza, P.E. Title City Manager Date _____ Signature _____
Phone 515-541-2076 Fax 541-2017

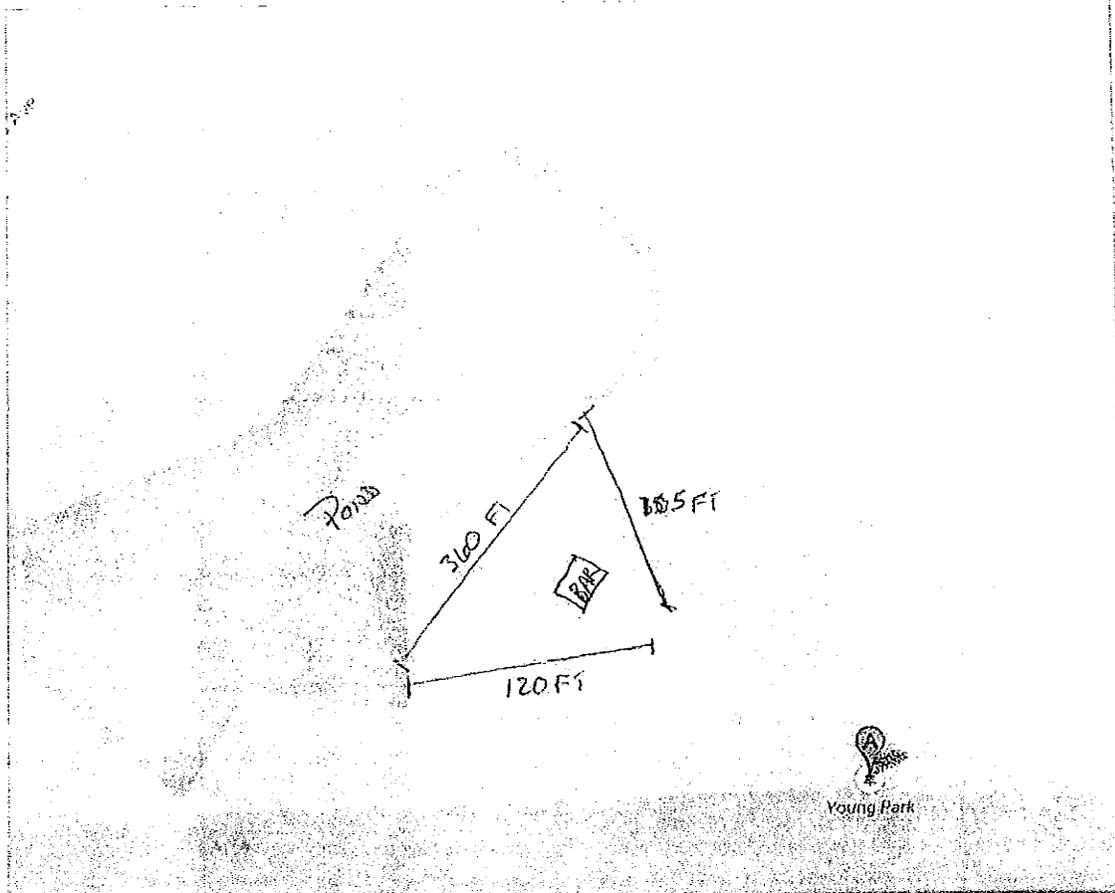
ALCOHOL & GAMING DIVISION USE ONLY

Approved by: _____

Date: _____

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

Permit Number _____



850 S Walnut St
Las Cruces, NM 88001

Directions Save

Street View

Explore this area
Search nearby

850 S Walnut St

This block contains a Google Maps interface. On the left is a white information box with the address '850 S Walnut St, Las Cruces, NM 88001', buttons for 'Directions' and 'Save', and a 'Street View' icon. Below this is a search area with 'Explore this area' and 'Search nearby' options. The main part of the block is a high-resolution aerial photograph of a residential neighborhood. A street labeled '850 S Walnut St' is visible, running diagonally from the top right towards the bottom center. The houses are mostly rectangular with light-colored roofs. There are some trees and a small pond-like area in the lower-left quadrant of the aerial view.

| NAME | # | EXP DATE | DOB |
|-----------------------|--------|----------|---|
| David R Selzer | 288988 | 6/26/16 |  |
| Reyes D Bowie-Garcia | 244856 | 7/28/15 |  |
| Tyler B Allred | 262976 | 8/27/16 |  |
| Chris Richard Fielder | 288987 | 6/26/16 |  |
| Sarah C Holguin | 185405 | 6/20/16 |  |