



City of Las Cruces[®]

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 3Ordinance/Resolution# 16-198For Meeting of _____
(Ordinance First Reading Date)For Meeting of April 18, 2016
(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 PROVIDE ALCOHOLIC BEVERAGES WITHIN A RESTRICTED AND SECURED AREA KNOWN AS THE GREEN ROOM, IN THE BRANIGAN CULTURAL CENTER, DURING THE LAS CRUCES COUNTRY MUSIC FESTIVAL, ON APRIL 29 AND 30, 2016.

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 Las Cruces Country Music Festival ("CMF") will be held Downtown on April 29 and 30, 2016 and a green room, or private staging and waiting area, will be provided for performers, artists, band members and crew at the Branigan Cultural Center during CMF.

The City of Las Cruces, through its Convention and Visitors Bureau, is the sponsor of CMF and would like to have alcoholic beverages available for consumption in the green room, a restricted and secured area in the Branigan Cultural Center, from 4:00 p.m. to 12:00 a.m. on each day. The Game Sports Bar & Grill ("The Game"), New Mexico Liquor License No. 2733, has submitted a Special Dispenser Permit Application ("Permit Application") to provide the alcoholic beverages in the green room.

The Alcohol and Gaming Division of the New Mexico Regulation and Licensing Department ("Alcohol and Gaming") allows an alcoholic beverage license holder, in this case The Game, to submit a Permit Application to use its Dispenser liquor license at a place other than its regular approved licensed premises. The Las Cruces City Council must grant approval for the issuance

(Continue on additional sheets as required)

of the Permit Application before The Game sends it to Alcohol and Gaming for review and final approval.

In addition to the Permit Application, Alcohol and Gaming requires a detailed floor plan showing the restricted and secured location of alcoholic beverages including the location of bars, security and the placement of security personnel, serving areas, entrances, exits, and the type and height of the enclosure of the service area which is at least four feet or higher. Finally, Alcohol and Gaming requires a list of employees who are licensed servers for The Game who may serve alcoholic beverages.

The authorization of the Permit Application will comply with the requirements of the Las Cruces Municipal Code, Section 5-1, which restricts alcohol consumption in public places only to areas approved by Alcohol and Gaming.

SUPPORT INFORMATION:

1. Resolution.
2. Exhibit "A", Special Dispenser Permit Application from The Game.
3. Attachment "1", Floor plan of the Branigan Cultural Center and location of the green room during the Country Music Festival where alcoholic beverages will be provided.
4. Attachment "2", List of servers for The Game.

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: 1000-10180010-520002, Permits-Liquor Licenses in the amount of <u>\$50.00</u> for FY16.	
	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 provision of alcoholic beverages by The Game on April 29 and 30, 2016 in the green room at the Branigan Cultural Center during CMF.
2. Vote "No"; this will result in no alcoholic beverages provided by The Game during the Country Music Festival. 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 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 at the 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



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COUNCIL ACTION AND EXECUTIVE SUMMARY PACKET ROUTING SLIP

For Meeting of _____
(Ordinance First Reading Date)

For Meeting of April 18, 2016
(Adoption Date)

TITLE:

A RESOLUTION AUTHORIZING THE GAME SPORTS BAR & GRILL TO CONTINUE WITH THE PERMITTING PROCESS TO PROVIDE ALCOHOLIC BEVERAGES WITHIN A RESTRICTED AND SECURED AREA KNOWN AS THE GREEN ROOM, IN THE BRANIGAN CULTURAL CENTER, DURING THE LAS CRUCES COUNTRY MUSIC FESTIVAL, ON APRIL 29 AND 30, 2016.

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

DEPARTMENT	SIGNATURE	PHONE NO.	DATE
Drafter/Staff Contact	<i>Monica Campbell</i>	541-2128	3/18/2016
Department Director	<i>Hyman Cuyler for WRB</i>	541-2128	3-18-16
Other			
Assistant City Manager /CAO Management & Budget Manager	<i>David Miller</i>	541-2100 541-2107	3/21/2016 3/18/2016
Assistant City Manager/COO	<i>Daniel La</i>	541-2271	3/21/16
City Attorney	<i>Hyman Cuyler for WRB</i>	541-2128	3-18-16
City Clerk	<i>Debra Davis</i>	541-2115	4-6-16

RESOLUTION NO. 16-198

A RESOLUTION AUTHORIZING THE GAME SPORTS BAR & GRILL TO CONTINUE WITH THE PERMITTING PROCESS TO PROVIDE ALCOHOLIC BEVERAGES WITHIN A RESTRICTED AND SECURED AREA KNOWN AS THE GREEN ROOM, IN THE BRANIGAN CULTURAL CENTER DURING THE LAS CRUCES COUNTRY MUSIC FESTIVAL, ON APRIL 29 AND 30, 2016.

The City Council is informed that:

WHEREAS, the Las Cruces Country Music Festival (“CMF”) will be held Downtown on April 29 and 30, 2016; and

WHEREAS, The Game Sports Bar & Grill is requesting approval to provide alcoholic beverages within a restricted and secured area known as the green room, in the Branigan Cultural Center, during CMF; 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 provided in the green room during CMF between the hours of 4:00 p.m. and 12:00 a.m. on both April 29 and 30, 2016; 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 to provide alcoholic beverages in the green room, a restricted and secured area within the Branigan Cultural Center, on April 29 and 30, 2016 during the Las Cruces Country Music Festival, as shown on Exhibit "A" attached hereto and made a part of this Resolution.

(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 Gandara: _____
Councillor Smith: _____
Councillor Pedroza: _____
Councillor Eakman: _____
Councillor Sorg: _____
Councillor Levatino: _____

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:



City Attorney

ALCOHOL & GAMING DIVISION
SPECIAL DISPENSER PERMIT APPLICATION (68-6A-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.

