



# City of Las Cruces<sup>®</sup>

PEOPLE HELPING PEOPLE

## Council Action and Executive Summary

Item # 2Ordinance/Resolution# 17-007For Meeting of \_\_\_\_\_  
(Ordinance First Reading Date)For Meeting of July 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 ALLOW FOR THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN A RESTRICTED AND SECURED AREA AT THE CHUPACABRA RUGBY TOURNAMENT TO BE HELD ON AUGUST 6, 2016 AT BURN LAKE PARK, 1855 WEST AMADOR AVENUE.**

**PURPOSE(S) OF ACTION:**

To authorize a permitting process to continue.

<b>COUNCIL DISTRICT: 4</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>	<i>Daniel Ovula</i>	

**BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:**

The Las Cruces Rugby Association ("Association") is sponsoring the Chupacabra Rugby Tournament ("Tournament") to be held on August 6, 2016 on City property at Burn Lake Park, 1855 West Amador Avenue. The Association would like to provide an option for the purchase and consumption of alcoholic beverages within a restricted and secured area during the Tournament. The Game Sports Bar & Grill ("The Game"), owned by Philmar Management, LLC, Dispenser Liquor License No. 2733, has submitted a Special Dispenser Permit Application ("Permit Application") to sell and serve alcoholic beverages between 6:00 p.m. and 12:00 a.m. on August 6, 2016.

The Alcohol and Gaming Division of the New Mexico Regulation and Licensing Department ("Alcohol and Gaming") requires 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 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 beverage sales and consumption including location, the

(Continue on additional sheets as required)

number and placement of security personnel, serving areas, entrances, exits, and the dimensions of the service area. 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 to areas approved by Alcohol and Gaming.

**SUPPORT INFORMATION:**

1. Resolution.
2. Exhibit "A", Special Dispenser Permit Application.
3. Attachment "1", Photograph of Burn Lake Park and service area plan.
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>1000-15315000-511300</u> in the amount of <u>\$25.00</u> for <u>FY17</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 by The Game for consumption within a restricted and secured area at Burn Lake Park between 6:00 p.m. and 12:00 a.m. on

(Continue on additional sheets as required)

August 6, 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 alcoholic beverages for consumption at Burn Lake Park on August 6, 2016. 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.
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 Beverly Hills Hall during the 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



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## COUNCIL ACTION AND EXECUTIVE SUMMARY PACKET ROUTING SLIP

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

For Meeting of July 18, 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 AT THE CHUPACABRA RUGBY TOURNAMENT TO BE HELD ON AUGUST 6, 2016 AT BURN LAKE PARK, 1855 WEST AMADOR AVENUE.

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

DEPARTMENT	SIGNATURE	PHONE NO.	DATE
Drafter/Staff Contact	<i>Monica Campbell</i>	541-2128	6/20/2016
Department Director	<i>[Signature]</i>	541-2128	21 JUNE 2016
Other			
Assistant City Manager /CAO Management & Budget Manager	<i>[Signature]</i>	541-2100 541-2107	6-22-2016 6-21-2016
Assistant City Manager/COO	<i>[Signature]</i>	541-2271	6-22-16
City Attorney	<i>[Signature]</i>	541-2128	21 JUNE 2016
City Clerk	<i>[Signature]</i>	541-2115	7-8-16

RESOLUTION NO. 17-007

**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 CHUPACABRA RUGBY TOURNAMENT TO BE HELD ON AUGUST 6, 2016 AT BURN LAKE PARK, 1855 WEST AMADOR AVENUE.**

The City Council is informed that:

**WHEREAS**, the Las Cruces Rugby Association is sponsoring the Chupacabra Rugby Tournament (“Tournament”) on August 6, 2016; and

**WHEREAS**, The Game Sports Bar & Grill (“The Game”) has requested approval to sell alcoholic beverages for consumption within a restricted and secured area during the Tournament; 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 between 6:00 p.m. and 12:00 a.m. on August 6, 2016; 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 6:00 p.m. and 12:00 a.m. on August 6, 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:

\_\_\_\_\_  
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 (§60-6A-12 NMSA)

FEE PER DAY:  \$25.00 Private Event (Catered), No. of Days: \_\_\_\_\_  \$50.00 Public Event, No. of Days: 1

ALL FEES ARE NON-REFUNDABLE

A copy of all approved permits are sent to the Special Investigations Division of the Department of Public Safety, and DPS will request additional information, if needed.

LICENSE HOLDER INFORMATION: Date Application Filed: 6/17/16 Local Option District (LOD): \_\_\_\_\_

Liquor License # 2733 Clear of Citations/Holds:  Yes  No

Business Name (DBA): The Game Owner Name: Marci Dickerson

Mailing Address: PO Box 161 City, State & Zip: Fairburn NM 88033

Phone: 575-644-0774 Fax No.: 575-526-0880 Email Address: Marci Dickerson @ AOL

EVENT INFORMATION:

Description and Name of Event: Chupacabra Rugby Tournament Date(s) /Duration of Event: August 6, 2016  
6:00pm-12:00AM

Physical Address of Event and Name of Building: 1855 W. Amador Las Cruces, NM 88005

Check all that apply:  Indoor Event Only  Outdoor Event Only  Beer Garden  All Ages Event

Time Event Begins: 6:00pm Time Event Ends: 12:00am Total Number of Attendees Expected at Event: ~1000

Time of Alcohol Service:

Begins at: 6:00pm Ends at: 12:00am Total Number of Attendees Expected to Consume Alcohol: 300

Security, Describe: Security Concepts Number of Security: 5

Security Contact Name: Mike Gonzales Contact Telephone # 575-642-1555

Note: Licensee's employee(s) assigned to work security, must work this exclusively and may not serve at the Event.

