



City of Las Cruces[®]

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 1

Ordinance/Resolution# 17-040

For Meeting of _____
(Ordinance First Reading Date)

For Special Meeting of September 12, 2016
(Adoption Date)

Please check box that applies to this item:

QUASI JUDICIAL

LEGISLATIVE

ADMINISTRATIVE

TITLE: A RESOLUTION AUTHORIZING ADAMS RADIO GROUP TO CONTINUE WITH THE PERMITTING PROCESS FOR WHISKEY DICK'S AND HALO'S TO PROVIDE FOR THE SALE OF BEER AND SPIRITS WITHIN A RESTRICTED AND SECURED AREA AT THE HOT 103 TAMALE FESTIVAL TO BE HELD SEPTEMBER 18, 2016 AT YOUNG PARK, 1905 NEVADA AVENUE.

PURPOSE(S) OF ACTION:

To authorize a permitting process to continue.

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:

Adams Radio Group is the sponsor of the Hot 103 Tamale Festival ("Festival") to be held September 18, 2016 on City property at Young Park, 1905 Nevada Avenue. The Festival sponsor has provided two Special Dispenser Permit Applications ("Permit Application(s)") for dispenser liquor license holders Whiskey Dick's and Halo's to offer beer and spirits for sale and consumption within a restricted and secured area during the Festival. The beer and spirits service would begin at 12:00 p.m. and end at 5:00 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 Whiskey Dick's and Halo's, to each submit a Permit Application to use their liquor licenses at a place other than the regular approved licensed premises. The Las Cruces City Council must grant approval for the issuance of the Permit Applications before they are sent to Alcohol and Gaming for review and final approval.

In addition to the Permit Applications, Alcohol and Gaming requires a detailed floor plan showing the restricted and secured location of alcoholic beverage sales and consumption including location,

(Continue on additional sheets as required)

the number and placement of security personnel, specific serving areas for each alcoholic beverage vendor, entrances, exits, and the dimensions of the service area.

The authorization of the Permit Applications 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", Permit Application, Whiskey Dick's.
3. Exhibit "B", Permit Application, Halo's.
4. Attachment "1", Site map and service area plan.

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"/>	<input type="checkbox"/>	Proposed funding is from a new revenue source (i.e. grant; see details below)
	<input type="checkbox"/>	<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>\$50.00</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 beer and spirits by Whiskey Dick's and Halo's for consumption within a restricted and secured area during the Festival at Young Park between

(Continue on additional sheets as required)

12:00 p.m. and 5:00 p.m. on September 18, 2016. Approval will allow Alcohol and Gaming to continue with the permitting process.

2. Vote "No"; this will mean that beer or spirits may not be sold for consumption at Young Park during the Festival. The Alcohol and Gaming Director may issue the Permit Applications provided that the City Council has given written approval for the permitting process to continue.
3. Vote to "Amend"; this could include changing the dates and times that wine and beer is 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 beer or spirits being sold 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



City of Las Cruces[®]

PEOPLE HELPING PEOPLE

COUNCIL ACTION AND EXECUTIVE SUMMARY PACKET ROUTING SLIP

For Meeting of _____
(Ordinance First Reading Date)

For Special Meeting of September 12, 2016
(Adoption Date)

TITLE:

A RESOLUTION AUTHORIZING ADAMS RADIO GROUP TO CONTINUE WITH THE PERMITTING PROCESS FOR WHISKEY DICK'S AND HALO'S TO PROVIDE FOR THE SALE OF BEER AND SPIRITS WITHIN A RESTRICTED AND SECURED AREA AT THE HOT 103 TAMALES FESTIVAL TO BE HELD SEPTEMBER 18, 2016 AT YOUNG PARK, 1905 NEVADA AVENUE.

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

DEPARTMENT	SIGNATURE	PHONE NO.	DATE
Drafter/Staff Contact	<i>Melissa Campbell</i>	541-2128	9-8-16
Department Director	<i>WBF</i>	541-2128	8 Sept 2016
Other			
Assistant City Manager /CAO Management & Budget Manager		541-2100 541-2107	
Assistant City Manager/COO	<i>Daryl De</i>	541-2271	9/8/16
City Attorney	<i>WBF</i>	541-2128	8 Sept 2016
City Clerk	<i>Angela</i>	541-2115	9-8-16

RESOLUTION NO. 17-040

A RESOLUTION AUTHORIZING ADAMS RADIO GROUP TO CONTINUE WITH THE PERMITTING PROCESS FOR WHISKEY DICK'S AND HALO'S TO PROVIDE FOR THE SALE OF BEER AND SPIRITS WITHIN A RESTRICTED AND SECURED AREA AT THE HOT 103 TAMALE FESTIVAL TO BE HELD SEPTEMBER 18, 2016 AT YOUNG PARK, 1905 NEVADA AVENUE.

The City Council is informed that:

WHEREAS, Adams Radio Group is the sponsor of the Hot 103 Tamale Festival ("Festival") being held September 18, 2016; and

WHEREAS, Whiskey Dick's and Halo's have submitted Special Dispenser Permit Applications ("Permit Applications") to sell beer and spirits for consumption within a restricted and secured area during the Festival; and

WHEREAS, approval by the Las Cruces City Council is required prior to submission of the Permit Applications 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 beer and spirits to be sold by Whiskey Dick's and Halo's for consumption at the Festival on September 18, 2016 from 12:00 p.m. to 5:00 p.m.; and

WHEREAS, approval of the Permit Applications 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 Whiskey Dick's and Halo's are hereby authorized to continue with the

permitting process for the Permit Applications, attached hereto and made a part of this Resolution as Exhibits "A" and "B", to allow beer and spirits to be sold for consumption within a restricted and secured area during the Festival.