Business Name (DBA) THE GAME SPORTS BAR & GRILL Owner Name MARCE DICKERSON Liquor License # 2733
Street Address 2605 S. ESPINA Mailing Address P.O. Box 161 FARRACES NM 88033 Local Option District CAS CRUCES
City, State & Zip CAS CRUCES NM 88005 Telephone # (575) 644-0778 Fax # (575) 526-0888

EVENT INFORMATION

Description of Event COUNTRY MUSIC FESTIVAL GREEN PEARL Date(s) of Event 4/29 & 4/30 Begin Time 4pm End Time 12pm
Physical Address of Event BRANNIGAN CULTURAL CENTER Number of Persons expected 30
Description of Security CAS CRUCES SECURITY Number of Security personnel to be at this function 1
Security Contact Name MARCE DICKERSON Telephone # (575) 644-0778

SPONSOR INFORMATION

Sponsor of Event CVB Contact Name Jennifer Boles Signature Jennifer Boles Telephone # 636-7035

BUILDING/PROPERTY OWNER APPROVAL

Name (print) Robert L. Garza, P.E. Signature _____ Telephone # 515-541-2076 Date _____
City Manager

LICENSE HOLDER & SERVER CERTIFICATION: I, MARCE 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) MARCE DICKERSON Signature (Licensee Only) _____ Date 3/11/12
All permits 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 4th day of March, 2012. Notary Public Edythe M. O'Neil Exp. 1-31-2016

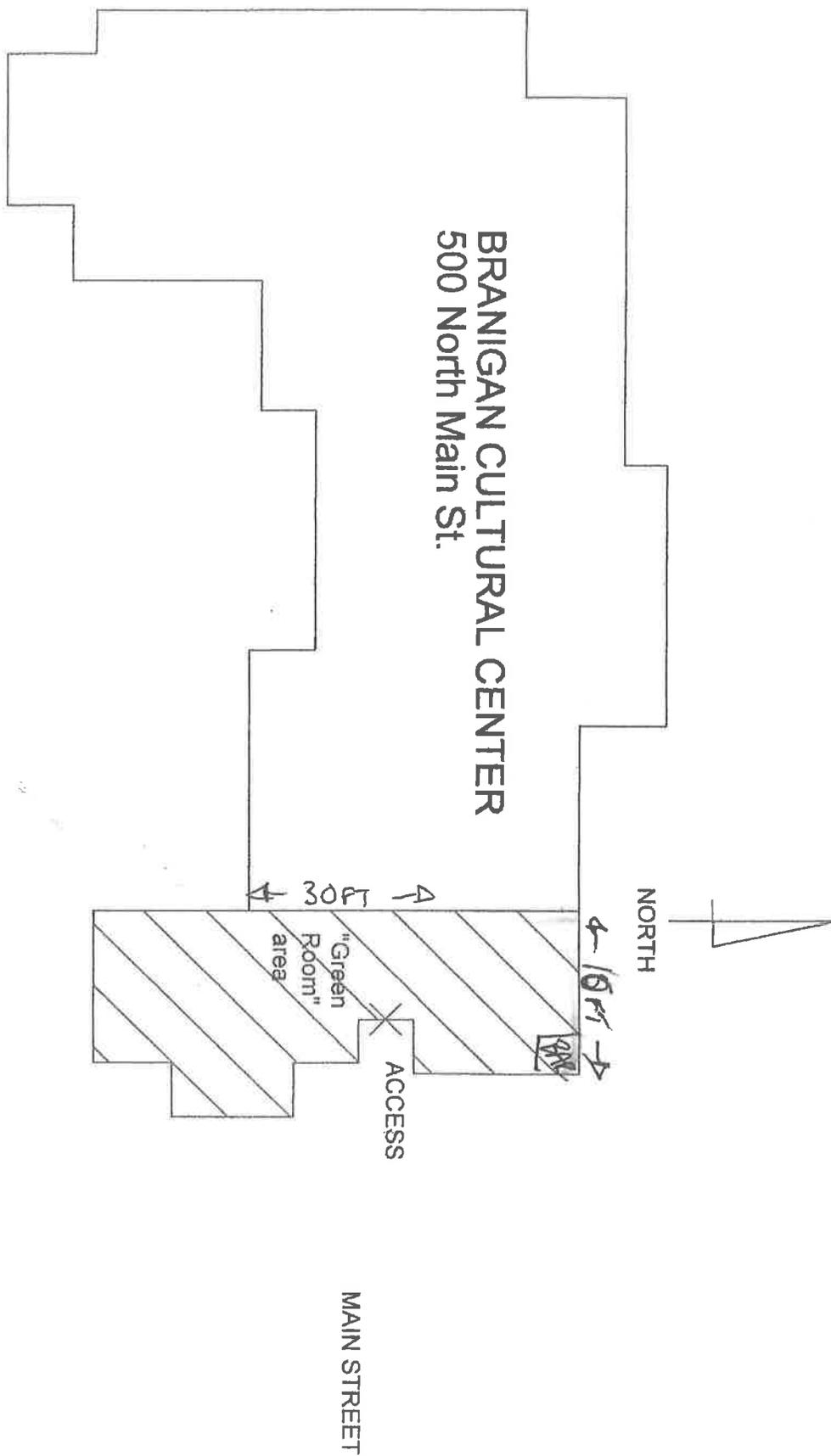
LOCAL GOVERNING BODY APPROVAL

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

ALCOHOL & GAMING DIVISION USE ONLY

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





Not to scale

NAME	#	EXP DATE	DOB
David R Selzer	288988	6/26/16	
Tyler B Allred	262976	8/27/16	
Chris Richard Fielder	288987	6/26/16	
Sarah C Holguin	185405	6/20/16	