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**City of Las Cruces**<sup>®</sup>  
 PEOPLE HELPING PEOPLE

**Council Action and Executive Summary**

Item # 8 Ordinance/Resolution# 14-074

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 LITTLE TOAD CREEK BREWERY 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.

<b>COUNCIL DISTRICT: 1</b>		
<b><u>Drafter/Staff Contact:</u></b> Monica Campbell	<b><u>Department/Section:</u></b> Legal/City Attorney	<b><u>Phone:</u></b> 541-2128
<b><u>City Manager Signature:</u></b>		

**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. Little Toad Creek Brewery from Mimbres, 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 Little Toad Creek Brewery 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, Little Toad Creek Brewery, License No. 67021.
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
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**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 Little Toad Creek Brewery, 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 Little Toad Creek Brewery may not serve beer during Dia de Las Cervezas on November 2, 2013. The Alcohol and Gaming Director may issue the

(Continue on additional sheets as required)

Public 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 Little Toad Creek Brewery 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. 14-074

A RESOLUTION AUTHORIZING LITTLE TOAD CREEK BREWERY 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**, Little Toad Creek Brewery from Mimbres, 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 Little Toad Creek Brewery 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 Little Toad Creek Brewery 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

**ALCOHOL & GAMING DIVISION  
PUBLIC CELEBRATION PERMIT APPLICATION WINEGROWER, SMALL BREWER & CRAFT DISTILLER 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) Little Toad Creek Brewery Owner Name Little Toad Creek LLC License Number 67021 - Small Brewer  
Street Address: 1122 Hwy 35 City, State & Zip Mimbres, NM 88049 County Grant  
Phone Number: 575-536-9049 Fax number teresa.mdb@qad.com

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

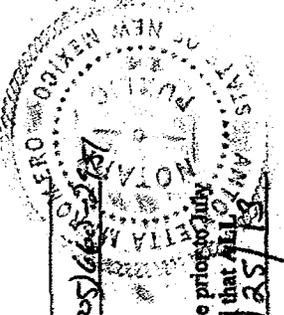
Event(s) of Celebration: Nov 2nd Begin Time 11:00 AM End Time 5:00 PM  
Description of Celebration: Piñata Las Cerezas Craft Beer, Food & Music event Number of Guests Expected 1500  
Number of Security to be Provided: 15 Company Name Security Concepts (575) 506-4151

Contact Name & Number: Mike Gonzales  
Physical Address of Event: Edging Lot @ 100 Church St. City Las Cruces County Dona Ana

**SPONSOR OF EVENT:** Name of Organization/Person Sponsoring Celebration

New Mexico Brewers Guild

Contact Name: Christopher Cobblet Title Exec. Dir. Date Sept 13, 2013 Signature Chris P Cobblet Phone 650-663-2287



**LICENSE HOLDER CERTIFICATION:**

I, Teresa Dahl - Birthdate (Licensee) hereby certify that this event is not within 300ft. of a church or school unless alcoholic beverages were sold there prior to July 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 9/25/13

scribed and Sworn To Before Me This 25 day of September, 2013, Notary Public

Antonio M. Romero Notary information

Exp 3/12/2017

**LEASING OWNER APPROVAL:**

Contact Name (print) Robert Garza Facility Name 100 N. Water Date 9/25/13 Signature [Signature] Phone 541-2076

**CITY GOVERNING BODY APPROVAL:**

Contact Name Robert Garza Title City Manager Date 9/25/13 Signature [Signature] Phone 541-2076 Fax 541-2119

**APPROVED BY:**

Approved By: [Signature] Date: 9/25/13 Permit Number 67021  
New Mexico Regulation and Licensing Department Alcohol & Gaming Division Rev. date: 03/2013



LIST OF ALCOHOL SERVERS

LIQUOR LICENSE # 63004

LITTLE TOAD CREEK LLC

DBA LITTLE TOAD CREEK DISTILLERY

Server Permit #	Last Name	First Name	SS #	DOB	Hire Date	Terminate	permit expires
49995	Dahl-Bredine	Teresa	[REDACTED]	[REDACTED]	1/1/12		12/21/15
268286	Crosley	David	[REDACTED]	[REDACTED]	1/1/12		1/25/17
272241	Jamison	Esther	[REDACTED]	[REDACTED]	7/5/12		4/30/17
202402	Sullivan-Bryorick	Timothy	[REDACTED]	[REDACTED]	2/15/13		2/20/18
273344	Crockett	Jamie	[REDACTED]	[REDACTED]	5/12/13		5/22/17
3948	Romo	Shelli	[REDACTED]	[REDACTED]	4/21/12		6/28/15
	McConaha	Mandolin	[REDACTED]	[REDACTED]	3/1/13		6/13/13
	Evans	Darrell	[REDACTED]	[REDACTED]	3/31/13		6/13/13
	Harper	Tyrel	[REDACTED]	[REDACTED]	3/31/13		6/13/13
	Miller	Marilyn	[REDACTED]	[REDACTED]	5/4/13		8/1/13
	Miller	Dennis	[REDACTED]	[REDACTED]	5/4/13		8/3/13

pending  
pending  
pending  
pending  
pending