SPONSOR INFORMATION: Sponsor of Event: Las Cruces Rugby Association

Name of Contact: Justin Karrenberg Phone: 786-853-1784

APPROVAL OF PROPERTY OWNER: Phone: 575-541-2016

Print Name: Daniel Avila, P.E. Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name of Your Business: City of Las Cruces

LICENSE HOLDER & SERVER CERTIFICATION: I, \_\_\_\_\_ (Licensee) hereby certify that this application is signed by Licensee or authorized person under this License, that the Event is within the same Local Option District as the Dispenser's License and that Event is not within 300 feet 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 at the Event are currently Server Certified, that they are all my employees, and that ALL the information in this Application and the Attachments, is true and correct. Licensee Agrees that if any statements or representations herein are found to be false, the Director may refuse to issue additional permits.

Must sign before a Notary:

Licensee Name: (print) Marci Dickerson Signature: \_\_\_\_\_ Date: 6/17/16

NOTARY PUBLIC USE ONLY: (State of New Mexico, County of Dona Ana)

SUBSCRIBED AND SWORN TO before me this 17th day of June, 2016

By: Marci Dickerson Notary Public: \_\_\_\_\_ My Commission Expires: 7-21-2019

LOCAL GOVERNING BODY APPROVAL: Print Name: Daniel Avila, P.E. Title: Interim City Mgr.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Phone: 575-541-2016 Fax: 575-541-2017

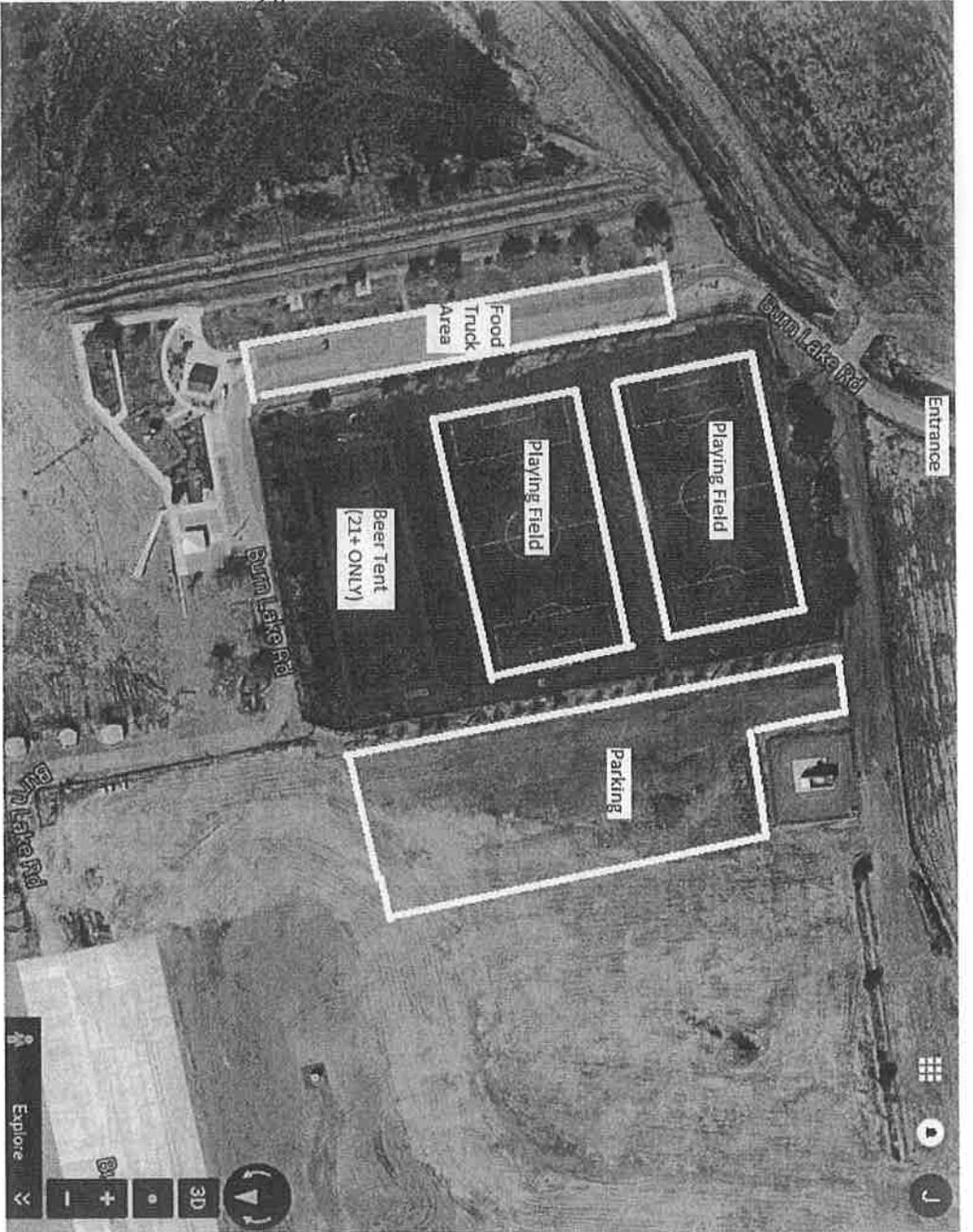
ALCOHOL & GAMING DIVISION USE ONLY: Application Must Include: Payment of Fees, per day (listed on top of page), Floor Plan - (w/photos) and Detailed Server List

