RESOLUTION 2016-026

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; REAFFIRMING SETTLED POLICY BY RECOMMENDING APPROVAL FOR A SPECIAL EVENT LIQUOR LICENSE TO STEPHEN T. HESTER ON BEHALF OF THE ROTARY CLUB OF SIERRA VISTA, FOR THE FOURTH OF JULY CELEBRATION BEING HELD JULY 3 AND 4, 2016, TO THE STATE DEPARTMENT OF LIQUOR LICENSES AND CONTROL; AND AUTHORIZING AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY OR THEIR DULY AUTHORIZED OFFICERS AND AGENTS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

WHEREAS, an application for a special event liquor license for Stephen T. Hester, on behalf of the Rotary Club of Sierra Vista, for the Fourth of July celebration being held July 3 and 4, 2016, at Veterans' Memorial Park has been received from the Arizona Department of Liquor Licenses and Control; and

WHEREAS, Section 4-203.02 of the Arizona Revised Statutes requires approval of the Sierra Vista City Council before the license will be considered; and

WHEREAS, it is a settled policy of the City Council that special event liquor licenses be recommended for approval if no objections are raised; and

WHEREAS, it is in the best interest of the citizens of Sierra Vista that this special event liquor license be approved.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, AS FOLLOWS:

SECTION 1

That the settled policy, most recently affirmed, is, and hereby is, reaffirmed.

SECTION 2

The City Council of the City of Sierra Vista recommends approval to the State Department of Liquor Licenses and Control of a special events liquor license for Mr. Stephen T. Hester on behalf of the Rotary Club of Sierra Vista.

SECTION 3

The City Manager, City Clerk, City Attorney, or their duly authorized officers and agents are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this resolution.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, THIS 12th DAY OF MAY 2016.

Frederick W. Mueller
Mayor

Approved as to Form:

Nathan J. Williams
City Attorney

Attest:

Jill Adams
City Clerk

Prepared by:
Jill Adams, City Clerk

Arizona Department of Liquor Licenses and Control
800 W Washington 5th Floor
Phoenix, AZ 85007-2934
www.azliquor.gov
(602) 542-5141

FOR DLLC USE ONLY
Event Date(s):
Event time start/end:
CSR:
License:

APPLICATION FOR SPECIAL EVENT LICENSE
Fee= $25.00 per day for 1-10 days (consecutive)
Cash Checks or Money Orders Only

A service fee of $25.00 will be charged for all dishonored checks (A.R.S. § 44-6852)

IMPORTANT INFORMATION: This document must be fully completed or it will be returned.
The Department of Liquor Licenses and Control must receive this application ten (10) business days prior to the event. If the special event will be held at a location without a permanent liquor license or if the event will be on any portion of a location that is not covered by the existing liquor license, this application must be approved by the local government before submission to the Department of Liquor Licenses and Control (see Section 15).

SECTION 1 Name of Organization: Rotary Club of Sierra Vista

SECTION 2 Non-Profit/IRS Tax Exempt Number: 86-0647356

SECTION 3 The organization is a: (check one box only)

☑ Charitable ☐ Fraternal (must have regular membership and have been in existence for over five (5) years)
☐ Religious ☐ Civic (Rotary, College Scholarship) ☐ Political Party, Ballot Meosure or Compaign Committee

SECTION 4 Will this event be held on a currently licensed premise and within the already approved premises? ☐ Yes ☑ No

Name of Business _____ License Number _____ Phone (Include Area Code) _____

SECTION 5 How is this special event going to conduct all dispensing, serving, and selling of spirituous liquors? Please read R-19-318 for explanation (look in special event planning guide) and check one of the following boxes.

☐ Place license in non-use
☐ Dispense and serve all spirituous liquors under retailer's license
☑ Dispense and serve all spirituous liquors under special event
☐ Split premise between special event and retail location

(IF NOT USING RETAIL LICENSE, SUBMIT A LETTER OF AGREEMENT FROM THE AGENT/OWNER OF THE LICENSED PREMISE TO SUSPEND THE LICENSE DURING THE EVENT. IF THE SPECIAL EVENT IS ONLY USING A PORTION OF PREMISE, AGENT/OWNER WILL NEED TO SUSPEND THAT PORTION OF THE PREMISE.)

