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City of Las Cruces[®]
 PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 4

Ordinance/Resolution# 14-070

For Meeting of _____
 (Ordinance First Reading Date)

For Meeting of October 21, 2013
 (Adoption Date)

Please check box that applies to this item:

QUASI JUDICIAL

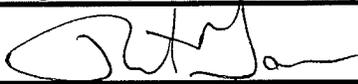
LEGISLATIVE

ADMINISTRATIVE

TITLE: A RESOLUTION AUTHORIZING ABBEY BREWING CO. TO CONTINUE WITH THE PERMITTING PROCESS TO ALLOW FOR THE SALE AND CONSUMPTION OF BEER WITHIN A RESTRICTED AND SECURED AREA DURING DIA DE LAS CERVEZAS, A CRAFT BEER, FOOD AND MUSIC EVENT SPONSORED BY THE NEW MEXICO BREWERS GUILD, TO BE HELD AT 100 NORTH WATER STREET ON SATURDAY, NOVEMBER 2, 2013 FROM 11:00 A.M. TO 5:00 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 New Mexico Brewers Guild will hold Dia de Las Cervezas, a craft beer, food and music event on November 2, 2013 at 100 North Water Street. Abbey Brewing Co. from Abiquiu, New Mexico is requesting approval to sell beer for consumption within a restricted and secured area during Dia de Las Cervezas.

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 Abbey Brewing Co. to sell beer within the restricted and secured area between 11:00 a.m. and 5:00 p.m. on November 2, 2013.

The authorization 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 places to areas approved by Alcohol and Gaming only.

(Continue on additional sheets as required)

SUPPORT INFORMATION:

1. Resolution.
2. Exhibit "A", Public Celebration Permit Application, Abbey Brewing Co., License No. 67007.
3. Attachment "1", Map of 100 North Water 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>\$25.00</u> for FY14.
	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 by Abbey Brewing Co., within a restricted and secured area, at 100 North Water Street during the Dia de Las Cervezas event on November 2, 2013. Approval will allow Alcohol and Gaming to continue with the permitting process.
2. Vote "No"; this will mean that Abbey Brewing Co. may not serve beer during Dia de Las Cervezas on November 2, 2013. The Alcohol and Gaming Director may issue the Public

(Continue on additional sheets as required)

Celebration Permit provided that the City Council has given written approval for the permitting process to continue.

3. Vote to "Amend"; this could include 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 by Abbey Brewing Co. during Dia de Las Cervezas.

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. 14-070

A RESOLUTION AUTHORIZING ABBEY BREWING CO. TO CONTINUE WITH THE PERMITTING PROCESS TO ALLOW FOR THE SALE AND CONSUMPTION OF BEER WITHIN A RESTRICTED AND SECURED AREA DURING DIA DE LAS CERVEZAS, A CRAFT BEER, FOOD AND MUSIC EVENT SPONSORED BY THE NEW MEXICO BREWERS GUILD, TO BE HELD AT 100 NORTH WATER STREET ON SATURDAY, NOVEMBER 2, 2013 FROM 11:00 A.M. TO 5:00 P.M.

The City Council is informed that:

WHEREAS, the New Mexico Brewers Guild is sponsoring Dia de Las Cervezas, a craft beer, food and music event on Saturday, November 2, 2013; and

WHEREAS, Abbey Brewing Co. from Abiquiu, New Mexico requests approval to sell beer for consumption within a restricted and secured area during Dia de Las Cervezas; 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 Abbey Brewing Co. to sell beer for consumption within a restricted and secured area during Dia de Las Cervezas; 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 Abbey Brewing Co. 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 11:00 a.m. and 5:00 p.m. on Saturday, November 2, 2013.

(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:

ATTEST:

Mayor

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

**COHOL & GAMING DIVISION
 PUBLIC CELEBRATION PERMIT APPLICATION WINEGROWER, SMALL BREWER & CRAFT DISTILLER LICENSE HOLDERS
 -6A-11 / 60-6A-26.1 NMSA
 FEES ARE \$10 PER DAY - Fees are Non-Refundable**

LICENSE HOLDER INFORMATION:

Business Name (DBA) Assey Brewing Co Owner Name Assey Brewing Company, LLC License Number _____
 Street Address: 1305 Forest Service Rd #151 City, State & Zip Albuquerque, NM 87110 County Rio Arriba

Phone Number: 505-670-6802 Fax number 505-629-1566

EVENT INFORMATION: Celebration type: State Fair _____ County Fair _____ Community Fiesta Cultural/Artistic Performance _____
 Date(s) of Celebration Nov 2nd Begin Time 11:00 AM End Time 5:00 PM

Description of Celebration: Di de las Cervezas - Craft Beer, Food & Music event Number of Guests Expected 1500

Number of Security to be Provided 15 Company Name Security Concepts

Contact Name & Number Mike Gonzales (575) 506-4157

Street Address of Event Packing Lot @ 100 Church St. City Las Lunas County Dona Ana

ENDORSOR OF EVENT: Name of Organization/Person Sponsoring Celebration New Mexico Brewers Guild
 Contact Name Christopher Goblet Title Exec Dir Date Sep 17, 2013 Signature Christopher P. Goblet Phone 505-660-2137

LICENSE HOLDER CERTIFICATION:

Bernarey Trachant (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, 2013. 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 alcoholic beverages in this application is true and correct. Licensee Signature: Bernarey Trachant Date 9/17/13

