



# City of Las Cruces®

PEOPLE HELPING PEOPLE

## Council Action and Executive Summary

Item # 9

Ordinance/Resolution# 17-024

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

For Meeting of August 15, 2016  
(Adoption Date)

Please check box that applies to this item:

QUASI JUDICIAL

LEGISLATIVE

ADMINISTRATIVE

**TITLE:** A RESOLUTION AUTHORIZING HALO'S TO CONTINUE WITH THE PERMITTING PROCESS TO ALLOW FOR THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN TWO RESTRICTED AND SECURED AREAS AT THE BIG EVENT TO BE HELD SEPTEMBER 23, 24 AND 25, 2016 AT THE CIVIC PLAZA BETWEEN EAST LAS CRUCES AVENUE AND EAST ORGAN AVENUE.

**PURPOSE(S) OF ACTION:**

To authorize a permitting process to continue.

<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:**

Cancer Aid Resource & Education, Inc. ("CARE") is sponsoring The Big Event ("Event") to be held on September 23, 24 and 25, 2016 at the Civic Plaza between East Las Cruces Avenue and East Organ Avenue. CARE would like to provide an option for the purchase and consumption of alcoholic beverages within two restricted and secured areas on City property during the Event. Halo's, owned by ZMirage LLC, Dispenser Liquor License No. 2647, has submitted a Special Dispenser Permit Application ("Permit Application") to sell and serve alcoholic beverages during the Event shown below.

Friday, September 23, 2016	5:00 p.m. to 11:00 p.m.
Saturday, September 24, 2016	12:00 p.m. to 11:00 p.m.
Sunday, September 25, 2016	12:00 p.m. to 6:00 p.m.

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 Halo's, 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 Halo's sends it 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 site plan showing the restricted and secured location of alcoholic beverage sales and consumption including location, the 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 Halo's 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", Site plan and location of the two beer and liquor tents.
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 \$75.00 for FY17.
	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

(Continue on additional sheets as required)

**OPTIONS / ALTERNATIVES:**

1. Vote "Yes"; this will approve the sale of alcoholic beverages by Halo's for consumption within two restricted and secured areas during the Event on September 23, 24 and 25, 2016. Approval will allow Alcohol and Gaming to continue with the permitting process.
2. Vote "No"; this will mean that Halo's may not sell alcoholic beverages for consumption during the Event on September 23, 24 and 25, 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 Halo's 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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**City of Las Cruces**<sup>®</sup>  
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**COUNCIL ACTION AND EXECUTIVE SUMMARY PACKET ROUTING SLIP**

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

For Meeting of August 15, 2016  
 (Adoption Date)

**TITLE:** A RESOLUTION AUTHORIZING HALO'S TO CONTINUE WITH THE PERMITTING PROCESS TO ALLOW FOR THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN TWO RESTRICTED AND SECURED AREAS AT THE BIG EVENT TO BE HELD SEPTEMBER 23, 24 AND 25, 2016 AT THE CIVIC PLAZA BETWEEN EAST LAS CRUCES AVENUE AND EAST ORGAN AVENUE.

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

DEPARTMENT	SIGNATURE	PHONE NO.	DATE
Drafter/Staff Contact	<i>Thonica Campsbell</i>	541-2128	7-13-2016
Department Director	<i>WBF</i>	541-2128	13 July 2016
Other			
Assistant City Manager /CAO Management & Budget Manager	<i>[Signature]</i>	541-2100 541-2107	7-15-2016 7-13-2016
Assistant City Manager/COO	<i>[Signature]</i>	541-2271	7-20-16
City Attorney	<i>[Signature]</i>	541-2128	13 July 2016
City Clerk	<i>[Signature]</i>	541-2115	8-5-16

RESOLUTION NO. 17-024

A RESOLUTION AUTHORIZING HALO'S TO CONTINUE WITH THE PERMITTING PROCESS TO ALLOW FOR THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN TWO RESTRICTED AND SECURED AREAS AT THE BIG EVENT TO BE HELD SEPTEMBER 23, 24 AND 25, 2016 AT THE CIVIC PLAZA BETWEEN EAST LAS CRUCES AVENUE AND EAST ORGAN AVENUE.

The City Council is informed that:

**WHEREAS**, Cancer Aid Resource & Education ("CARE") is sponsoring The Big Event ("Event") on September 23, 24 and 25, 2016; and

**WHEREAS**, Halo's has requested approval to sell alcoholic beverages for consumption within two restricted and secured areas 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 Halo's to sell alcoholic beverages for consumption within two restricted and secured areas on the days and times shown below.

