

City of Las Cruces®

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 12 Ordinance/Resolution# 14-153

For Meeting of _____
(Ordinance First Reading Date)

For Meeting of April 7, 2014
(Adoption Date)

Please check box that applies to this item:

QUASI JUDICIAL

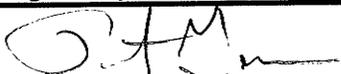
LEGISLATIVE

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 THE 2ND ANNUAL BLAZIN' BREW FEST, TO BE HELD ON MAIN STREET ON SATURDAY, MAY 3, 2014 FROM 4:00 P.M. TO 9:00 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 host the 2nd Annual Blazin' Brew Fest, a craft beer, food and music event on Main Street, Saturday, May 3, 2014. Abbey Brewing Co. from Abiquiu, New Mexico is requesting approval to sell beer for consumption within a restricted and secured area during the event.

Approval by the Las Cruces 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 4:00 p.m. and 9:00 p.m. on May 3, 2014.

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, Abbey Brewing Co., License No. 67007.
3. Attachment "1", Map of event area on 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 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 during the 2nd Annual Blazin' Brew Fest on Main Street, May 3, 2014. 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 Blazin' Brew Fest on May 3, 2014. The Alcohol and Gaming Director may issue the Public Celebration

(Continue on additional sheets as required)

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 the 2nd Annual Blazin' Brew Fest.

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. 14-153

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 THE 2ND ANNUAL BLAZIN' BREW FEST, TO BE HELD ON MAIN STREET ON SATURDAY, MAY 3, 2014 FROM 4:00 P.M. TO 9:00 P.M.

The City Council is informed that:

WHEREAS, the New Mexico Brewers Guild is sponsoring the 2nd Annual Blazin' Brew Fest, a craft beer, food and music event on Saturday, May 3, 2014; and

WHEREAS, Abbey Brewing Co. from Abiquiu, New Mexico requests approval to sell beer for consumption within a restricted and secured area during the event; and

WHEREAS, approval by the Las Cruces 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 the 2nd Annual Blazin' Brew Fest; 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 4:00 p.m. and 9:00 p.m. on Saturday, May 3, 2014.

(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 _____, 20__.

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

APPROVED AS TO FORM
[Signature]

LICENSE HOLDER INFORMATION:

Business Name (DBA) ABSEY BREWING CO Owner Name ABSEY BREWING COMPANY, LLC License Number 67007
Street Address: 1305 FOREST SERVICE RD #151 City, State & Zip ABOQUILU, NM 87100 County RIO ARIZONA
Phone Number: 505-670-6802 Fax number 505-689-1566

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

Date(s) of Celebration MAY 3rd 2014 Begin Time 4:00 PM End Time 9:00 PM

Description of Celebration: 2nd Annual Blazin Brew fest

Number of Security to be Provided 10 Company Name Security Concepts Number of Guests Expected 1,000

Contact Name & Number Mike Gonzalez (575) 526-4151

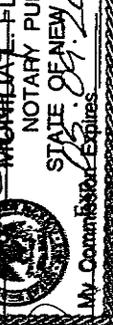
Physical Address of Event Main St @ Las Lunas Ave to Griggs City Las Lunas County Dona Ana

SPONSOR OF EVENT: Name of Organization/Person Sponsoring Celebration

Contact Name Christopher Gabelt Title Ex. Dir Date March 2014 Signature [Signature] Phone (505) 660-2781

LICENSE HOLDER CERTIFICATION:

I, BARBEY J. MERCHANT (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 self insured and that I have provided the information in this application is true and correct. Licensee Signature: [Signature]



Subscribed and Sworn To Before Me This 12th day of March, 2014, Notary Public
Notary information: [Signature]

BUILDING OWNER APPROVAL:

Contact Name (print) Robert Garza Facility Name Main St. Date _____ Signature _____ Phone 515-541-2076