To Before Me This 15th day of SEPT 2013, Notary Public Karl N. Roman Exp 3-11-15

APPROVAL

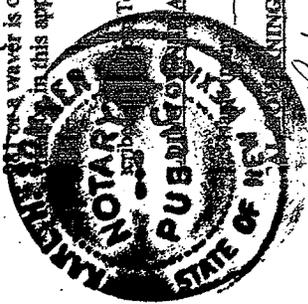
Robert Garza Facility Name 100 N. Water Date _____ Signature _____ Phone 541-2076

LOCAL GOVERNING BODY APPROVAL

Name Robert Garza Title City Manager Date _____ Signature _____ Phone 541-2076 Fax 541-2119

Alcohol and Gaming Division Use Only

Approved By: _____ Date: _____ Permit Number _____
 New Mexico Regulation and Licensing Department Alcohol & Gaming Division Rev. date: 03/2013



VIA DE LAS CERVESAS

PROJECT TITLE
RE-STRIPING PLAN

SCALE
1:20

DESIGNED BY
11/12/12

SHEET NO.

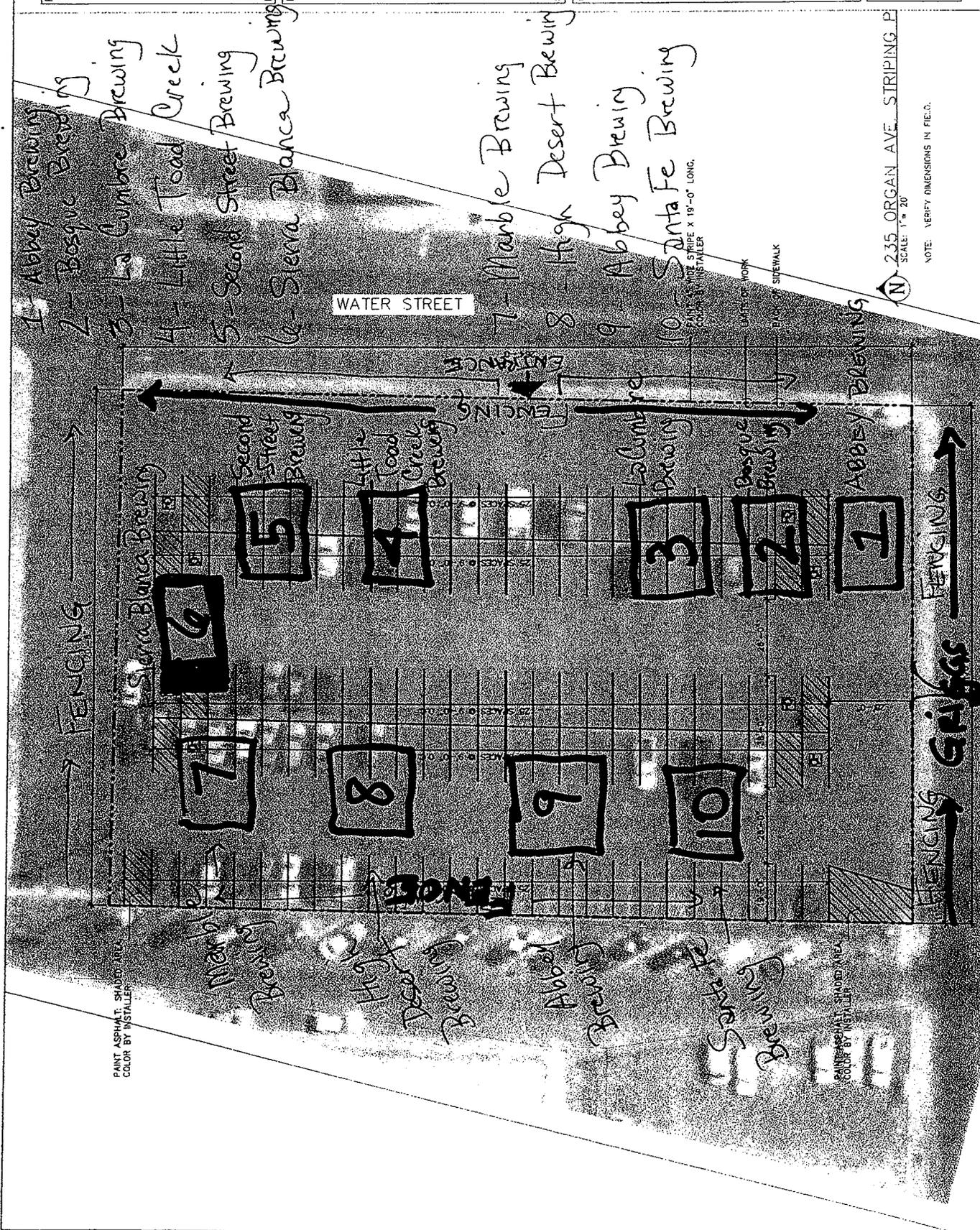
PROJECT ADDRESS
235 E. ORGAN AVE.
LAS CRUCES, NEW MEXICO

CITY OF LAS CRUCES
FACILITIES DEPARTMENT
Project Management Section
1501 E. HADLEY AVENUE
LAS CRUCES, NM 88004
PH: 505.541.2502
FX: 505.541.2904



DRAWING NO.
A-01

SHEET
SHEET 1



235 ORGAN AVE STRIPING P
SCALE: 1" = 20'

NOTE: VERIFY DIMENSIONS IN FIELD.

Liquor License Number 67007 Abbey Brewing Co.

Server Permit Number	Last Name	First Name	Permit Expiration Date
23904	Merchant	Berkeley	10/01/2014
260371	Jahner	Robert	06/24/2016
267672	Steinbach	James	01/06/2017
276868	Leisy	Richard	08/14/2017
276781	Vu	Tung Duc	08/10/2017