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City of Las Cruces[®]
 PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 16 Ordinance/Resolution# 14-157

For Meeting of _____
 (Ordinance First Reading Date)

For Meeting of April 7, 2014
 (Adoption Date)

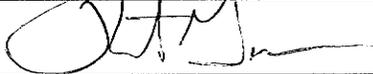
Please check box that applies to this item:

QUASI JUDICIAL LEGISLATIVE ADMINISTRATIVE

TITLE: A RESOLUTION AUTHORIZING 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 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. Little Toad Creek Brewery from Mimbres, 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 Little Toad Creek Brewery 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.

(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 event area on Main Street.
4. Attachment "2", List of servers.

SOURCE OF FUNDING:

| | | | |
|---|---|-------------------------------------|---|
| N/A | Is this action already budgeted? | | |
| | 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 Little Toad Creek Brewery, 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 Little Toad Creek Brewery may not serve beer during Blazin' Brew Fest on May 3, 2014. 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 Little Toad Creek Brewery 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. 14-157

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 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, Little Toad Creek Brewery from Mimbres, 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 Little Toad Creek Brewery 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 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 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



New Mexico Regulation and Licensing Department - Alcohol and Gaming Division
P.O. Box 25101 • Santa Fe, New Mexico 87504-5101 • (505) 476-4875 • Fax (505) 476-4595 • www.rld.state.nm.us/agd

Rev. 05/09

APPROVED AS TO FORM:
[Signature]

PUBLIC CELEBRATION PERMIT APPLICATION FOR WINEGROWER AND SMALL BREWER LICENSE HOLDERS
FEE - \$10 PER DAY - Fees are non-refundable (60-6A-11 / 60-6A-26.1 NMSA)

LICENSE HOLDER INFORMATION

Business Name (DBA) LittleToadCreek Brewery Owner Name LittleToadCreek LLC License Number 67021
Street Address: 1122 Hwy35 City, State, Zip Mimbres, NM 88049 County Grant
Phone Number: 575-536-9649 Fax number _____

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 Blazing Brew Fest

Number of Security Personnel to be provided 10 Security company name Security Concepts Number of guests expected 1,000
Contact name and number Mike Gonzalez - (575) 526-4151
Physical address of event Main St. @ Las Lunas Ave. to Griggs Ave City Las Cruces County Dona Ana

SPONSOR OF EVENT - Name of Organization/Person Sponsoring Celebration New Mexico Brewers Guild

Contact Name Christopher Goblet Title Ex. Dir. Date Mar 6, 2014 Signature *[Signature]* Phone (505) 660-2957

LICENSE HOLDER CERTIFICATION

This form must be signed and dated in the presence of a notary public.

Teresa Dahl-Bredine (Licensee) hereby certify that this event is not within 300 feet 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 ADL information in this application is true and correct. Licensee Signature: *[Signature]* Date 3/11/14

NOTARY

Subscribed and sworn to before me this 17th day of March, 2014. Notary Public Elizabeth Whiting Exp 11-24-2016

BUILDING OWNER APPROVAL

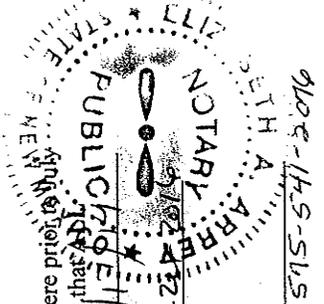
Contact Name (print) Robert Garza Facility Name Main St. Date _____ Signature _____ Phone 575-541-2016