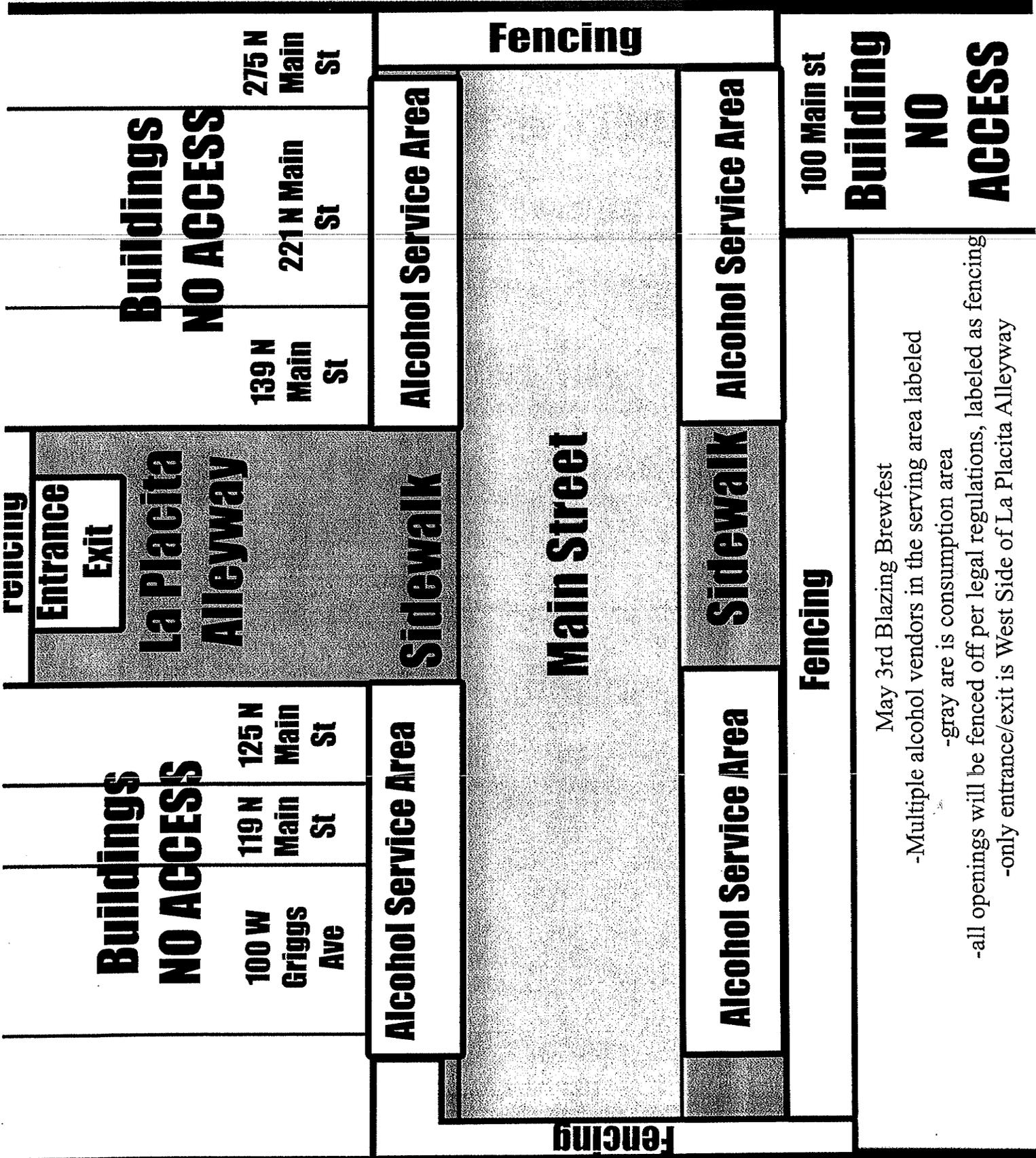
LOCAL GOVERNING BODY APPROVAL:

Print Name Robert Garza Title City Manager Date _____ Signature _____ Phone 515-541-2076 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

Las Cruces Avenue



May 3rd Blazing Brewfest

- Multiple alcohol vendors in the serving area labeled -gray are is consumption area
- all openings will be fenced off per legal regulations, labeled as fencing
- only entrance/exit is West Side of La Placita Alleyway

Griggs St.

**100 Main st
Building
NO
ACCESS**

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