(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)

Moved by: _____

Seconded by: _____

VOTE:

Mayor Miyagishima: _____

Councillor Gandara: _____

Councillor Smith: _____

Councillor Pedroza: _____

Councillor Eakman: _____

Councillor Sorg: _____

Councillor Levatino: _____

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: _____

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: _____ Local Option District (LOD): _____

Liquor License # 28016 Clear of Citations/Holds: Yes No

Business Name (DBA): WHISKEY DICKS Owner Name: Timothy Wilson

Mailing Address: 420 S. KEVAZO City, State & Zip: HORIZON City, TX 79928

Phone: 915-852-6844 Fax No.: _____ Email Address: twilsoncorporate@gmail.com

EVENT INFORMATION:

Description and Name of Event: HOT 103 TAMALE FESTIVAL Date(s) /Duration of Event: 9-18-2016

Physical Address of Event and Name of Building: 1905 NEVADA AVE, LAS CRUCES, NM 88001

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

Time Event Begins: 10:00 AM Time Event Ends: 5:00 PM Total Number of Attendees Expected at Event: 1500

Time of Alcohol Service:

Begins at: 12:00 PM Ends at: 5:00 PM Total Number of Attendees Expected to Consume Alcohol: 200

Security, Describe: SECURITY CONCEPTS Number of Security: 15

Security Contact Name: MIKE GONZALEZ Contact Telephone # 575-526-4151

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: Adams Radio Group

Name of Contact: Aaron Criswell Phone: 575-449-8627

APPROVAL OF PROPERTY OWNER: Phone: _____

Print Name: David Dollahan AICP Signature: _____ Date: _____

Name of Your Business: YOUNG PARK, CITY OF LAS CRUCES, 1905 NEVADA AVE, LAS CRUCES, NM 88001

LICENSE HOLDER & SERVER CERTIFICATION: I, TJW, LLC (WHISKEY DICKS) (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) TJW, LLC (WHISKEY DICKS) Signature: _____ Date: 8/31/16

NOTARY PUBLIC USE ONLY: (City of EL PASO, County of EL PASO)

SUBSCRIBED AND SWORN TO before me this 31st day of August, 20 16

By: Timothy J. Wilson Notary Public: _____ My Commission Expires: _____



LOCAL GOVERNING BODY APPROVAL: Print Name: David Dollahan AICP 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

ALCOHOL & GAMING DIVISION | SPECIAL DISPENSER PERMIT APPLICATION (860-6A-12 NMSA)

FEE PER DAY: \$25.00 Private Event (Catered), No. of Days: _____ \$50.00 Public Event, No. of Days: 1 (DO NOT SUBMIT CASH)

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: 9/8/16 Local Option District (LOD): LAS CRUCES

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

Business Name (DBA): Halo's Owner Name: ZMirage LLC

Mailing Address: 3809 North Pole Loop NE City, State & Zip: Rio Rancho, NM 87194

Phone: 575-649-6685 Fax No.: _____ Email Address: ctrmoney@hotmail.com

EVENT INFORMATION: Description and Name of Event: Tamale Fest Date(s) / Duration of Event: Sept. 18

Physical Address of Event: Young Park 1905 Nevada Ave, Las Cruces, NM 88001

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

Time Event Begins: 10 AM Time Event Ends: 5 PM Total Number of Attendees Expected at Event: 1500

Time of Alcohol Service: Begins at: 12 PM Ends at: 5 PM Total Number of Attendees Expected to Consume Alcohol: 200

SECURITY: Describe Type: Security Concepts No. of Security: 15 Contact Name: Mike Gonzalez Contact Phone #: 5755264151

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: Adams Radio Group Name of Contact: Aaron Criswell Phone: 575-449-8627

APPROVAL OF PROPERTY OWNER: Print Name: David Dollahon, ACP Signature: _____ Date: _____ Phone: 575-541-2076

NAME OF BUSINESS, and LOCATION OF PROPERTY: City of Las Cruces

LICENSE HOLDER & SERVER CERTIFICATION: I, JASON MONTOKA (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. I understand that all fees submitted are non-refundable. Must sign before a Notary:

Licensee Name: (print) _____ Signature: _____ Date: _____

NOTARY: State of New Mexico, County of _____, Subscribed and Sworn to before me on this _____ day of _____, 20____

Signature of Notary/ Public: _____ Title: _____ My Commission Expires: _____ SEAL

LOCAL GOVERNING BODY APPROVAL: Print Name: David Dollahon, ACP Title: Interim City Manager

Signature: _____ Date: _____ Phone: 575-541-2076 Fax: 575-241-2017

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

Payment/ Application Fee \$ _____ Received on: _____ Receipt No. _____ Approved Disapproved

Processed By: _____ Date: _____

Assigned Permit Number: _____ Approved Permit Sent on: _____ By: Email Fax



WATER



FENCE



TENTS



SECURITY



FIRE EXTINGUISHER