

City of Las Cruces¹²⁷
PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 4

Ordinance/Resolution# 14-089

For Meeting of _____
 (Ordinance First Reading Date)

For Meeting of November 18, 2013
 (Adoption Date)

Please check box that applies to this item:

QUASI JUDICIAL

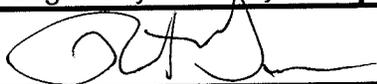
LEGISLATIVE

ADMINISTRATIVE

TITLE: A RESOLUTION AUTHORIZING HIGH DESERT BREWING COMPANY TO CONTINUE WITH THE PERMITTING PROCESS TO ALLOW FOR THE SALE AND CONSUMPTION OF BEER WITHIN A RESTRICTED AND SECURED AREA DURING WINTERFEST, AN EVENT SPONSORED BY THE FARMERS MARKET OF NEW MEXICO, TO BE HELD AT LA PLACITA, 145 NORTH MAIN STREET, FROM 5:00 P.M. TO 10:00 P.M. ON FRIDAY, DECEMBER 6, 2013.

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 Farmers Market of New Mexico will hold a WinterFest event from 5:00 p.m. to 10:00 p.m. on Friday, December 6, 2013 at La Placita, 145 North Main Street. High Desert Brewing Company is requesting approval to sell beer for consumption within a restricted and secured area during WinterFest.

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 High Desert Brewing Company to sell beer within the restricted and secured area between 5:00 p.m. and 10:00 p.m. on December 6, 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, High Desert Brewing Company, License No. 6801.
3. Attachment "1", Map showing the restricted and secured area for beer service at 145 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>\$25.00</u> for FY <u>14</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 by High Desert Brewing Company, within a restricted and secured area, at 145 North Main Street during WinterFest on Friday, December 6, 2103. Approval will allow Alcohol and Gaming to continue with the permitting process.
2. Vote "No"; this will mean that High Desert Brewing Company may not serve beer during WinterFest on December 6, 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 High Desert Brewing Company during WinterFest.

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. 14-089

A RESOLUTION AUTHORIZING HIGH DESERT BREWING COMPANY TO CONTINUE WITH THE PERMITTING PROCESS TO ALLOW FOR THE SALE AND CONSUMPTION OF BEER WITHIN A RESTRICTED AND SECURED AREA DURING WINTERFEST, AN EVENT SPONSORED BY THE FARMERS MARKET OF NEW MEXICO, TO BE HELD AT LA PLACITA, 145 NORTH MAIN STREET, FROM 5:00 P.M. TO 10:00 P.M. ON FRIDAY, DECEMBER 6, 2013.

The City Council is informed that:

WHEREAS, the Farmers Market of New Mexico is the sponsor of WinterFest, an event to be held on Friday, December 6, 2013; and

WHEREAS, High Desert Brewing Company of Las Cruces, New Mexico requests approval to sell beer for consumption within a restricted and secured area during WinterFest; 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 High Desert Brewing Company to sell beer for consumption within a restricted and secured area during WinterFest; 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 High Desert Brewing Company 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. on Friday, December 6, 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 Levatino: _____

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) High Desert Brewing Company Owner Name HIGH DESERT BREWING Co. INC License Number 6801
Street Address: 1201 W. Hadley Ave City, State & Zip Las Cruces NM 88005 County Dona 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 December 6, 2013 Begin Time 5 pm End Time 10 pm

Description of Celebration: WinterFest
Number of Security to be Provided 2 Company Name High Desert Brewing Co. Number of Guests Expected 300
Contact Name & Number Monty Sarvo 575-993-6521
Physical Address of Event La Placita between 139 N MAIN St and 203 N MAIN St. City Las Cruces County Dona Ana

SPONSOR OF EVENT: Name of Organization/Person Sponsoring Celebration FARMERS MARKET OF NEW MEXICO
Contact Name Monty Sarvo Title MANAGER Date 10/31/2013 Signature Monty Sarvo Phone 575-993-6521

LICENSE HOLDER CERTIFICATION:

I, DIANA L. ALMARAZ (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 11/01/2013

Notary information
Subscribed and Sworn To Before Me This 1 day of November, 2013, Notary Public [Signature] Exp 5/13/17

BUILDING OWNER APPROVAL:

Contact Name (print) Robert Garza Facility Name La Placita Date 1-15 N. Main St. Signature _____ Phone 575-541-2076

LOCAL GOVERNING BODY APPROVAL

Print Name Robert Garza Title City Manager Date _____ Signature _____ Phone 575-541-2017 Fax 541-2017

Alcohol and Gaming Division Use Only

Approved By: _____ Date: _____ Permit Number _____
Page 2 of 2 New Mexico Regulation and Licensing Department Alcohol & Gaming Division Rev. date: 03/2013

APPROVED AS TO FORM:
[Signature]
CITY ATTORNEY

July 1, 2013-June 30, 2014

LIQUOR LICENSE NUMBER		OWNER NAME		DBA NAME			
6801	High Desert Brewing Company						
Server Permit #	Last Name	First Name	SS#	DOB	HIRE DATE	TERMINATION DATE	SERVER EXPIRATION DATE
32589	Gosselin	Robert			1/13/1994	N/A	6/8/2016
43172	Schack	Eric			7/20/2001	N/A	10/17/2017
49454	Almarez	Donna			1/1/1997	N/A	6/1/2018
91307	Romero	Rudy			1/16/2010	N/A	5/11/2016
92623	Costilow	Amber			5/3/2003	N/A	12/20/2015
153396	Hauptmann	Benjamin			10/10/2003	N/A	7/11/2014
162289	Costilow	Raven			6/5/2006	N/A	2/5/2015
181875	Cepeda	Cory			4/11/2013	N/A	6/25/2016
201850	Tutor	Tabitha			3/28/2012	N/A	6/22/2016
211210	Lowther	Matthew			4/21/2008	N/A	7/20/2016
213777	Costilow	Lianne			8/17/2005	N/A	8/19/2016
215329	Williams	Nathaniel			7/18/2010	N/A	Tested 10/16/2013-98%
223584	Morin	Daniel			11/7/2007	N/A	2/18/2014
224282	Merle	Monett			8/2/2012	N/A	3/11/2014
230468	Obregon	Andres			6/1/2001	N/A	9/4/2014
258148	Hite	Maria			5/29/2013	N/A	5/14/2016
258151	Knab	Abigail			9/2/2011	N/A	5/14/2016
278399	Arrieta	Jonathan			6/5/2012	N/A	9/15/2017
49696	Whitman	Christopher			Special Events	Special Events	10/8/2014
93042	Kindrick	Lawrence			Special Events	Special Events	5/2/2017
158769	Frary	Susan			Special Events	Special Events	10/13/2015
236149	Kindrick	Jill			Special Events	Special Events	10/29/2014
238398	Kamat	Satish			Special Events	Special Events	1/11/2015
241940	Denton	Drew			Special Events	Special Events	5/7/2015