Friday, September 23, 2016	5:00 p.m. to 11:00 p.m.
Saturday, September 24, 2016	12:00 p.m. to 11:00 p.m.
Sunday, September 25, 2016	12:00 p.m. to 6:00 p.m.

**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 Halo's is hereby authorized to continue with the permitting process for the Permit Application, attached hereto as Exhibit "A" and made a part of this Resolution, to allow alcoholic beverages to be sold for consumption within two restricted and secured areas on the days and times shown below.

Friday, September 23, 2016	5:00 p.m. to 11:00 p.m.
Saturday, September 24, 2016	12:00 p.m. to 11:00 p.m.
Sunday, September 25, 2016	12:00 p.m. to 6:00 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:

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 NMSA)

FEE PER DAY:  \$25.00 Private Event (Catered), No. of Days: \_\_\_\_\_  \$50.00 Public Event, No. of Days: 3

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: 7/8/2016 Local Option District (LOD): Las Cruces

Liquor License # 2647 Clear of Citations/Holds:  Yes  No

Business Name (DBA): HALO'S Owner Name: Z MIRROR LLC

Mailing Address: 3809 NORTH POLE LOOP NE City, State & Zip: RIO RANCHO, NM 87144

Phone: 575-649-6688 Fax No.: \_\_\_\_\_ Email Address: ctrmoney@hotmail.com

EVENT INFORMATION:

Description and Name of Event: TOURIST ATTRACTION / THE BIG EVENT Date(s) / Duration of Event: SEPT. 23-25

Physical Address of Event and Name of Building: NEW CITY PLAZA DOWNTOWN

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

Time Event Begins: 5 PM Time Event Ends: 6 PM Total Number of Attendees Expected at Event: 5000

Time of Alcohol Service: SEE ATTACHED

Begins at: \_\_\_\_\_ Ends at: \_\_\_\_\_ Total Number of Attendees Expected to Consume Alcohol: 500

Security, Describe: WE WILL PROVIDE 7 GUARDS AT ALL TIMES / ALCOHOL / CERT Number of Security: 7

Security Contact Name: LALO CASTRILLO Contact Telephone # 575-680-0439

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: CANCER AID RESOURCE & EDUCATION

Name of Contact: YOLANDA DIAZ Phone: 575-649-0598

APPROVAL OF PROPERTY OWNER: Phone: 575-541-2076

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

Name of Your Business: CITY of Las Cruces

LICENSE HOLDER & SERVER CERTIFICATION: I, JASON MONTOYA (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.

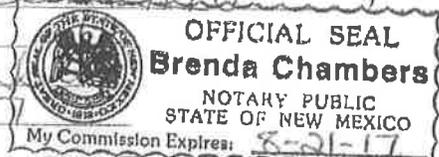
I further certify that all persons providing the service of alcoholic beverages at the Event are currently Server Certified, that they are all my employees, and that ALL the information in this Application and the Attachments, is true and correct. Licensee Agrees that if any statements or representations herein are found to be false, the Director may refuse to issue additional permits.

Must sign before a Notary:

Licensee Name: (print) JASON MONTOYA Signature: \_\_\_\_\_ Date: 7/8/2016

NOTARY PUBLIC USE ONLY: (State of NEW MEXICO, County of TERRELL)

SUBSCRIBED AND SWORN TO before me this 8TH day of JULY  
By: BRENDA CHAMBERS Notary Public: Brenda Chambers  
My Commission Expires: 8-21-17



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

Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Phone: 575-541-2076 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

# The Big Event

## Time of Alcohol Service

<u>Date</u>	<u>Time</u>
September 23rd	5 PM to 11 PM
September 24th	12 PM to 11 PM
September 25th	12 PM to 6 PM

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# The Big Event (List of Servers)

<u>Server Name</u>	<u>Server Permit Number</u>	<u>Expiration Date</u>
Jennifer Lopez	200240	4/3/2018
Darryl Ambler	292023	12/17/2018
Antoinette Gomez	301587	5/14/2017
Alexandria Snazldua	290671	8/3/2016
Salsha Lourenco	306233	8/3/2016
Isaijah Santana	307398	9/13/2017
Cynthia Carrasco	281019	12/5/2017
Carey Michab	321562	9/23/2018
Andrew Kern	239436	3/2/2018
Aaron Vegara	226452	5/24/2018
Rebecca S. O'Brien	265729	11/2/2016
Ariana Garcia	Temporary Permit	
Erica Castillo	327125	2/1/2019
Lalo Castillo	327130	2/1/2019
Edward Gonzales	Temporary Permit	