SECTION 6 What is the purpose of this event? ☑ On-site consumption ☐ Off-site (auction) ☐ Both

SECTION 7 Location of the Event: Sierra Vista Memorial Park

Address of Location: 3105 E. Fry Blvd, Sierra Vista, Cochise, AZ 85635.
Street City COUNTY State Zip

SECTION 8 Will this be stacked with a wine festival/craft distiller festival? ☐ Yes ☑ No

SECTION 9 Applicant must be a member of the qualifying organization and authorized by an Officer, Director or Chairperson of the Organization named in Section 1. (Authorizing signature is required in Section 13.)

1. Applicant: Hostor (Last) Stephen (First) T (Middle) 2/29/1956 (Date of Birth)
2. Applicant's mailing address: 5000 E. Mediterranean Dr, Ste A. Sierra Vista AZ 85635
Street City State Zip
3. Applicant's home/cell phone: (602) 593-1203 Applicant's business phone: (520) 459-9988
4. Applicant's email address: strhester@yahoo.com

Individuals requiring ADA accommodations call (602)542-9027.

SECTION 10

1. Has the applicant been convicted of a felony, or had a liquor license revoked within the last five (5) years?
☐ Yes ☑ No **(If yes, attach explanation.)**

2. How many special event licenses have been issued to this location this year? —
(The number cannot exceed 12 events per year; exceptions under A.R.S. §4-203.02(D).)

3. Is the organization using the services of a promoter or other person to manage the event? ☐ Yes ☑ No
(If yes, attach a copy of the agreement.)

4. List all people and organizations who will receive the proceeds. Account for 100% of the proceeds. The organization applying must receive 25% of the gross revenues of the special event liquor sales. Attach an additional page if necessary.

Name Rotary of Sierra Vista Foundation Percentage: 100%

Address 2770 St. Andrews Dr. (Street) Sierra Vista (City) AZ (State) 85650 (Zip)

Name _____ Percentage: _____

Address _____ (Street) _____ (City) _____ (State) _____ (Zip)

5. Please read A.R.S. § 4-203.02 Special event license; rules and R19-1-205 Requirements for a Special Event License.

Note: ALL ALCOHOLIC BEVERAGE SALES MUST BE FOR CONSUMPTION AT THE EVENT SITE ONLY.
"NO ALCOHOLIC BEVERAGES SHALL LEAVE SPECIAL EVENT UNLESS THEY ARE IN AUCTION SEALED CONTAINERS OR THE SPECIAL EVENT LICENSE IS STACKED WITH WINE /CRAFT DISTILLERY FESTIVAL LICENSE"

6. What type of security and control measures will you take to prevent violations of liquor laws at this event?
(List type and number of police/security personnel and type of fencing or control barriers, if applicable.)

_____ Number of Police _____ Number of Security Personnel ☑ Fencing ☐ Barriers

Explanation: Three access gates to Fenced in area. Each gate will be manned with security personnel as well as Sierra Vista police officers patrolling by foot within the Fenced in area. Security personnel will be in contact with each other through portable radios.

SECTION 11 Dates and Hours of Event. Days must be consecutive but may not exceed 10 consecutive days.
See A.R.S. § 4-244(15) and (17) for legal hours of service.

