



# City of Las Cruces<sup>®</sup>

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## Council Action and Executive Summary

Item # 2Ordinance/Resolution# 16-216For Meeting of \_\_\_\_\_  
(Ordinance First Reading Date)For Meeting of May 16, 2016  
(Adoption Date)

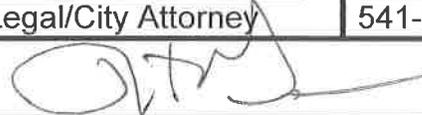
Please check box that applies to this item:

 QUASI JUDICIAL LEGISLATIVE ADMINISTRATIVE

**TITLE: A RESOLUTION AUTHORIZING THE GAME SPORTS BAR & GRILL TO CONTINUE WITH THE PERMITTING PROCESS TO ALLOW FOR THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN A RESTRICTED AND SECURED AREA DURING THE LAS CRUCES INTERNATIONAL MARIACHI STUDENT SHOWCASE, AN EVENT TO BE HELD ON MAIN STREET ON SATURDAY, JUNE 4, 2016 FROM 5:00 P.M. TO 12:00 A.M.**

### PURPOSE(S) OF ACTION:

To authorize continuation of a permitting process.

<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 Las Cruces International Mariachi Student Showcase ("Mariachi Student Showcase") will be held on Main Street, which is City property, on Saturday, June 4, 2016. Bravo Mic Communications is the sponsor of this event and would like to have alcoholic beverages available for sale and consumption during the event. Consumption of the alcoholic beverages would be allowed between the hours of 5:00 p.m. and 12:00 a.m. within a restricted and secured area in front of the building at 275 North Main Street. The Game Sports Bar & Grill ("The Game"), New Mexico Liquor License No. 2733, has submitted a Special Dispenser Permit Application ("Permit Application") to serve alcoholic beverages during the event.

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 liquor license at a place other than its regular approved licensed premises. The Las Cruces City Council must grant approval for the issuance of the Permit Application before The Game sends the Permit Application to Alcohol and Gaming for review and final approval.

(Continue on additional sheets as required)

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 the bar, 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 sell and serve the 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, The Game.
3. Attachment "1", Map of the Mariachi Student Showcase event.
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: <u>1000-10180010-520002</u> in the amount of <u>\$25.00</u> for <u>FY16</u> .
	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

**OPTIONS / ALTERNATIVES:**

1. Vote "Yes"; this will approve the sale of alcoholic beverages for consumption by the Game within a restricted and secured area during the Mariachi Student Showcase on Main Street on June 4, 2016. Approval will allow Alcohol and Gaming to continue with the permitting process.
2. Vote "No"; this will mean that The Game may not sell and serve alcoholic beverages during the Mariachi Student Showcase on June 4, 2016. The Alcohol and Gaming Director may issue the Permit Application provided that the City Council has given written approval for the permitting process to continue.
3. Vote to "Amend"; this could include 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 by The Game during the Mariachi Student Showcase.

**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



# City of Las Cruces®

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## COUNCIL ACTION AND EXECUTIVE SUMMARY PACKET ROUTING SLIP

For Meeting of \_\_\_\_\_  
(Ordinance First Reading Date)

For Meeting of May 16, 2016  
(Adoption Date)

**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 LAS CRUCES INTERNATIONAL MARIACHI STUDENT SHOWCASE, AN EVENT TO BE HELD ON MAIN STREET ON SATURDAY, JUNE 4, 2016 FROM 5:00 P.M. TO 12:00 A.M.

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

DEPARTMENT	SIGNATURE	PHONE NO.	DATE
Drafter/Staff Contact	<i>Monica Campbell</i>	541-2128	5/4/2016
Department Director	<i>[Signature]</i>	541-2128	4 May 2016
Other			
Assistant City Manager /CAO Management & Budget Manager	<i>S. Mann</i> for D. Dollahan	541-2100 541-2107	5-4-16 5-4-2016 27
Assistant City Manager/COO	<i>[Signature]</i>	541-2271	5-4-16
City Attorney	<i>[Signature]</i>	541-2128	4 May 2016
City Clerk	<i>[Signature]</i>	541-2115	5-6-16

RESOLUTION NO. 16-216

**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 LAS CRUCES INTERNATIONAL MARIACHI STUDENT SHOWCASE, AN EVENT TO BE HELD ON MAIN STREET ON SATURDAY, JUNE 4, 2016 FROM 5:00 P.M. TO 12:00 A.M.**

The City Council is informed that:

**WHEREAS**, Bravo Mic Communications is sponsoring the Las Cruces International Mariachi Student Showcase (“Mariachi Student Showcase”) to be held on Saturday, June 4, 2016; and

**WHEREAS**, The Game Sports Bar & Grill (“The Game”) requests approval to sell alcoholic beverages for consumption within a restricted and secured area during the event; and

**WHEREAS**, approval by the Las Cruces City Council is required prior to submission of the Special Dispenser Permit Application (“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 The Game to sell alcoholic beverages for consumption within a restricted and secured area during the Mariachi Student Showcase; and

**WHEREAS**, approval of the 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 is hereby authorized to continue with the permitting process for the Permit Application, attached hereto as Exhibit "A", to allow alcoholic beverages to be sold for consumption within a restricted and secured area between 5:00 p.m. and 12:00 a.m. on Saturday, June 4, 2016.

(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:

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
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 (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 SPORTS BARI GIOU Owner Name MARCI DICKERSON Local Option District LAS CRUCES  
Street Address 2605 S. ESPINA Mailing Address P.O. Box 161 FABRACES NM 88330  
City, State & Zip LAS CRUCES, NM 88305 Telephone # (575) 644-0778 Fax # (575) 526-0880  
**EVENT INFORMATION**  
Description of Event L.C. MARIACHI STUDENT SHOWING Date(s) of Event 6/4/16 Begin Time 5PM End Time 12AM  
Physical Address of Event DONN TOWN MAIL MAIN ST Number of Persons expected 500  
Description of Security LAS CRUCES SECURITY Number of Security personnel to be at this function 6  
Security Contact Name MARCI DICKERSON Telephone # (575) 644-0778

**SPONSOR INFORMATION**  
Sponsor of Event Beano Mic Communications Contact Name Robert Felicio Signature [Signature] Telephone # 575-449-4834  
**BUILDING OWNER APPROVAL**

Name (print) Assistant City Manager Signature \_\_\_\_\_ Telephone # 575-541-2066 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) \_\_\_\_\_ Date 4/19/16  
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 19th day of April, 2016 Notary Public [Signature] Exp. 7-22-19

**LOCAL GOVERNING BODY APPROVAL**  
Print Name \_\_\_\_\_ Title Assistant City Mgr Signature \_\_\_\_\_ Date \_\_\_\_\_

**ALCOHOL & GAMING DIVISION USE ONLY**  
Approved by: \_\_\_\_\_ Date \_\_\_\_\_ Permit Number \_\_\_\_\_  
Attachments: 1) Floor plan 2) Fees (listed on top of page) 3) Server information list

- LEGEND:**
- ▬ = Fencing
  - ▣ = Vendor
  - ▣ = Security
  - ▣ = Port a Pottle
  - XXXXXX = Road Closure



XXXXXX  
28  
ROAD CLOSED

ROAD CLOSED

ROAD CLOSED

ROAD CLOSED

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	