

# City of Las Cruces<sup>®</sup>

PEOPLE HELPING PEOPLE

## Council Action and Executive Summary

Item # 19 Ordinance/Resolution# 14-160

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 SECOND STREET BREWERY TO CONTINUE WITH THE PERMITTING PROCESS TO ALLOW FOR THE SALE AND CONSUMPTION OF BEER WITHIN A RESTRICTED AND SECURED AREA DURING THE 2<sup>ND</sup> 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.

<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 host the 2<sup>nd</sup> Annual Blazin' Brew Fest, a craft beer, food and music event on Main Street, Saturday, May 3, 2014. Second Street Brewery from Santa Fe, 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 Second Street 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.

**SUPPORT INFORMATION:**

1. Resolution.
2. Exhibit "A", Public Celebration Permit Application, Second Street Brewery, License No. 6779.
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
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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 Second Street Brewery, within a restricted and secured area during the 2<sup>nd</sup> 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 Second Street 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 Second Street Brewery during the 2<sup>nd</sup> 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. 14-160**

**A RESOLUTION AUTHORIZING SECOND STREET BREWERY TO CONTINUE WITH THE PERMITTING PROCESS TO ALLOW FOR THE SALE AND CONSUMPTION OF BEER WITHIN A RESTRICTED AND SECURED AREA DURING THE 2<sup>ND</sup> 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 2<sup>nd</sup> Annual Blazin' Brew Fest, a craft beer, food and music event on Saturday, May 3, 2014; and

**WHEREAS**, Second Street Brewery from Santa Fe, 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 Second Street Brewery to sell beer for consumption within a restricted and secured area during the 2<sup>nd</sup> 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 Second Street 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

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) SECONO STREET BREWERY Owner Name S.S.B., INC. License Number # 6779  
Street Address: 1814 Second Street City, State, Zip SAN JUAN, NM County S.F.  
Phone Number: 505.660.8437 x number 505.982.8585 87505

**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 Gublet Title Exp. 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.*

I, ROB TWERT (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 certified and that ALL information in this application is true and correct. Licensee Signature: [Signature]

**NOTARY**

Subscribed and sworn to before me this 17 day of March, 2014. Notary Public [Signature]  
My Commission Expires 6-2-2014

**BUILDING OWNER APPROVAL**

Contact Name (print) Robert Garza Facility Name Main St. Date March 17, 2014 Signature [Signature] Phone 515-541-2076

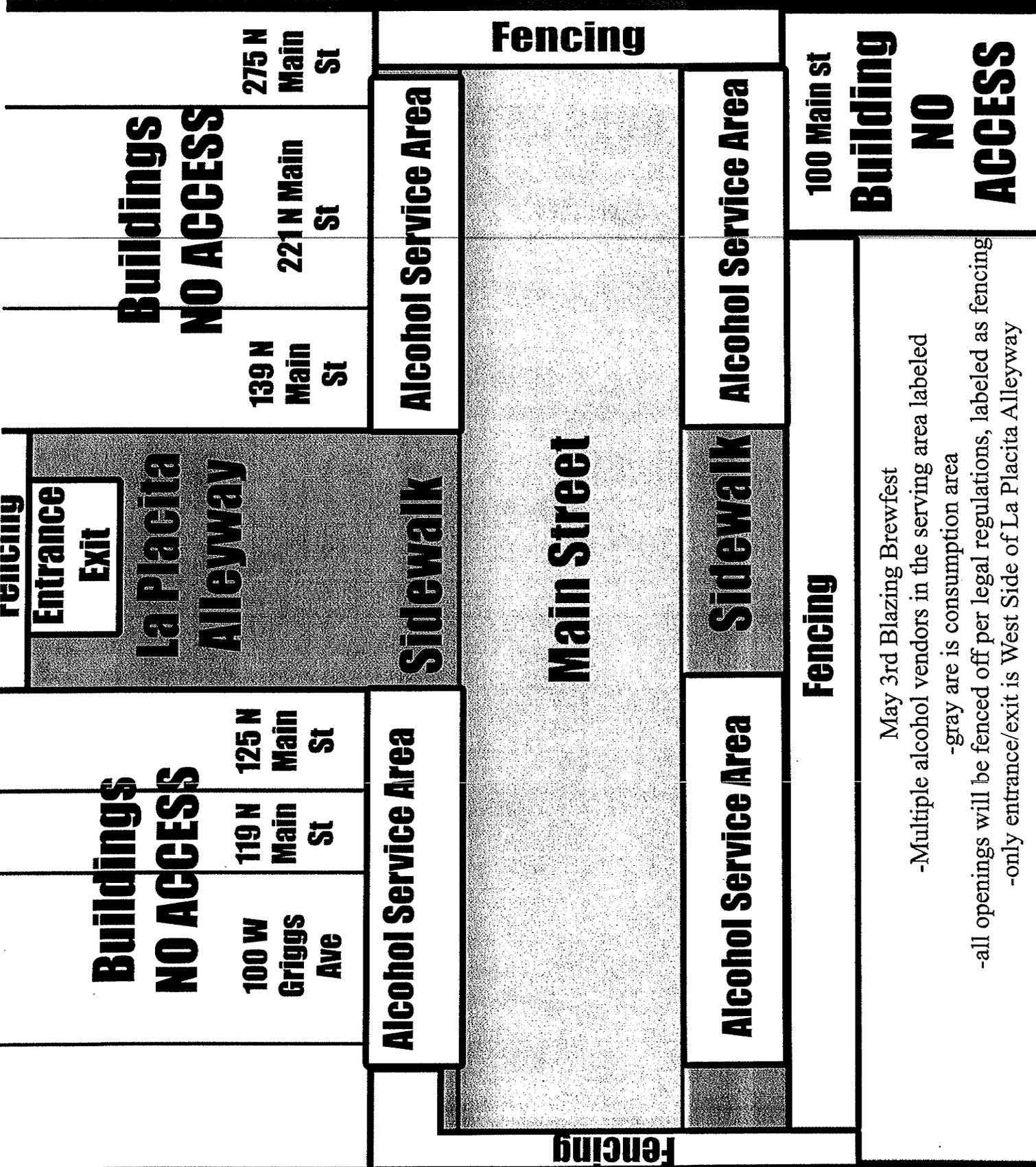
**LOCAL GOVERNING BODY APPROVAL**

Print Name Robert Garza Title City Manager Date March 17, 2014 Signature [Signature] Phone 515-541-2076 Fax 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**

## Griggs St.

**Servers Permits: Second Street Brewery, Inc.**

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Rod Tweet  
2096 Placita de Vida  
Santa Fe, NM  
87505  
#43380  
Exp. 09/12/17  
DOB. [REDACTED]

John Walker  
610 Kathryn St.  
Santa Fe, NM 87505  
#14728  
Exp. 04/30/14  
DOB. [REDACTED]

Jordy Dralle  
1311 Acecia Borrada  
Santa Fe, NM 87507  
#71999  
Exp. 12/14/2014  
DOB. [REDACTED]