Approved  Disapproved

Processed By: \_\_\_\_\_ Date: \_\_\_\_\_

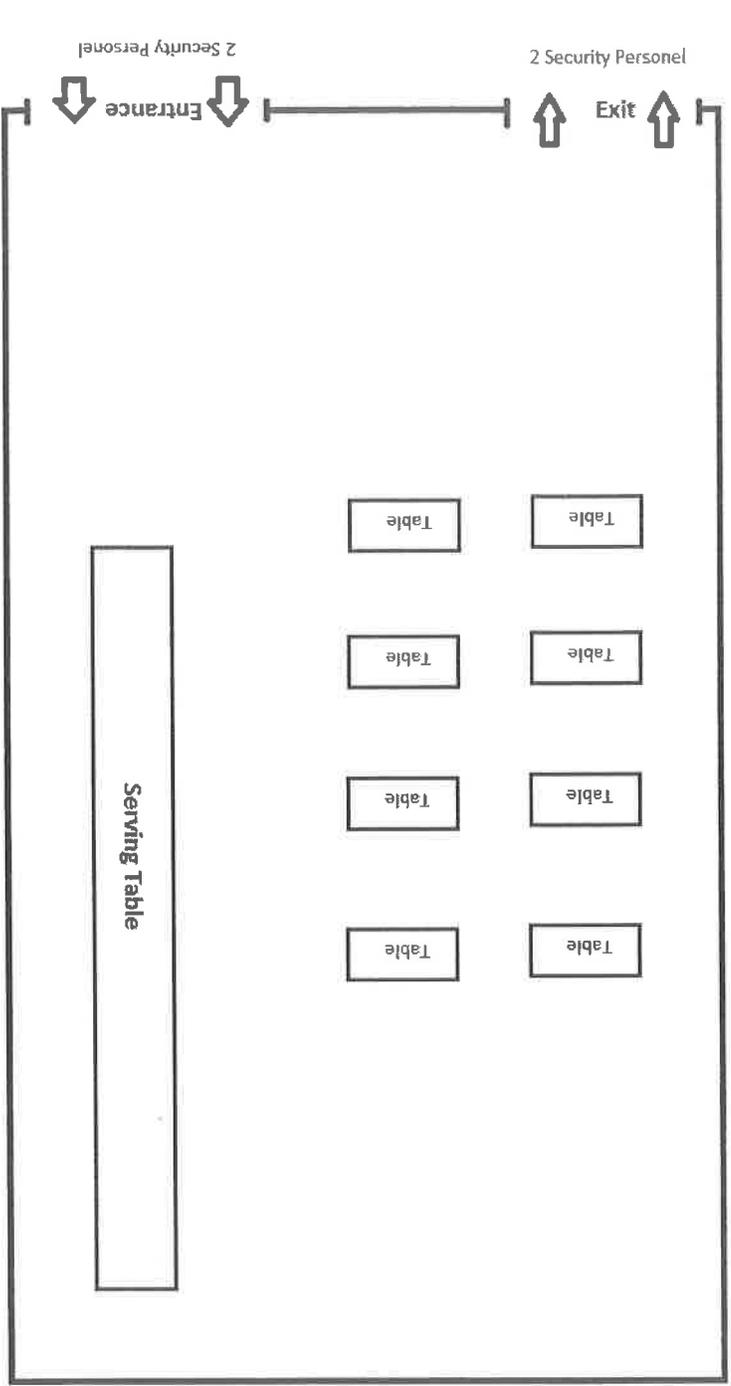
Assigned Permit Number: \_\_\_\_\_ Approved Permit Sent on: \_\_\_\_\_ By:  Email  Fax

Burn Lake Park  
1855 W. Amador  
Las Vegas, NV 89005



786 853 1784

Food Truck Area



Playing Area

**Beer Tent**

**21+ ONLY**

**Dimensions: 75 ft. x 50 ft.**

**Total Area: 3750 sq. ft.**

**Max Capacity: 250 people**

Area will be enclosed with a 3 ft. high orange safety fence

Parking

NAME	#	EXP DATE
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