



City of Las Cruces[®]

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 2

Ordinance/Resolution# 17-068

For Meeting of _____
(Ordinance First Reading Date)

For Meeting of October 17, 2016
(Adoption Date)

Please check box that applies to this item:

QUASI JUDICIAL

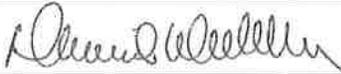
LEGISLATIVE

ADMINISTRATIVE

TITLE: A RESOLUTION AUTHORIZING ADAMS RADIO GROUP TO CONTINUE WITH THE PERMITTING PROCESS FOR WHISKEY DICK'S TO PROVIDE FOR THE SALE OF ALCOHOLIC BEVERAGES WITHIN A RESTRICTED AND SECURED AREA AT PETOBERFEST TO BE HELD OCTOBER 29, 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 Petoberfest to be held October 29, 2016 on City property at Young Park, 1905 Nevada Avenue. Whiskey Dick's has submitted a Special Dispenser Permit Application ("Permit Application") to offer alcoholic beverages for sale and consumption within a restricted and secured area during Petoberfest. The alcoholic beverage 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, to submit a Permit Application to use its liquor license at a place other than the regular approved licensed premises. The Las Cruces City Council must grant approval for the issuance of the Permit Application before it is sent 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 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 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", Permit Application, Whiskey Dick's.
3. Attachment "1", Site map 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 FY17.
	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 Whiskey Dick's for consumption within a restricted and secured area during Petoberfest at Young Park between 12:00 p.m. and 5:00 p.m. on October 29, 2016. Approval will allow Alcohol and Gaming to continue with the permitting process.
2. Vote "No"; this will mean that alcoholic beverages may not be sold for consumption at Young Park during Petoberfest. The Alcohol and Gaming Director may issue the Permit Application

(Continue on additional sheets as required)

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 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 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 October 17, 2016
 (Adoption Date)

TITLE:

A RESOLUTION AUTHORIZING ADAMS RADIO GROUP TO CONTINUE WITH THE PERMITTING PROCESS FOR WHISKEY DICK'S TO PROVIDE FOR THE SALE OF ALCOHOLIC BEVERAGES WITHIN A RESTRICTED AND SECURED AREA AT PETOBERFEST TO BE HELD OCTOBER 29, 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>Monica Campbell</i>	541-2128	9/16/16
Department Director	<i>[Signature]</i>	541-2128	16 Sept 2016
Other			
Assistant City Manager /CAO	<i>[Signature]</i>	541-2100	9/19/16
Management & Budget Manager	<i>[Signature]</i>	541-2107	9/19/16
Assistant City Manager/COO	<i>[Signature]</i>	541-2271	9/20/16
City Attorney	<i>[Signature]</i>	541-2128	16 Sept 2016
City Clerk	<i>[Signature]</i>	541-2115	10-7-16

RESOLUTION NO. 17-068

A RESOLUTION AUTHORIZING ADAMS RADIO GROUP TO CONTINUE WITH THE PERMITTING PROCESS FOR WHISKEY DICK'S TO PROVIDE FOR THE SALE OF ALCOHOLIC BEVERAGES WITHIN A RESTRICTED AND SECURED AREA AT PETOBERFEST TO BE HELD OCTOBER 29, 2016 AT YOUNG PARK, 1905 NEVADA AVENUE.

The City Council is informed that:

WHEREAS, Adams Radio Group is the sponsor of Petoberfest, to be held on October 29, 2016; and

WHEREAS, Whiskey Dick's submitted a Special Dispenser Permit Application ("Permit Application") to sell alcoholic beverages for consumption within a restricted and secured area during Petoberfest; and

WHEREAS, approval by the Las Cruces City Council is required prior to submission of the 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 sold by Whiskey Dick's for consumption at Petoberfest on October 29, 2016 from 12:00 p.m. to 5:00 p.m.; 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 Whiskey Dick's is hereby authorized to continue with the permitting process for the Permit Application, attached hereto and made a part of this Resolution as Exhibit

"A", to allow alcoholic beverages to be sold for consumption within a restricted and secured area during Petoberfest.

(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 (S60-6A-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 J. Wilson

Mailing Address: 420 S. KENAZO 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: PETOVERFEST Date(s) /Duration of Event: 10-29-2016

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: 9AM Time Event Ends: 5PM Total Number of Attendees Expected at Event: 1500

Time of Alcohol Service:

Begins at: 12PM Ends at: 5PM Total Number of Attendees Expected to Consume Alcohol: 500

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 Dollahon 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: 9/12/16

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

SUBSCRIBED AND SWORN TO before me this 12th day of SEPTEMBER, 20 16

By: Timothy J. Wilson Notary Public: Marcela Bolivar

My Commission Expires: 3-5-2018



LOCAL GOVERNING BODY APPROVAL: Print Name: David Dollahon, AICP Title: Interim City Mgr.

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

PET-O-BERFEST

OCTOBER 29TH, 2016



Security

Restrooms

Pet Adoption Center

Pools

Stage

Pet Vendors

Obstacle Course

Food & Beer

Nevada Road

LIST OF ALCOHOL SERVERS
PLEASE MAKE ADDITIONAL COPIES IF NEEDED

CURRENT - TIW, LLC.LIQUOR LICENSE NUMBER: 28016OWNER NAME: TIMOTHY WILSONDBA NAME: WHISKEY DICKS

<u>PERMIT#</u>	<u>LAST NAME</u>	<u>FIRST NAME</u>	<u>SS#</u>	<u>DOB</u>	<u>HIRE DATE</u>	<u>TERMINATION DATE</u>	<u>PERMIT EXPIRATION DATE</u>
236056	ALLEN	DAVID J.			02/26/16	N/A	11/05/17
307072	ARELLANO	LUIS			12/02/15	N/A	09/16/17
168262	BROOKS	ANGELA			01/15/15	N/A	05/15/15
306267	CASTRO	CESAR			12/11/14	N/A	08/16/17
162549	ESTRADA	CLAUDIA			12/11/14	N/A	06/28/17
149545	FRESQUEZ	AMY B.			01/09/16	N/A	04/09/17
252880	LARSON	MELANIE K.			08/27/15	N/A	04/27/18
248339	MORRIS	MATTHEW			01/16/15	N/A	08/18/15
308629	PFAENDER	SALINA N.			12/17/15	N/A	10/15/17
280353	REYES	CHELSEA			12/11/14	N/A	11/10/17
96683	SERRANO	MELISSA			05/27/16	N/A	09/19/17
288739	STAILEY	TEYLOR L.			02/04/16	N/A	08/31/17
243947	VIDAL	JESSICA M.			03/13/15	N/A	07/08/15