

# City of Las Cruces®

PEOPLE HELPING PEOPLE

## Council Action and Executive Summary

Item # 23 Ordinance/Resolution# 14-164

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 TRACTOR BREWING COMPANY 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. Tractor Brewing Company from Los Lunas, 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 Tractor Brewing Company 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, Tractor Brewing Company, License No. 6795.
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 Tractor Brewing Company, 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 Tractor Brewing Company 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 Tractor Brewing Company 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. 14-164

**A RESOLUTION AUTHORIZING TRACTOR BREWING COMPANY 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**, Tractor Brewing Company from Los Lunas, 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 Tractor Brewing Company 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 Tractor 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 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

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) Tractor Brewing Company Owner Name TBC Brewing Inc License Number 6795  
Street Address: 120 Nelson Lane City, State, Zip Los Lunas, NM 87031 County Valencia  
Phone Number: 505-247-3631 Fax number 505-242-5914

**EVENT INFORMATION** Celebration type: State Fair County Fair  Cultural/Artistic Performance XX  
Date(s) of Celebration MAY 3, 2014 Begin Time 4:00PM End Time 9:00PM  
Description of Celebration: Blazin Brew fest

Number of Security Personnel to be provided 10 Security company name Security Concepts Number of guests expected 1000  
Contact name and number Mike Gonzales (575) 826-4151  
Physical address of event Main St. @ Las Cruces to Griggs Ave City Las Cruces County Dona Ana

**SPONSOR OF EVENT** - Name of Organization/Person Sponsoring Celebration New Mexico Brews Guild  
Contact Name Christopher Goble Title Ex. Dir Date Mar 17, 2014 Signature *[Signature]* Phone (505) 660-2951

**LICENSE HOLDER CERTIFICATION**

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

I, Herbert A Pluemer (Licensee) hereby certify that this event is not within 300 feet of a church or school. My commission expires 3/13/16  
I, 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 1/13/13

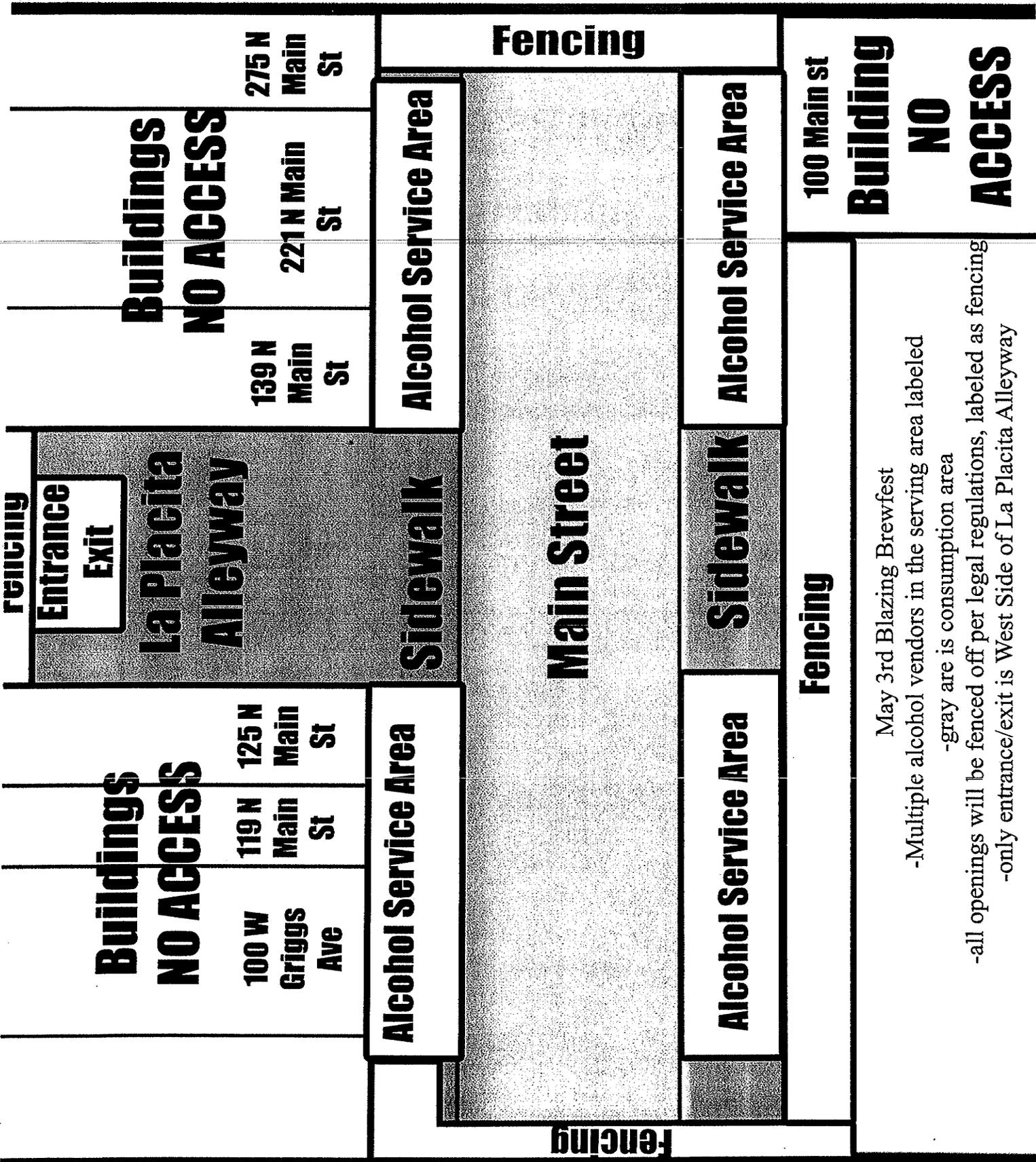
**NOTARY**  
Subscribed and sworn to before me this 3 day of January, 2013, Notary Public *[Signature]* Exp 3/13/14

**BUILDING OWNER APPROVAL**  
Contact Name (print) Robert Garza Facility Name Main St. Date                      Signature                      Phone 575-541-2070

**LOCAL GOVERNING BODY APPROVAL**  
Print Name Robert Garza Title City Manager Date                      Signature                      Phone 575-541-2070 Fax 541-2017

*Alcohol and Gaming Division: Use Only*  
Approved by:                      Date:                      Permit Number:

# Las Cruces Avenue



**Buildings  
NO ACCESS**

275 N  
Main  
St

221 N Main  
St

139 N  
Main  
St

**Fencing**

**Alcohol Service Area**

**Alcohol Service Area**

100 Main st

**Building**

**NO  
ACCESS**

**Fencing**

**Entrance  
Exit**

**La Placita  
Alleyway**

**Sidewalk**

**Main Street**

**Sidewalk**

**Fencing**

**Alcohol Service Area**

**Alcohol Service Area**

**Buildings  
NO ACCESS**

125 N  
Main  
St

119 N  
Main  
St

100 W  
Griggs  
Ave

**Fencing**

**Griggs St.**

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

6795

Tractor Brewing

Name	Number	Exp
Skye Morris Devore	102337	10/24/2012
David Hargis	249473	11/10/2015
Joshua Campbell	250121	11/29/2015
Lauren Poole	203735	7/18/2016
Allison Pierce	215141	9/8/2013
David Forster	202011	12/5/2012
Nathan Simpson	178948	3/19/2016
Michaela Maddry	239963	3/16/2015