PLEASE FILL OUT A SEPARATE APPLICATION FOR EACH "NON-CONSECUTIVE" DAY

	Date	Day of Week	Event Start Time AM/PM	License End Time AM/PM
DAY 1:	7/3/2016	Sunday	5:00 PM	11:00 PM
DAY 2:	7/4/2016	Monday	10:00 AM	11:00 PM
DAY 3:				
DAY 4:				
DAY 5:				
DAY 6:				
DAY 7:				
DAY 8:				
DAY 9:				
DAY 10:				

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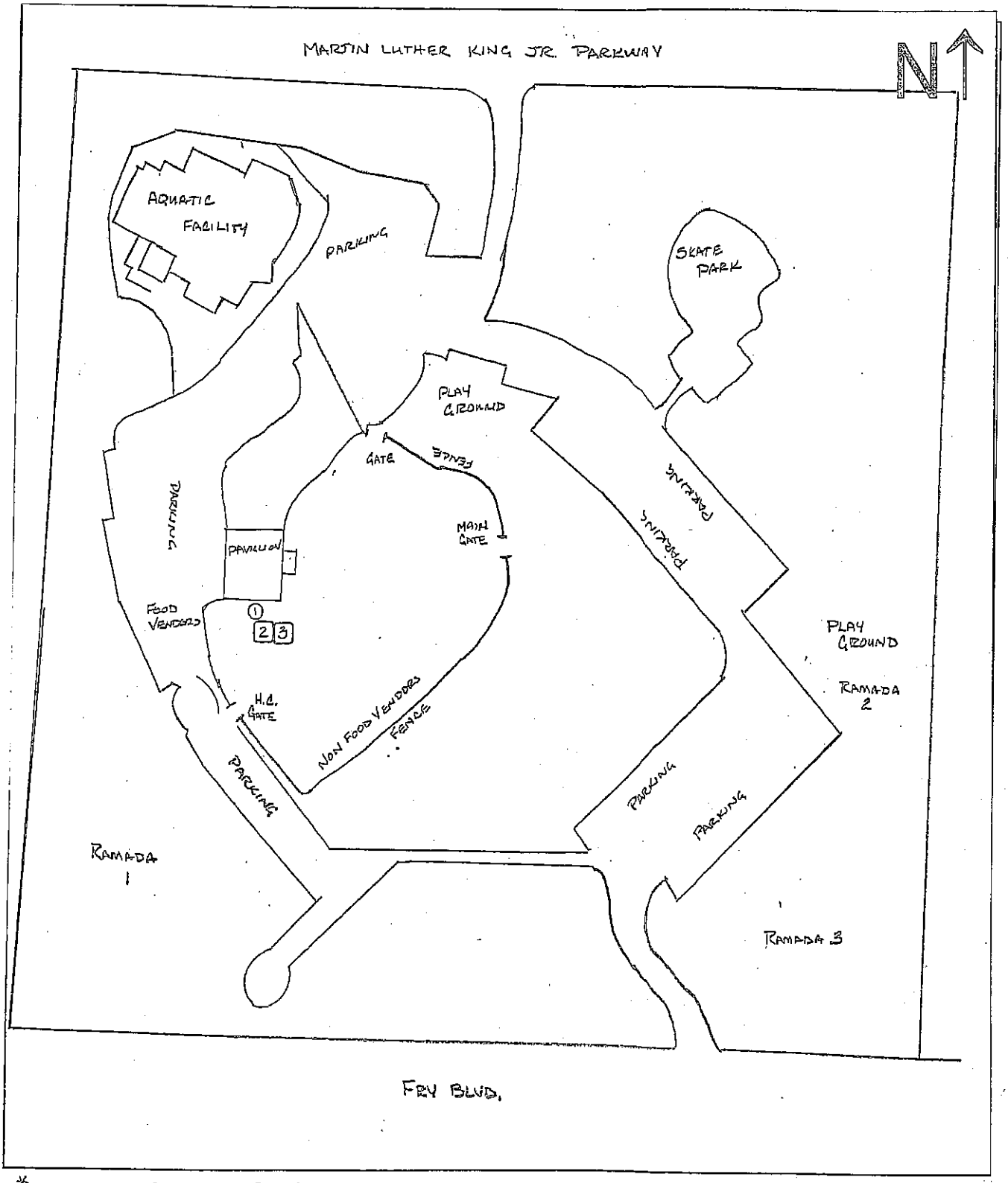
SECTION 12 License premises diagram. The licensed premises for your special event is the area in which you are authorized to sell, dispense or serve alcoholic beverages under the provisions of yaur license. The following space is to be used to prepare a diagram of your special event licensed premises. Please show dimensions, serving areas, fencing, barricades, or other control measures and security position.