LOCAL GOVERNING BODY APPROVAL

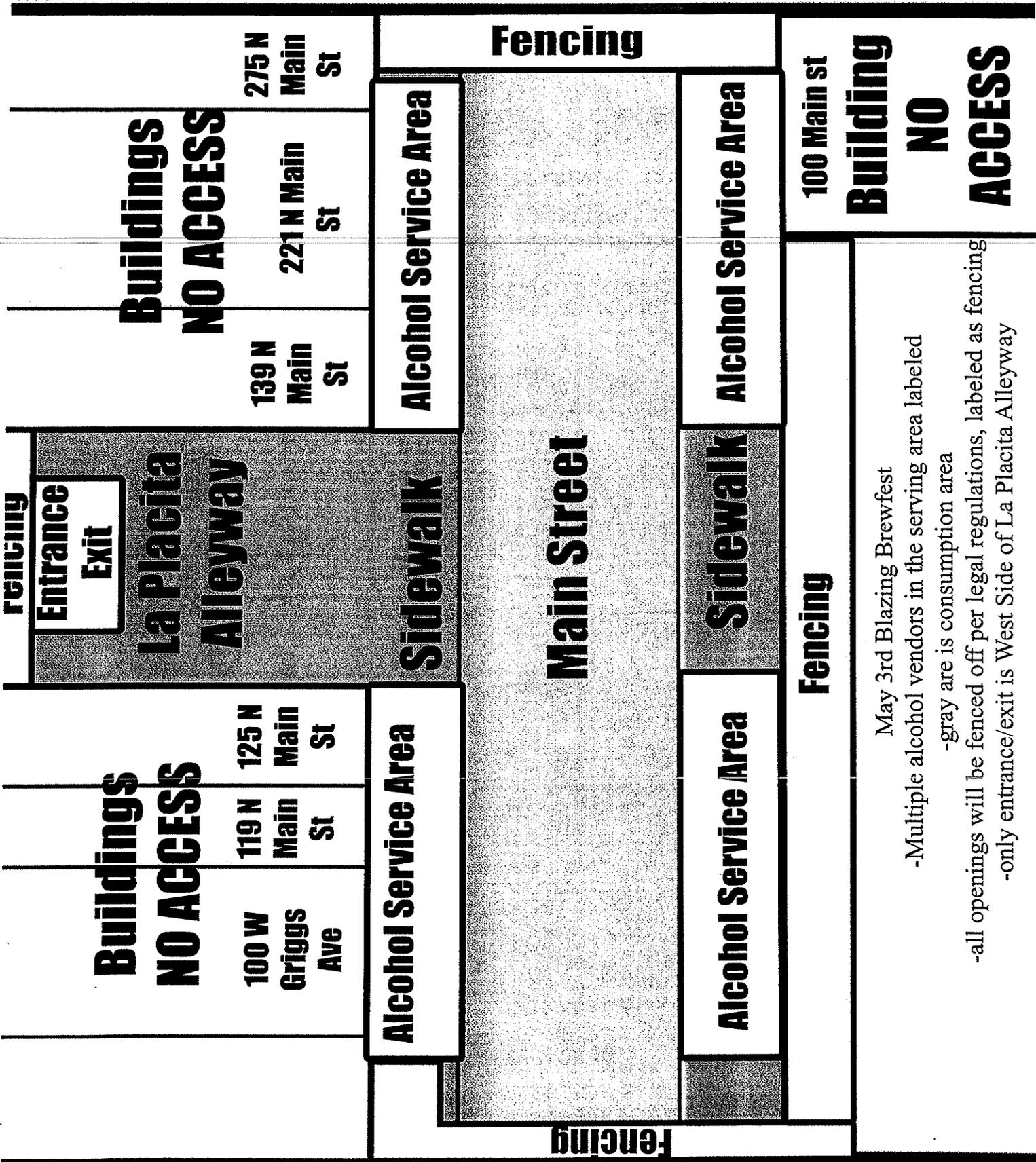
Print Name Robert Garza Title City Manager Date _____ Signature _____ Phone 575-541-2016 Fax 575-541-2017

Alcohol and Gaming Division Use Only

Approved by: _____ Date: _____ Permit Number: _____



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

100 Main st
Building
NO
ACCESS

Fencing
Entrance
Exit

La Placita
Alleyway

Sidewalk

Main Street

Sidewalk

Fencing

Griggs St.

Fencing

Alcohol Service Area

Alcohol Service Area

Alcohol Service Area

Alcohol Service Area

Fencing

Buildings
NO ACCESS

275 N
Main
St

221 N Main
St

139 N
Main
St

Buildings
NO ACCESS

125 N
Main
St

119 N
Main
St

100 W
Griggs
Ave

LIQUOR LICENSE # 67021

LIST OF ALCOHOL SERVERS

LITTLE TOAD CREEK LLC

DBA LITTLE TOAD CREEK BREWERY

| Server Permit # | Last Name | First Name | SS # | DOB | Hire Date | Terminate | permit expires |
|-----------------|-------------------|------------|------|------------|-----------|-----------|----------------|
| 49995 | Dahl-Bredine | Teresa | | [REDACTED] | 1/1/12 | | 12/21/15 |
| 268286 | Crosley | David | | [REDACTED] | 1/1/12 | | 1/25/17 |
| 272241 | Jamison | Esther | | [REDACTED] | 7/5/12 | | 4/30/17 |
| 202402 | Sullivan-Bryorick | Timothy | | [REDACTED] | 2/15/13 | | 2/20/18 |
| 273344 | Crockett | Jamie | | [REDACTED] | 5/12/13 | | 5/22/17 |
| 3948 | Romo | Shelli | | [REDACTED] | 4/21/12 | | 6/28/15 |
| 284207 | Ivans | Darrell | | [REDACTED] | 3/31/13 | | 3/13/18 |
| 286535 | Miller | Marilyn | | [REDACTED] | 5/4/13 | | 5/1/18 |
| 286512 | Miller | Dennis | | [REDACTED] | 5/4/13 | | 5/3/18 |
| 284892 | Castello | Sam | | [REDACTED] | 3/15/13 | | 3/28/18 |
| 186475 | Damien | Davies | | [REDACTED] | 6/15/13 | | 9/15/18 |