

City of Las Cruces[®]

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 4 Ordinance/Resolution# 14-052

For Meeting of _____
(Ordinance First Reading Date)

For Meeting of September 16, 2013
(Adoption Date)

Please check box that applies to this item:

QUASI JUDICIAL LEGISLATIVE ADMINISTRATIVE

TITLE: A RESOLUTION AUTHORIZING THE SOUTHWEST ENVIRONMENTAL CENTER TO CONTINUE WITH THE PERMITTING PROCESS TO ALLOW FOR THE SALE AND CONSUMPTION OF BEER WITHIN A RESTRICTED AND SECURED AREA DURING ITS ANNUAL FUNDRAISER IN AND AROUND 275 NORTH MAIN STREET ON SATURDAY, OCTOBER 5, 2013 FROM 5:00 P.M. TO 10:00 P.M.

PURPOSE(S) OF ACTION:

To authorize continuation of the permitting process.

COUNCIL DISTRICT: 1		
<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:

The Southwest Environmental Center ("Center") will hold its annual gala fundraiser on Saturday, October 5, 2013. The Center is requesting approval to sell beer for consumption within a restricted and secured area in and around 275 North Main Street.

Approval by the City Council is required prior to the submission of the Public Celebration Permit Application to the Alcohol and Gaming Division of the Regulation and Licensing Department of the State of New Mexico ("Alcohol and Gaming"). Final approval by Alcohol and Gaming would allow beer to be sold within the restricted and secured area between 5:00 p.m. and 10:00 p.m. during the fundraiser.

The authorization of the Public Celebration 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 only.

SUPPORT INFORMATION:

1. Resolution.

(Continue on additional sheets as required)

2. Exhibit "A". Public Celebration Permit Application, High Desert Brewing Company, License No. 6801.
3. Attachment "1". Map of area in and around 275 North Main Street.
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>1000-10180010-520002</u> in the amount of <u>\$50.00</u> for <u>FY14</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 for consumption within a restricted and secured area in and around 275 North Main Street during the Southwest Environmental Center's annual gala fundraiser on October 5, 2013. Approval will allow Alcohol and Gaming to continue with the permitting process.
2. Vote "No"; this will mean that no beer will be served during the Southwest Environmental Center's annual gala fundraiser on October 5, 2013. The Alcohol and Gaming Director may issue the Public Celebration Permit for the annual gala provided that the City Council has given written approval for the permitting process to continue.

3. Vote to "Amend"; this could include such items as changing the time that 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 being sold at the annual gala.

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.

RESOLUTION NO. 14-052

A RESOLUTION AUTHORIZING THE SOUTHWEST ENVIRONMENTAL CENTER TO CONTINUE WITH THE PERMITTING PROCESS TO ALLOW FOR THE SALE AND CONSUMPTION OF BEER WITHIN A RESTRICTED AND SECURED AREA DURING ITS ANNUAL FUNDRAISER IN AND AROUND 275 NORTH MAIN STREET ON SATURDAY, OCTOBER 5, 2013 FROM 5:00 P.M. TO 10:00 P.M.

The City Council is informed that:

WHEREAS, the Southwest Environmental Center ("Center") will hold its annual gala fundraiser on Saturday, October 5, 2013; and

WHEREAS, the Center is requesting approval to offer beer for sale and consumption at the annual gala; and

WHEREAS, approval by the City Council is required prior to submission of the Public Celebration 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 beer to be sold for consumption within a restricted and secured area during the annual gala; and

WHEREAS, approval of the Public Celebration 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 the Southwest Environmental Center is hereby authorized to continue with the permitting process for the Public Celebration Permit Application, attached hereto as

Exhibit "A", to allow beer to be sold for consumption within a restricted and secured area between 5:00 p.m. and 10:00 p.m. during the annual gala.

(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 _____, 2013.