* 2 SECURITY PERSONNEL PER GATE

3/1 * 3 GATES

1 - BEER TRAILER

2 - BEER TENT (DISTRIBUTION), 10' X 20'

3 - ID. CHECK 10' X 10' TENT

SECTION 13 **To be completed only by an Officer, Director or Chairperson of the organization named in Section 1.**

I, (Print Full Name) Stephen T. Hester declare that I am an Officer, Director or Chairperson of the organization filing this application as listed in Section 9. I have read the application and the contents and all statements are true, correct and complete.

X Signature | Chairperson Title/ Position | 4/20/15 Date | 520-452-9988 Phone Number

The foregoing instrument was acknowledged before me this 20 Day April Month 2016 Year

State Arizona County of Cochise

My Commission Expires on: Aug 9, 2017 Date

Barbara Jo Cayer Signature of Notary Public

OFFICIAL SEAL
BARBARA JO CAYER
Notary Public - Arizona
COCHISE COUNTY
My Commission Expires
AUGUST 9, 2017

SECTION 14 **This section is to be completed only by the applicant named in Section 9.**

I, (Print Full Name) Stephen T. Hester declare that I am the APPLICANT filing this application as listed in Section 9. I have read the application and the contents and all statements are true, correct and complete.

X Signature | chairperson Title/ Position | 4/20/16 Date | 520-452-9988 Phone Number

The foregoing instrument was acknowledged before me this 20 Day April Month 2016 Year

State Arizona County of Cochise

My Commission Expires on: Aug 9, 2017 Date

Barbara Jo Cayer Signature of Notary Public

OFFICIAL SEAL
BARBARA JO CAYER
Notary Public - Arizona
COCHISE COUNTY
My Commission Expires
AUGUST 9, 2017

Please contact the local governing board for additional application requirements and submission deadlines. Additional licensing fees may also be required before approval may be granted. For more information, please contact your local jurisdiction: http://www.azliquor.gov/assets/documents/homepage_docs/spec_event_links.pdf.

SECTION 15 **Local Governing Body Approval Section.**

I, Jill Adams (Government Official) City Clerk (Title) recommend ☒ APPROVAL ☐ DISAPPROVAL

On behalf of Sierra Vista (City, Town, County) Jill Adams Signature 5/13/16 Date 520-236-6133 Phone

SECTION 16 **For Department of Liquor Licenses and Control use only.**

☐ APPROVAL ☐ DISAPPROVAL BY: _____ DATE: ____/____/____

A.R.S. § 41-1030. **Invalidity of rules not made according to this chapter; prohibited agency action; prohibited acts by state employees; enforcement; notice**

B. An agency shall not base a licensing decision in whole or in part on a licensing requirement or condition that is not specifically authorized by statute, rule or state tribal gaming compact. A general grant of authority in statute does not constitute a basis for imposing a licensing requirement or condition unless a rule is made pursuant to that general grant of authority that specifically authorizes the requirement or condition.

D. THIS SECTION MAY BE ENFORCED IN A PRIVATE CIVIL ACTION AND RELIEF MAY BE AWARDED AGAINST THE STATE. THE COURT MAY AWARD REASONABLE ATTORNEY FEES, DAMAGES AND ALL FEES ASSOCIATED WITH THE LICENSE APPLICATION TO A PARTY THAT PREVAILS IN AN ACTION AGAINST THE STATE FOR A VIOLATION OF THIS SECTION.

E. A STATE EMPLOYEE MAY NOT INTENTIONALLY OR KNOWINGLY VIOLATE THIS SECTION. A VIOLATION OF THIS SECTION IS CAUSE FOR DISCIPLINARY ACTION OR DISMISSAL PURSUANT TO THE AGENCY'S ADOPTED PERSONNEL POLICY.

F. THIS SECTION DOES NOT ABROGATE THE IMMUNITY PROVIDED BY SECTION 12-820.01 OR 12-820.02.

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