

City of Las Cruces®

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 9

Ordinance/Resolution# 14-075

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

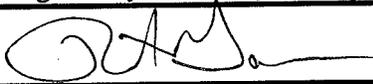
LEGISLATIVE

ADMINISTRATIVE

TITLE: A RESOLUTION AUTHORIZING MARBLE 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.

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. Marble Brewery from Albuquerque, 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 Marble 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.

SUPPORT INFORMATION:

1. Resolution.
2. Exhibit "A", Public Celebration Permit Application, Marble Brewery, License No. 6794.
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 Marble 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 Marble Brewery may not serve beer during Dia de Las Cervezas on November 2, 2013. The Alcohol and Gaming Director may issue the Public Celebration Permit provided that the City Council has given written approval for the permitting process to continue.

(Continue on additional sheets as required)

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 Marble 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. 14-075

A RESOLUTION AUTHORIZING MARBLE 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, Marble Brewery from Albuquerque, 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 Marble 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 Marble 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

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) MARBLE BREWERY Owner Name MARBLE BREWERY, INC License Number 466794
Street Address: 111 MARBLE AVE NW City, State & Zip ASHE, NM 87002 County BELEN/MUNICIPAL
Phone Number: 505 243-2739 Fax number 505 242-1225

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: DIA DE LAS CERVEZAS - CRAFT BEER, FOOD, MUSIC EVENT
Number of Security to be Provided 15 Company Name SECURITY CONCEPTS Number of Guests Expected 1500

Contact Name & Number MIFE GONZALES (575) 526-4151
Physical Address of Event 106 N. Wilcox / Corner of Gigas & Water Street - City LAS CERVEZAS County DONA ANA

SPONSOR OF EVENT: Name of Organization/Person Sponsoring Celebration New Mexico Brewers Guild
Contact Name John Gonzalez Title President Date 9/13 Signature [Signature] Phone (505) 660-7423

LICENSE HOLDER CERTIFICATION:

I, John Gonzalez (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 8/13

Subscribed and Sworn To Before Me This 19th day of August, 2013. Notary Information [Signature] Exp 3-29-14

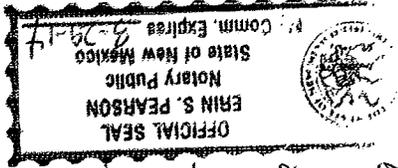
BUILDING OWNER APPROVAL:

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

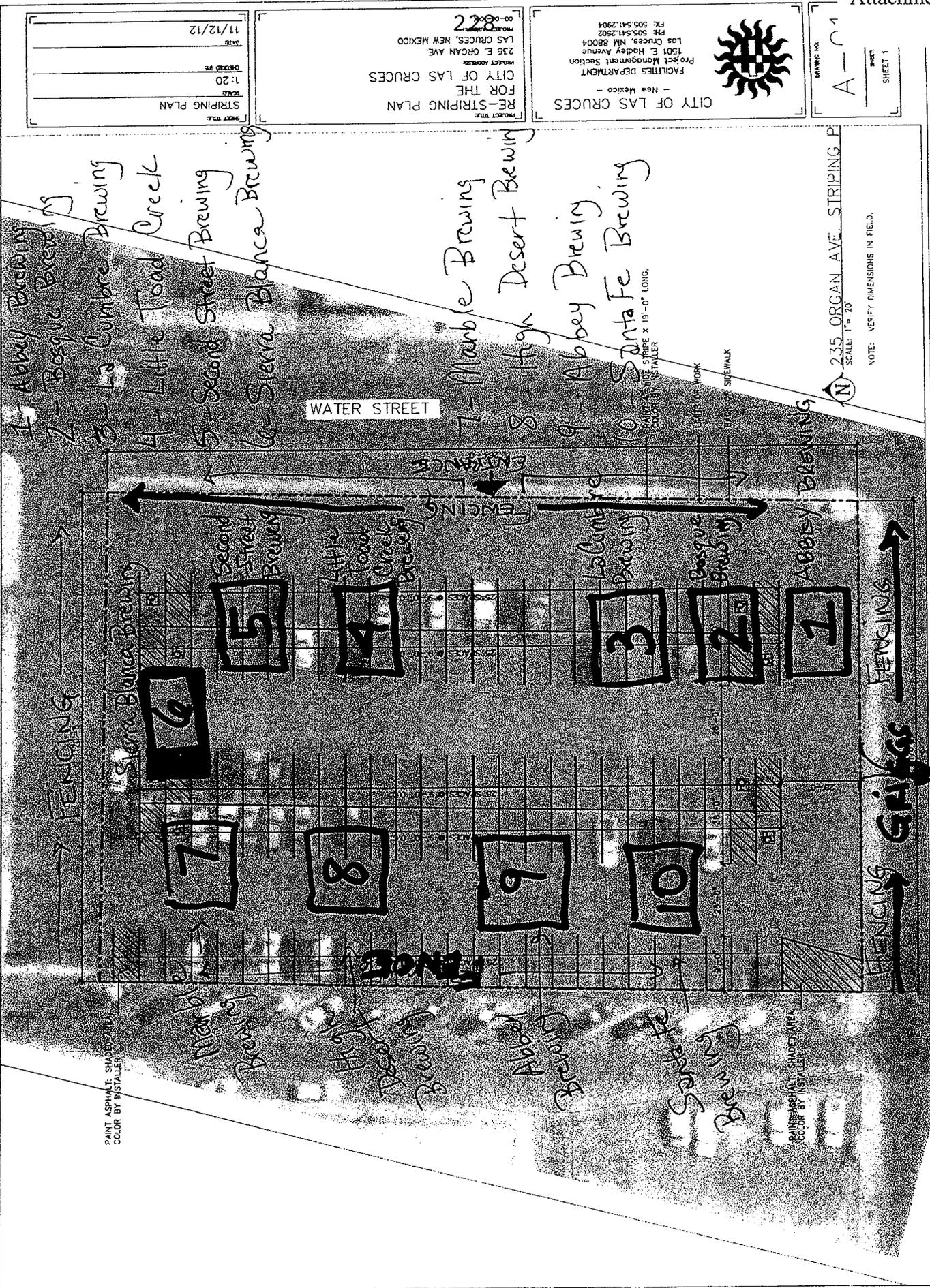
LOCAL GOVERNING BODY APPROVAL:

Print Name Robert Garza Title City Manager Date [Signature] Signature [Signature] Phone 541-2076 Fax 541-2019

Alcohol and Gaming Division Use Only
Approved By: _____ Date: _____ Permit Number _____



VIA DE LAS CERVESAS



PAINT ASPHALT SHADING COLOR BY INSTALLER

PAINT ASPHALT SHADING COLOR BY INSTALLER

PROJECT TITLE: STRIPING PLAN
 SCALE: 1:20
 DRAWN BY:
 DATE: 11/12/12

PROJECT TITLE: RE-STRIPING PLAN FOR THE CITY OF LAS CRUCES
 PROJECT ADDRESS: 235 E ORGAN AVE. LAS CRUCES, NEW MEXICO 88004
 PHONE: 505.541.2502
 FAX: 505.541.2504

CITY OF LAS CRUCES
 FACILITIES DEPARTMENT
 Project Management Section
 1501 E Hadley Avenue
 Las Cruces, NM 88004
 PHONE: 505.541.2502
 FAX: 505.541.2504

DRAWING NO: A-01
 SHEET: SHEET 1

235 ORGAN AVE. STRIPING PROJECT
 SCALE: 1" = 20'
 NOTE: VERIFY DIMENSIONS IN FIELD.



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Marble Brewery Employee Event List Small Brewers License # 6794

Alcohol Cert.	Name	Exp Date
246748	Bays, Aaron M.	9/7/15
142316	Bell, Courtney E.	4/8/15
277198	Brown, Peter	8/18/17
268037	Byars, Amber	1/19/17
204725	Cavanaugh, Patrick J.	5/30/18
237741	Fitzpatrick, Jason	12/14/14
113517	Gonzalez, Barbara	3/4/18
12695	Gozigian, John E.	2/24/16
275797	Grissom, Daniel	7/15/17
18508	Hoffman, Paul A.	2/22/15
90244	Jinnett, Jeffrey D.	1/12/16
185705	Jinno, Mariko Rose	8/19/16
262582	Kornke, Anna M.	8/25/16
261110	Krosche, Andrew J.	10/13/16
201095	Lavalley, Robin C.	11/6/17
230220	Luepke, Joanne K.	9/2/14
276788	Martinez, Wayne	8/6/17
148517	McCracken, Shanna C	4/10/14
243324	Morales, Joshua	6/17/15
158918	Olguin, Cassandra L.	6/4/17
146675	Oliphant, Edward T.	4/20/14
277849	Pautz, Lee Ann	8/13/17
246039	Pichardo, Justin	8/25/15
276310	Pyles, Amberley E	7/27/17
200661	Reynolds, Rachel	11/1/16
75480	Rice, Theodore G.	2/1/15
106044	Romero, Xavier	8/14/16
247409	Rudeen, Kyle R.	9/16/15
182622	Soldow, Caroline	2/18/17
183755	Stuber, Cameron W	7/18/16
82084	Svetnicka, Justin J	10/14/15
225375	Trujillo, Joshua D.	4/30/14
242028	Wollum, Carla	5/9/15