APPROVED:

Mayor

ATTEST:

City Clerk

(SEAL)

VOTE:

Mayor Miyagishima: _____
Councillor Silva: _____
Councillor Smith: _____
Councillor Pedroza: _____
Councillor Small: _____
Councillor Sorg: _____
Councillor Thomas: _____

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:



City Attorney

ALCOHOL & GAMING DIVISION
PUBLIC CELEBRATION PERMIT APPLICATION WINEGROWER & SMALL BREWER LICENSE HOLDERS
(60-6A-11 / 60-6A-26.1 NMSA)
FEES ARE \$10 PER DAY -- Fees are Non-Refundable

LICENSE HOLDER INFORMATION:

Business Name (DBA) HIGH DESERT BREWING COMPANY Owner Name HIGH DESERT BEVERAGE CO. INC. License Number 6801
Street Address: 1201 W HADLEY AVENUE City, State & Zip LAS CRUCES, NM 88001 County DOÑA ANA
Phone Number: 575-525-6752 Fax number 575-647-8033

EVENT INFORMATION: Celebration type: State Fair County Fair Community Fiesta Cultural/Artistic Performance

Date(s) of Celebration SATURDAY 5 OCT 2013 Begin Time 5 PM End Time 10 PM
Description of Celebration: FUND RAISER EVENT w/ FOOD & ENTERTAINMENT to support the SW ENVIRONMENTAL CENTER
Number of Security to be Provided 4 Company Name SECURITY CONCEPTS & HD BC Number of Guests Expected 300
Contact Name & Number KELLY COVERT 575-642-0339
Physical Address of Event 225 MAIN STREET, DOWNTOWN MALL City LAS CRUCES, NM 88001 County DOÑA ANA

SPONSOR OF EVENT: Name of Organization/Person Sponsoring Celebration

SPITHWEST ENVIRONMENTAL CENTER
Contact Name Kelly Covert Title Event Planner Date 9/2/13 Signature [Signature] Phone 575-642-0339

LICENSE HOLDER CERTIFICATION:

I ROBERTA GOSSELIN (Licensee) hereby certify that this event is not within 300ft. 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 are server certified and that ALL information in this application is true and correct. Licensee Signature: [Signature] Date 6 Sept 13

Subscribed and Sworn To Before Me This 6th day of Sept, 2013 Notary Public [Signature] Date Aug 18 2015



BUILDING OWNER APPROVAL:

Contact Name (print) MAFIA ANNE GILLESPIE Facility Name Zia Trust, Inc. Southern New Mexico 8122113 Signature [Signature] Phone 800-996-9000
4131 Camino Coyote Ste. A
Las Cruces, NM 88011

LOCAL GOVERNING BODY APPROVAL

Print Name _____ Title _____ Date _____ Signature _____
Phone _____ Fax _____

Alcohol and Gaming Division Use Only

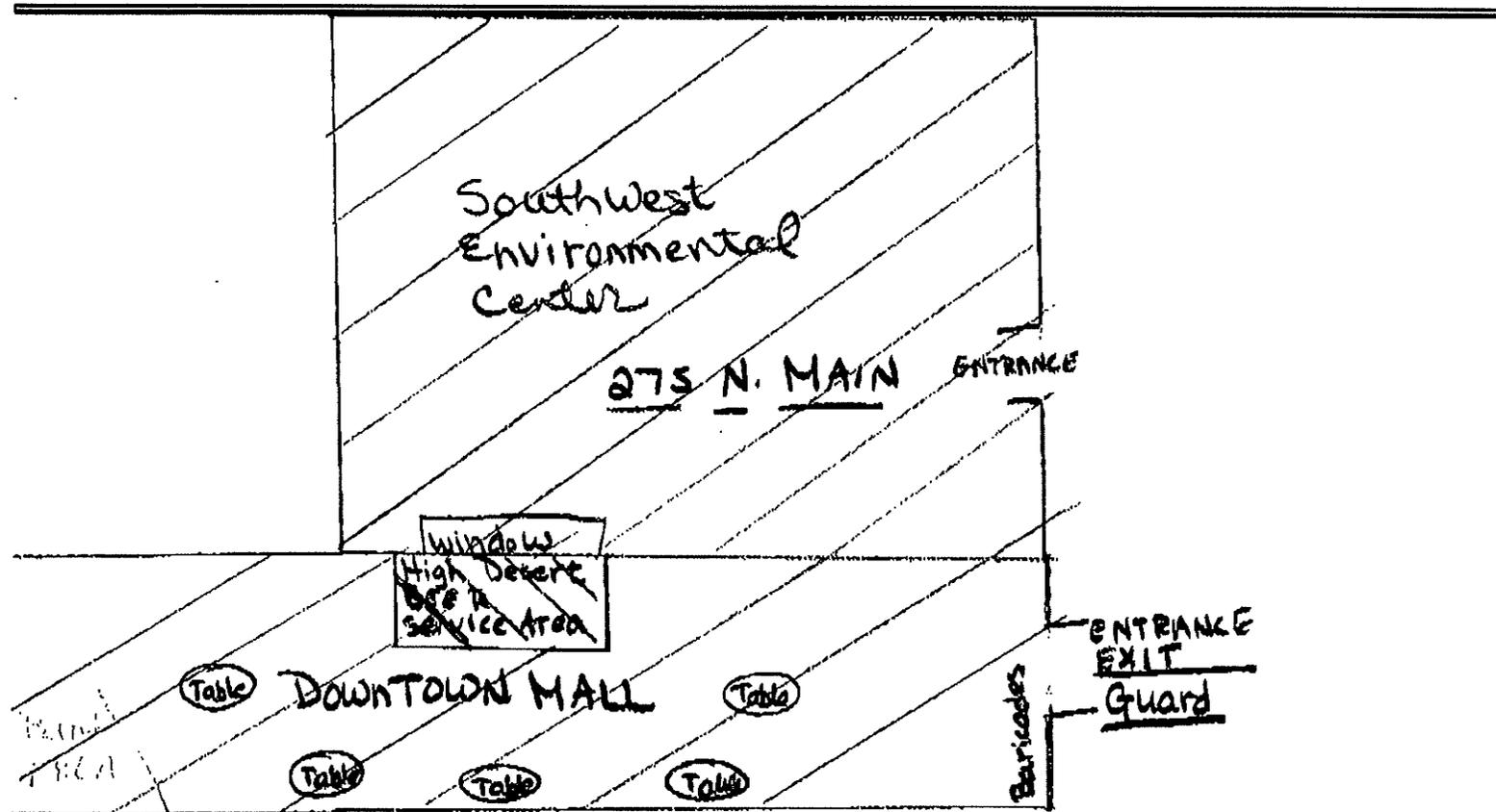
Approved By: _____ Date: _____ Permit Number _____

