

City of Las Cruces[®]

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 24 Ordinance/Resolution# 14-165

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

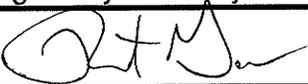
LEGISLATIVE

ADMINISTRATIVE

TITLE: A RESOLUTION AUTHORIZING TURTLE MOUNTAIN 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. Turtle Mountain Brewing Co. from Rio Rancho, 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 Turtle Mountain 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.

(Continue on additional sheets as required)

SUPPORT INFORMATION:

1. Resolution.
2. Exhibit "A", Public Celebration Permit Application, Turtle Mountain Brewing Co., License No. 6789.
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 Turtle Mountain 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 Turtle Mountain Brewing Co. 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 Turtle Mountain 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. 14-165

A RESOLUTION AUTHORIZING TURTLE MOUNTAIN 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, Turtle Mountain Brewing Co. from Rio Rancho, 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 Turtle Mountain 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 Turtle Mountain 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



AS TO FORM: See 20th Lemmy

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) TURTLE MOUNTAIN BREWING COMPANY LLC License Number 6789
Street Address: 905 36th PLACE SE City, State, Zip RIO RANCHO NM County SANDOVAL
Phone Number: 505 994-9497 Fax number 505 994-3989

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: Brazin' Brewfest

Number of Security Personnel to be provided 10 Security company name Security Concepts Number of guests expected 1000

Contact name and number Mike Gonzalez (575) 526-4157

Physical address of event Main St. Las Cruces to Griggs Blvd City Las Cruces County Dona Ana

SPONSOR OF EVENT - Name of Organization/Person Sponsoring Celebration

New Mexico Braves Guild

Contact Name Christopher Geblet Title Ex.Pic Date Aug 2014 Signature Christopher Geblet Phone 660-2957

LICENSE HOLDER CERTIFICATION

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

I NIC ORTZ (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 ALL information in this application is true and correct. Licensee Signature: _____

NOTARY

Subscribed and sworn to before me this 17th day of Aug, 2012. Notary Public Signature: Virginia L. Bedell

BUILDING OWNER APPROVAL

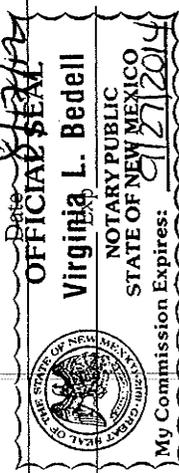
Contact Name (print) Robert Garza Facility Name Main St. Date _____ Signature _____

LOCAL GOVERNING BODY APPROVAL

Print Name Robert Garza Title City Manager Date _____ Signature _____

Alcohol and Gaming Division Use Only

Approved by: _____ Date: _____ Permit Number: _____

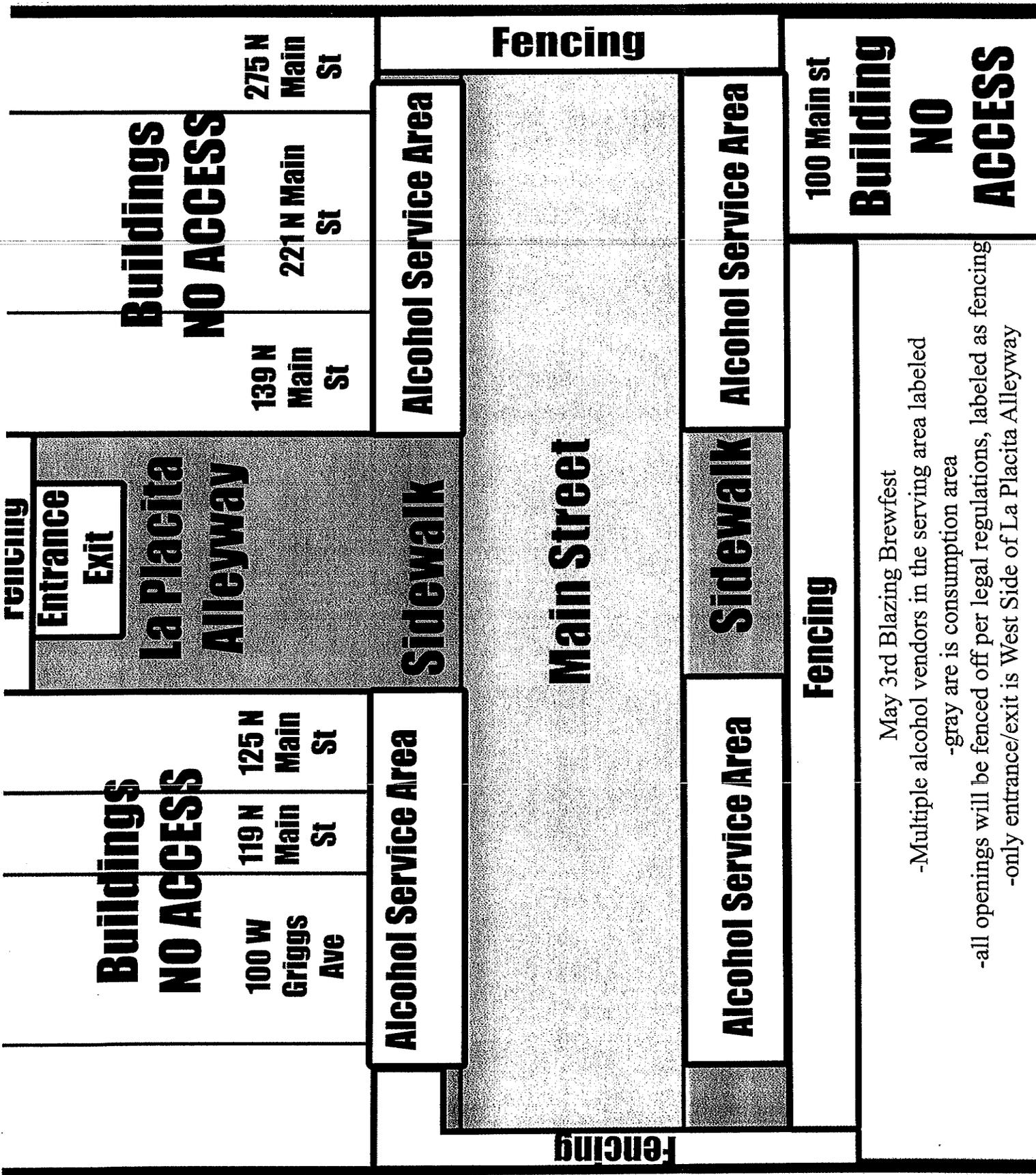


Phone 515-541-2076

515-541-2076

Phone 541-2076 Fax 541-2017

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

Fencing

Alcohol Service Area

Alcohol Service Area

Sidewalk

Main Street

Sidewalk

Alcohol Service Area

Fencing

100 Main st

Building

NO

ACCESS

**Buildings
NO ACCESS**

**139 N
Main
St**

**221 N Main
St**

**275 N
Main
St**

**Buildings
NO ACCESS**

**100 W
Griggs
Ave**

**119 N
Main
St**

**125 N
Main
St**

Fencing

**Entrance
Exit**

**La Placita
Alleyway**

Fencing

Griggs St.

Turtle Mountain Brewing Co.

<u>Name</u>	<u>Server #</u>	<u>Exp. Date</u>
Paul Hormel	178818	2/27/2016
Shannon Hormel	187015	9/17/2016
Bill Krostag	68313	4/4/2014
Nico Ortiz	66096	5/6/2014