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City of Las Cruces[®]
 PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 5 Ordinance/Resolution# 17-071

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 HALO'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 | | |
| Drafter/Staff Contact: Monica Campbell | Department/Section: Legal/City Attorney | Phone: 541-2128 |
| City Manager Signature: |  | |

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. Halo'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 Halo'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.

(Continue on additional sheets as required)

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, Halo'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"/> | <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 Halo'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 by Halo's at Young Park during Petoberfest. The Alcohol and Gaming Director may issue the Permit

(Continue on additional sheets as required)

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 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 Meeting of October 17, 2016
 (Adoption Date)

TITLE: A RESOLUTION AUTHORIZING ADAMS RADIO GROUP TO CONTINUE WITH THE PERMITTING PROCESS FOR HALO'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 | 9/21/16 |
| Department Director | <i>[Signature]</i> | 541-2128 | 21 Sept 2016 |
| Other | | | |
| Assistant City Manager /CAO Management & Budget Manager | <i>Armando Hernandez</i> | 541-2100 541-2107 | 9/23/16 9/23/16 |
| Assistant City Manager/COO | <i>David De</i> | 541-2271 | 9/23/16 |
| City Attorney | <i>[Signature]</i> | 541-2128 | 21 Sept 2016 |
| City Clerk | <i>[Signature]</i> | 541-2115 | 10-7-16 |

RESOLUTION NO. 17-071

A RESOLUTION AUTHORIZING ADAMS RADIO GROUP TO CONTINUE WITH THE PERMITTING PROCESS FOR HALO'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, Halo'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 Halo'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 Halo'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 (§60-6A-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: 9/21/16 Local Option District (LOD): LAS CRUCES

Liquor License # 2647 Clear of Citations/Holds: Yes No, Owner Name: Jason Montoya

Business Name (DBA): Halo's City, State & Zip: Rio Rancho, NM 87194

Mailing Address: 3809 North Pole Loop NE Email Address: ctrmoney@hotmail.com

Phone: 575-649-6685 Fax No.: Date(s) /Duration of Event: 10/29/2016

EVENT INFORMATION: Description and Name of Event: Petoberfest

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

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

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: 5754498627

APPROVAL OF PROPERTY OWNER: Print Name: David Dollahon, AICP Signature: Date: Phone: 515-541-2016

NAME OF BUSINESS, and LOCATION OF PROPERTY: City of Las Cruces, Young Park, 1905 Nevada Ave.

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. 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, AICP Title: Interim City Manager

Signature: Date: Phone: 515-541-2016 Fax: 515-541-2017

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

Petoberfest (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 Snazidua | 290671 | 8/3/2016 |
| Salisha Lourenco | 306233 | 8/3/2016 |
| Isaiah Santana | 307398 | 9/13/2017 |
| Cynthia Carrasco | 281019 | 12/5/2017 |
| Carey McNab | 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 Castrillo | 327125 | 2/1/2019 |
| Lalo Castrillo | 327130 | 2/1/2019 |
| Edward Gonzales | Temporary Permit | |