Southwest Environmental Center

Saturday, October 5, 2013

5:00pm-10:00pm

1. There will be a guard at the entrance/exit at all times. The guard will be checking ID's and issuing bracelets. The guard will also prevent removal by the drink of any alcohol.
2. The guard and servers will prevent passage of alcoholic beverages across the barrier fence and respond to any potential disturbance.
3. The lined area(hatched) inside and outside the building is unrestricted, the cross-hatched area around the alcohol serving area is restricted.



July 1, 2013~June 30, 2014

LIQUOR LICENSE NUMBER		OWNER NAME		DBA NAME	
6801		High Desert Brewing Company		High Desert Brewing Company	

Server Permit #	Last Name	First Name	SS#	DOB	HIRE DATE	TERMINATION DATE	SERVER EXPIRATION DATE
32589	Gosselin	Robert				N/A	6/8/2016
43172	Schack	Eric				N/A	10/17/2017
49454	Almarez	Donna				N/A	Tested 6/1/2013-100%
91307	Romero	Rudy				N/A	5/11/2016
92623	Costilow	Amber				N/A	12/20/2015
153396	Hauptmann	Benjamin				N/A	7/11/2014
162289	Costilow	Raven				N/A	2/5/2015
181875	Cepeda	Cory				N/A	6/25/2016
201850	Tutor	Tabitha				N/A	Tested 6/22/2013-94%
211210	Lowther	Matthew				N/A	7/3/2013
213777	Costilow	Lianne				N/A	8/19/2013
215329	Williams	Nathaniel				N/A	9/12/2013
223584	Morin	Daniel				N/A	2/18/2014
224282	Merle	Monett				N/A	3/11/2014
230468	Obregon	Andres				N/A	9/4/2014
258148	Hite	Maria				N/A	5/14/2016
258151	Knab	Abigail				N/A	5/14/2016
278399	Arrieta	Jonathan				N/A	9/15/2017
49696	Whitman	Christopher		1965	Special Events	8/5/2012	10/8/2014
93042	Kindrick	Lawrence		1968	Special Events	Special Events	5/2/2017
158769	Frary	Susan		1958	Special Events	Special Events	10/13/2015
214179	Stout	Michael		1953	Special Events	Special Events	8/22/2013
236149	Kindrick	Jill		1960	Special Events	Special Events	10/29/2014
238398	Kamat	Satish		1944	Special Events	Special Events	1/11/2015
241940	Denton	Drew		1981	Special Events	Special Events	5/7/2015